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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

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:
Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:
Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za
E-mail: info.egazette@gpw.gov.za
Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za
Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3566

23 June 2023

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended, that a land claim for Restitution of Land Rights has been lodged by Mr John Mdhuli [ID No. 451215 5212 08 7] on behalf of the Mdhuli Family on the property mentioned hereunder situated in Pixie Ka Seme Local Municipality, Gert Sibande District Municipality in the Mpumalanga Province: [KRP: 11785]

CURRENT PARTICULARS OF THE PROPERTIES

Platberg 510 IS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Potion 1	Lotz Francois Daniel (481108 5121 08 1)	T43625/1981	531.2768	B5183/2017	Firstrand Bank LTD	<ul style="list-style-type: none"> • K242/1975PC • K432/1975PC in favor of Roelama Beleggings PTY LTD • K424/1975Pc in favor of Kromhoek PTY LTD • VA2056/2014 in favor of Lotz Francois Daniel • VA578/2020 in favor of Lotz Francois Daniel
			Total Affected Land claimed hectares is: 121.5041			

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GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of the Land Rights Act 1994 [Act 22 of 1994], as amended, that a land claim for **Restitution of Land Rights** has been lodged by Mr John Mdhluli [ID No. 451215 5212 08 7] on behalf of the Mdhluli Family on the property mentioned hereunder situated in Pixle Ka Seme Local Municipality, Gert Sibande District Municipality in the Mpumalanga Province: [KRP: 11785]

The Restitution of Land Rights, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above-mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights
Private Bag X 11330
Nelspruit
1200

TEL NO: 013 756 6000


MR. L. H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

DATE:

31-03-2023

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NO. 3567

23 June 2023

INVITATION TO PROVIDE WRITTEN COMMENTS ON PROPOSED ELECTRONIC COMMUNICATIONS AMENDMENT BILL, 2022

- 1.1 A number of government policies, plans and reports have, over many years, called for the reduction of the cost to communicate and, most recently, the cost of data due to its importance in bringing more people and business into the digital economy.
- 1.2 As such, the Competition Commission issued a Data Services Market Inquiry (DSMI) report on 2 December 2019. The Commission found that affordable data is becoming essential for every citizen and, the move towards a digital world is hampered by high data prices. This has the potential for the developmental agenda of South Africa to lag and/or stall. The ripple effect is that the poorest of the poor will also be adversely affected. Universal access to affordable data is vital for both communication and the ability to access information. The cost of data will, more broadly, become increasingly important within the context of the Fourth Industrial Revolution and the projected upsurge of the digital economy. A lack of access to affordable data is a socio-economic problem. It will have significant and negative consequences for the economy and the economic and social exclusion of South Africa's citizens.
- 1.3 The DSMI report makes recommendations that include legislative changes aimed at ultimately increasing the level of competition in the market and driving down prices. An amendment of the Electronic Communications Act, 2005 (Act No. 36 of 2005) is necessary to give effect to the recommendations.
- 1.4 Interested persons are invited to provide written comments on the proposed Electronic Communications Amendment Bill, 2022 in the Schedule, within 30 working days of the date of publication, addressed to –

The Acting Director-General, Department of Communications and Digital Technologies For attention: Mr. A Wiltz, Chief Director, Telecommunications and IT Policy First Floor, Block A3, iParioli Office Park, 1166 Park Street, Hatfield, Pretoria Private Bag X860, Pretoria, 0001 ecabill@dcdt.gov.za; Cell: 0837140126 (Mr. L Motlatla)

2. Comments received after the closing date may be disregarded.


MR. MONDLI GUNGUBELE, MP
MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES
DATE:

SCHEDULE
REPUBLIC OF SOUTH AFRICA

ELECTRONIC COMMUNICATIONS AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 75); explanatory summary of
Bill published in Government Gazette No. of) (The English text is the official
text of the Bill)*

(MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES)

[B –2023]

050521nb

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Electronic Communications Act, 2005, so as to provide for a new licence category for electronic communications facilities services, to enable the Minister responsible for local government to make a national standard by-law on rapid deployment, to enable spectrum sharing, to regulate roaming and mobile virtual network services, to improve the facilities leasing framework and its pricing principles; to provide for improved competition regulation; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:

Amendment of section 1 of the Act 36 of 2005, as amended by section 1 of Act 37 of 2007 and section 1 of Act 1 of 2014

1. Section 1 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) (hereinafter referred to as the “principal Act”), is hereby amended—

(a) by the insertion after the definition of “community broadcasting service” of the following definition:

“**community networks**” means an electronic communications network service and electronic communications service that are licence exempted by the Authority, provided in an under-serviced area, by an entity which may include, but not limited to:

- (a) a non-profit organisation registered in terms of the Non-Profit Organisations Act, 1997 (Act No. 71 of 1997);
- (b) a non-profit company registered in terms of the Companies Act, 2008 (Act 71 of 2008); or
- (c) a non-profit organisation established in terms of any other Act of Parliament;”;

(b) by the insertion after the definition of “Competition Act” of the following definitions:

“**competition assessment**” means an assessment of the general state of competition, or the impact that one or more transactions may have on

competition for purposes or performing any of the powers or functions of the Authority as contemplated in section 67A;

'Competition Commission' means the Competition Commission established by section 19 of the Competition Act;";

- (c) by the insertion after the definition of “electronic communications facility” of the following definitions:

“‘electronic communication facility service’ means a service whereby a person makes available an electronic communications facility, whether by sale, lease or otherwise for use in electronic communications networks;";

‘electronic communications facility service licensee’ means a person to whom an electronic communications facility service licence has been granted in terms of section 5(2) or (5)(4);";

- (d) by the substitution for the definition of “essential facility” of the following definition:

“‘essential facility’ means an electronic communications facility [or combination of electronic communications or other facilities that is exclusively or predominantly provided by a single or limited number of licensees and] ~~that~~ cannot [feasibly (whether economically, environmentally or technically)] ~~practically~~ be substituted or duplicated [in order to provide a service in terms of this Act], and without access to which competitors cannot efficiently provide goods and services to their customers such as to exercise a competitive constraint on the essential facility owner;";

- (e) by the insertion after the definition of "harmful interference" of the following definition:

“‘**high demand spectrum**’ means a spectrum where—

(a) the demand for access to the radio frequency spectrum resource exceeds supply; or

(b) radio frequency spectrum is fully assigned, as determined by the Authority;”; and

- (f) the insertion after the definition of "radio frequency spectrum licence" of the following definitions:

“‘**radio frequency spectrum sharing**’ means the simultaneous usage of a specific radio frequency or radio frequency spectrum band in a specific geographical area by different radio frequency spectrum licensees in order to enhance the efficient use of spectrum, and ‘spectrum sharing’ has a similar meaning;

‘**radio frequency spectrum trading**’ means the transfer, by a licensee, of ownership or control of the rights, in full or in part, held under a radio frequency spectrum licence by way of a sale, lease or sub-letting to a third party, and "spectrum trading" has a similar meaning;”.

Amendment of section 5 of Act 36 of 2005, as amended by section 4 of Act 37 of 2007 and section 5 of Act 1 of 2014

2. Section 5 of the principal Act is hereby amended by the substitution for subsections (2) to (5) of the following subsections:

“(2) The Authority may, upon application and due consideration in the prescribed manner, grant individual licences for the following—

- (a) subject to subsection (6), electronic communications network services;
- (b) broadcasting services; **[and]**
- (c) electronic communications services[.]; and
- (d) electronic communications facility services.

(3) Electronic communications network services, broadcasting services **[and]**, electronic communications services and electronic communications facilities services that require an individual licence, include, but are not limited to—

- (a) electronic communications networks of provincial and national scope operated for commercial purposes;
- (b) commercial broadcasting and public broadcasting of national and provincial scope whether provided free-to-air or by subscription;
- (c) electronic communications services consisting of voice telephony utilising numbers from the national numbering plan; **[and]**
- (d)

(dA) electronic communications facility services of a provincial and national scope operated for commercial purposes, that must be prescribed within 18 months of the coming into operation of the Electronic Communications

Amendment Act, 2022, or such other electronic communications facility services as may be prescribed; and

- (e) such other services as may be prescribed that the Authority finds have significant impact on socio-economic development.

(4) The Authority may, upon registration in the prescribed manner, grant class licences for the following:

- (a) electronic communications network services;
- (b) broadcasting services; **[and]**
- (c) electronic communications services~~[.]~~; and
- (d) electronic communications facility services.

(5) Electronic communications network services, broadcasting services **[and]**, electronic communications services and electronic communications facilities services that require a class licence, include, but are not limited to—

- (a) electronic communications networks of district municipality or local municipal scope operated for commercial purposes;
- (b) community broadcasting or low power services whether provided free-to-air or by subscription;
- (bA) electronic communications services of district municipality or local municipal scope operated for commercial purposes;
- (bB) electronic communications facility services of a district municipality or local municipal scope operated for commercial purposes, that must be prescribed within 18 months of the coming into operation of the Electronic

Communications Amendment Act, 2022, or such other electronic communications facility services as may be prescribed; and

- (c) such other services as may be prescribed, that the Authority finds do not have significant impact on socio-economic development.”.

Insertion of section 21A in Act 36 of 2005

3. The following section is hereby inserted after section 21 of the principal Act:

"Role of Minister responsible for Local Government

21A. (1) The Minister responsible for local government must make a standard draft by-law as contemplated in section 14 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that provides —

- (a) a uniform wayleave process for electronic communications networks and facilities;
- (b) cost-based wayleave application fees;
- (c) a framework for sharing of municipal property and infrastructure including without limitation high sites, poles and ducts with electronic communications network service licensees upon request and sharing municipal property and infrastructure amongst electronic communications network service licensees;

(d) that municipalities must take the deployment of electronic communications networks and facilities into consideration when developing Integrated Development Plans (IDPs);

(e) such other incidental matters necessary to encourage uniformity of wayleave applications and reasonability of fees applicable to electronic communications networks and facilities across municipalities; and

(f) any other measure that enables the rapid deployment of electronic communications networks and facilities across municipalities.

(2) A standard draft by-law contemplated in subsection (1) must be made within 12 months of the coming into operation of the Electronic Communications Amendment Act, 2022.”.

Amendment of section 30 of Act 36 of 2005, as amended by section 14 of Act 1 of 2014

4. Section 30 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (b) of the following paragraph:

“(b) take into account modes of transmission and efficient utilisation of the radio frequency spectrum, including allowing shared use of radio frequency spectrum when interference can be eliminated or reduced to acceptable levels as determined by the Authority, subject to section 31A;”.

Amendment of section 31 of Act 36 of 2005, as amended by section 15 of Act 1 of 2014

5. Section 31 of the principal Act is hereby amended by—

- (a) the deletion in subsection (4) of the word "or" at the end of paragraph (d), insertion of that word at the end of paragraph (e) and addition of the following paragraph:

"(f) if the Authority has approved an application for spectrum sharing or applied the 'use it or share it' principle.";

- (b) the insertion after subsection (8) of the following subsections:

“(8A) (a) Subject to subsection (9), the Authority may amend any radio frequency spectrum licence when the licensee fails to use the assigned radio frequency spectrum adequately for a period of two years in any under-serviced area, despite significant demand for services in the under-serviced area, and allow spectrum sharing of such spectrum in the relevant under-serviced area until such time and on such conditions as may be determined by the Authority, referred to as the ‘use it or share it’ principle.

(b) The two-year period of failure to use radio frequency spectrum as contemplated in paragraph (a), may be calculated from a date that precedes the commencement of the Electronic Communications Amendment Act, 2022, provided the calculation of such period, may not be more than one year before the commencement of the Electronic Communications Amendment Act.

(8B) The Authority must prioritise the assignment of spectrum contemplated in subsection (8A) to community networks.

(8C) (a) The 'use it or share it' principle contemplated in subsection (8) does not apply to passive science services due to the nature of their operations which do not transmit signals frequently.

(b) The Authority may, upon good cause shown, exempt SMMEs and new entrants from the 'use it or share it' principle contemplated in subsection (8A) for a period defined by notice in the *Gazette*."; and

(c) the substitution for subsections (9) and (10) of the following subsections:

"(9) Before the Authority amends or withdraws a radio frequency spectrum licence or assigned radio frequency spectrum in terms of subsections (8) or (8A), it must give the licensee prior written notice of at least 30 days and the licensee must have 7 (seven) business days in which to respond, in writing, to the notice (unless otherwise extended by the Authority) demonstrating that it is utilising the radio frequency spectrum in compliance with this Act and the licence conditions or fully utilising the radio frequency spectrum in the relevant under-serviced area.

(10) The Authority, based on the written response of the licensee, must notify the licensee of its decision to amend, withdraw or not to withdraw the licence or assigned radio

frequency spectrum.”.

Insertion of section 31A in Act 36 of 2005

6. The following section is hereby inserted after section 31 of the principal Act:

“Radio frequency spectrum sharing

31A. (1) Radio frequency spectrum licensees may share licensed spectrum, subject to—

(a) approval from the Authority, in the case of high demand spectrum;

and

(b) notification to the Authority, in the case of non-high demand spectrum.

(2) The Authority may refuse spectrum sharing of high demand spectrum if it is likely to—

(a) have a negative impact on competition that is not offset by efficiencies or public interest benefits;

(b) amount to spectrum trading; or

(c) compromise emergency services and other services that meet public interest goals.

(3) The Authority, in determining the likely competition impact and offsetting public interest as contemplated in subsection (2)(a), may consult with the Competition Commission.

(4) The Authority must prescribe spectrum sharing regulations within 12 months of the commencement of this section that include—

- (a) the spectrum sharing application and notification processes;
- (b) the criteria and conditions for spectrum sharing; and
- (c) processes and procedures applicable to the ‘use it or share it’ principle as contemplated in section 31(8A) and (8B).”.

Insertion of Chapter 7A in Act 36 of 2005

7. The following Chapter is hereby inserted after Chapter 7 of the principal Act:

“CHAPTER 7A

ROAMING AND MOBILE VIRTUAL NETWORK OPERATOR SERVICES

Obligation to provide national roaming and mobile virtual network operator services

42A. (1) An electronic communications network service licensee with access to International Mobile Telecommunications radio frequency spectrum, that has national network coverage of 90% of the population, must provide national

roaming and mobile virtual network operator services, and is hereinafter referred to as an access provider.

(2) An access provider must provide national roaming and mobile virtual network operator services, upon request, to any other person licensed in terms of this Act and persons providing services pursuant to a licence exemption in accordance with the terms and conditions of a national roaming or mobile virtual network operator services agreement entered into between the parties.

(3) Upon receipt of a request, an access provider must conclude an agreement within 30 days, failing which the dispute must be resolved using the prescribed dispute resolution process.

(4) If the dispute contemplated in subsection (3) cannot be resolved within 30 days, the Authority must make a determination within 30 days on whether the requested access must be provided including the terms and conditions thereof, which period the Authority may extend by 30 days if reasonably necessary in the circumstances.

(5) An access provider must retain separate accounts for its radio access network, core network and retail operations.

National roaming and mobile virtual network operator services regulations

42B. (1) The Authority must prescribe national roaming and mobile virtual network operator services regulations within 18 months of the coming into operation of the Electronic Communications Amendment Act, 2022.

(2) The national roaming and mobile virtual network operator services regulations must address the requirements of national roaming and mobile virtual network operator service agreements, including, but not limited to—

- (a) a reference offer containing model terms and conditions;
- (b) the minimum quality, performance and level of service to be provided;
- (c) the mobile technology generations to which access is mandated;
- (d) maximum average wholesale rates, as contemplated in section 47;
- (e) contractual dispute-resolution procedures;
- (f) the framework for determining the feasibility of providing national roaming and mobile virtual network operator services access and principles of access; and
- (g) the determination of access providers as contemplated in section 42A(1).

International roaming regulations

42C. (1) The Authority must prescribe international roaming regulations, including SADC roaming regulations.

(2) (a) The regulations contemplated in subsection (1) must be conditional on reciprocal terms and conditions being imposed on electronic

communications service providers of another country by such country or its national regulatory authority.

(b) The reciprocal terms and conditions contemplated in paragraph (a) mean that the electronic communications service provider of another country must offer similar tariffs as those offered by the South African electronic communications service provider.

(3) (a) (i) When prescribing international roaming regulations, the Authority must take into consideration any policy direction that may be issued by the Minister;

(ii) When prescribing SADC roaming regulations, the Authority must take note of SADC roaming decisions and must take into consideration any policy direction that may be issued by the Minister.

(b) The regulations may include rate regulation for the provision of roaming services, including without limitation price controls on wholesale and retail rates, as determined by the Authority.

(4) The Authority may—

(a) obtain any information required for international roaming regulation from electronic communications service licensees;

(b) share the information obtained in terms of paragraph (a) with relevant national regulatory authorities of other countries; and

(c) for purposes of SADC roaming regulations, share the information obtained in terms of paragraph (a) with the Communications Regulators' Association of Southern Africa.

(5) The Authority may engage national regulatory authorities of any other country in order to—

- (a) promote international roaming between the respective countries;
- (b) ensure reciprocity of the roaming terms and conditions applicable to electronic communications service providers of the respective countries, as contemplated in subsection (2); or
- (c) enter into a bi-lateral agreement to give effect to international roaming and reciprocity, as contemplated in this section, despite any other provision in the underlying legislation."

Amendment of section 43 of Act 36 of 2005, as amended by section 22 of Act 1 of 2014

8. Section 43 of the principal Act is hereby amended -

- (a) by the substitution for subsections (1) to (3) of the following subsections:

“(1) Subject to section 44 (5) and (6), an electronic communications network service licensee and electronic communications facility service licensee must, on request, lease electronic communications facilities to any other person licensed in terms of this Act and persons providing services pursuant to a licence exemption in accordance with the terms and conditions of an electronic communications facilities leasing agreement entered into between the parties, **[unless such request is**

unreasonable] in accordance with principles of access prescribed by the Authority.

(2) Where the **[reasonableness of any]** request to lease electronic communications facilities is disputed, the party requesting to lease such electronic communications facilities may notify the Authority in accordance with the regulations prescribed in terms of section 44.

(3) The Authority must, within 14 days of receiving the request, or such longer period as is reasonably necessary in the circumstances, **[determine the reasonableness of the request]** make a determination on the request.";

(b) by the deletion of subsection (4);

(c) the substitution for subsection (7) of the following subsection:

"(7) The lease of electronic communications facilities by an electronic communications network service licensee or electronic communications facility service licensee in terms of subsection (1) must, unless otherwise requested by the leasing party, be non-discriminatory as among comparable types of electronic communications facilities being leased and not be of a lower technical standard and quality than the technical standard and quality provided by such electronic communications network service licensee or electronic communications facility service licensee to itself or to an affiliate or in any other way discriminatory compared to the comparable network services provided by such licensees to itself or an affiliate.";

(d) by the substitution for subsection (8) of the following subsection:

“(8) The Authority must prescribe a list of essential facilities within 12 months of the coming into operation of the Electronic Communications Amendment Act, 2022, [including but not limited to-

- (a) **electronic communications facilities, including without limitation local loops, sub-loops and associated electronic communications facilities for accessing subscribers and provisioning services;**
- (b) **electronic communications facilities connected to international electronic communications facilities such as submarine cables and satellite earth stations; and**
- (c) **any other such facilities,]**

required to be leased by an electronic communications network service licensee or electronic communications facility service licensee in terms of subsection **[(1)] (8A) (b).**”;

(e) by the substitution for subsection (8A) of the following subsection:

“(8A) **[(a) Requests for leasing of essential facilities are deemed to promote efficient use of electronic communication networks and services.]**

(b) All electronic communications network services licensees or electronic communications facility service licensees receiving requests **[contemplated in paragraph (a)]** for leasing of essential facilities are required to agree on non-discriminatory terms and conditions of a

facilities leasing agreement for those essential facilities within 20 days of receiving the request.

[(c) If the electronic communications network licensee can prove that the request is not technically or economically feasible within the 20 day period the electronic communications network services licensee may refuse the request.]

(d) If no agreement regarding the non-discriminatory terms and conditions contemplated in paragraph (b) can be reached, the Authority must impose terms and conditions consistent with this Chapter within 20 days of receiving notification of the failure to reach an agreement.”;

(f) by the substitution for subsection (9) of the following subsection:

“(9) The Authority must review the list of **[electronic communication]** essential facilities at least once every 36 (thirty-six) months and, where the Authority finds market conditions warrant it, make modifications to such list **[after undertaking an inquiry in accordance with section 4B of the ICASA Act]**.”; and

(g) by the substitution in subsection (10) for the words preceding paragraph (a) of the following words:

“(10) An electronic communications network service licensee and electronic communications facility service licensee may not enter into any agreement or other arrangement with any person for access

to, or use of, any international electronic communications facilities, including submarine cables and satellites, that-”.

Amendment of section 44 of Act 36 of 2005, as amended by section 23 of Act 1 of 2014

9. Section 44 of the principal Act is hereby amended—

(a) by the substitution in subsection (3) for paragraph (k) of the following paragraph:

“(k) **[the framework for determining technical and economic feasibility and promotion of efficient use of electronic communications networks and provision of services contemplated in section 43 (4)] principles of access contemplated in section 43(1);**”;

(b) by the substitution in subsection (7) for the words preceding paragraph (a) of the following words:

“(7) **[Despite a finding of significant market power, for]**
For purposes of promoting investment in new fibre electronic communications networks, the Authority may exempt an electronic communications network service licensee from the obligation to lease fibre loops and sub-loops serving residential premises if the electronic communications network service licensee meets the following requirements:”.

Substitution of section 47 of Act 36 of 2005

10. The following section is hereby substituted for section 47 of the principal Act:

“Facilities leasing pricing principles

47. (1) The Authority **[may]** must prescribe **[regulations establishing a framework for the establishment and implementation of wholesale rates applicable to specified types of electronic communication facilities and associated services taking into account the provisions of Chapter 10]** wholesale pricing rules or standards applicable to different types of electronic communications facilities including for essential facilities, roaming and mobile virtual network operator services, within 18 months of the coming into operation of the Electronic Communications Amendment Act, 2022.

_____ (2) The Authority must ensure that wholesale pricing rules or standards are—

(a) fair and reasonable;

(b) non-discriminatory, unless there are pro-competitive or efficiency justifications that exist and it does not prevent or distort competition;

(c) reflect the benefits of sharing costs amongst users sharing the facilities;

(d) cost-oriented; and

(e) at levels reflective of competitive commercial arrangements for other facilities and services.

(3) Providers of essential facilities must retain separate accounts for the electronic communications facilities.”.

Amendment of section 67 of Act 36 of 2005

11. Section 67 of the Principal Act is hereby amended—

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

“Market inquiries”

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

“(4) (a) The Authority **[must, following an inquiry, prescribe regulations defining the relevant markets and market segments and impose appropriate and sufficient pro-competitive licence conditions on licensees where there is ineffective competition, and if any licensee has significant market power in such markets or market segments. The regulations must, among other things—**

- (a) define relevant wholesale and retail markets or market segments;**
- (b) determine whether there is effective competition in those relevant markets and market segments;**
- (c) determine which, if any, licensees have significant market power in those markets and market segments where there is ineffective competition;**

- (d) impose appropriate pro-competitive licence conditions on those licensees having significant market power to remedy the market failure;
 - (e) set out a schedule in terms of which the Authority will undertake periodic review of the markets and market segments, taking into account subsection (9) and the determination in respect of the effectiveness of competition and application of pro-competitive measures in those markets; and
 - (f) provide for monitoring and investigation of anti-competitive behaviour in the relevant market and market segments.] may conduct an inquiry in terms of section 4B of the ICASA Act at any time,
 - (i) If it has reason to believe that any feature or combination of features of any markets or market segments impedes, distorts or restricts competition within such markets or market segments; or
 - (ii) to achieve the objects of this Act and of the related legislation.
- (b) Where the Authority determines that there is a feature or combination of features that impede, distort or restrict competition within that market, the Authority must determine actions to remedy, mitigate or prevent the adverse effect on competition or the objects of this Act and of the related legislation.
- (c) The actions contemplated in paragraph (b):

(i) must be reasonable, practical and proportionate to the adverse effect that such actions are designed to remedy;

(ii) may include imposing pro-competitive licence conditions on any licensee in terms of subsection (7); and

(iii) may include prescribing regulations.

(d) The Authority may, when doing an inquiry or assessment, consider findings by the Competition Commission, other relevant regulators and the Courts.

(e) An inquiry contemplated in this subsection must be concluded within 180 days.

(f) The Authority may by notice published in the gazette extend the period indicated in paragraph (e) above, by a reasonable period in order to complete the market inquiry process.”;

(c) by the deletion of subsection (4A);

(d) by the deletion of subsection (5);

(e) by the substitution for subsection (7) of the following subsection:

“(7) Pro-competitive licence **[terms and]** conditions may include but are not limited to—

(a) obligations in respect of interconnection and facilities leasing in addition to those provided for in Chapters 7 and 8 and any regulations made in terms thereof;

(b) penalties for failure to abide by the pro-competitive licence conditions;

- (c) obligations to publish any information specified by the Authority in the manner specified by it;
 - (d) obligations to maintain separate accounting for any services specified by the Authority including, but not limited to—
 - (i) the wholesale access and wholesale network infrastructure;
and
 - (ii) the radio access network (RAN) and core network;
 - (e) obligations to maintain structural separation for the provision of any services specified by the Authority;
 - (f) rate regulation for the provision of specified services, including without limitation price controls on wholesale and retail rates as determined by the Authority, and matters relating to the recovery of costs;
 - (g) obligations relating to accounts, records and other documents to be kept, provided to the Authority, and published;
 - (h) obligations concerning the amount and type of premium, sports and South African programming for broadcasting; and
 - (i) distribution, access and reselling obligations for broadcasters.”;
- (f) by the deletion of subsection (8); and
- (g) by the insertion after subsection (12) of the following subsection:

“(13) The Authority and the Competition Commission may enforce each other’s findings, in order to promote and enhance competition.”.

Insertion of sections 67A and 67B in Act 36 of 2005

12. The following sections are hereby inserted after section 67 of the principal Act:

"Competition Assessments

67A. (1) The Authority may undertake competition assessments in any component of the electronic communications and broadcasting sectors.

(2) Competition assessments may be used to inform the Authority in exercising its licensing functions, including, but not limited to -

- (a) service licensing; and
- (b) radio frequency spectrum licensing.

(3) The Authority must prescribe regulations setting out the process and procedures for conducting competition assessments.

Concurrent jurisdiction agreement between the Authority and the Competition Commission

67B (1) The Authority may enter into a concurrent jurisdiction agreement with the Competition Commission in terms of section 4(3A) of the ICASA Act and such agreement must be published in the *Gazette*.

- (2) The concurrent jurisdiction agreement contemplated in subsection (1) must address all issues pursuant to the co-operation between the Authority and the Competition Commission, including but not limited to—
- (a) mechanisms to facilitate consultation between the Authority and the Competition Commission;
- (b) the sharing of information, including confidential information of licensees or firms, between the Authority and the Competition Commission to facilitate the proper administration or enforcement of this Act and the Competition Act; and
- (c) the management of competition-related assessments, market inquiries, complaints, mergers, cooperation arrangements and other relevant matters conducted by the Authority or the Competition Commission.”.

Transitional arrangements

13. The provisions of sections 43 and 44, including regulations issued in terms of these sections, remain in force until the Authority has prescribed the principles of access contemplated in section 43(1) as amended by this Act.

Short title and commencement

14. (1) This Act is called the Electronic Communications Amendment Act, 2023, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

(2) The President may fix different dates for the coming into operation of different sections of this Act.

MEMORANDUM ON THE OBJECTS OF THE ELECTRONIC COMMUNICATIONS AMENDMENT BILL, 2023

1. BACKGROUND AND CURRENT REGULATORY FRAMEWORK

1.1 The Electronic Communications Act, 2005 (Act No. 36 of 2005) (the "Act"), created the first converged regulatory framework for telecommunications and broadcasting in South Africa.

1.2 The sector is currently governed primarily by the Act and the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("ICASA Act"), which establishes the sector regulatory authority.

1.3 The National Integrated ICT Policy White Paper, 2016 outlines the overarching policy framework for the transformation of South Africa into an inclusive and innovative digital and knowledge society. The White Paper outlines various policy provisions including interventions to reinforce fair competition, and new approaches to addressing supply-side issues and infrastructure rollout including managing scarce resources.

1.4 The Competition Commission issued a Data Services Market Inquiry report on 2 December 2019. The report makes recommendations to the Department including the amendment of the Electronic Communications Act, 2005 to address the challenges relating to the costs of data. The Electronic Communications Amendment Bill seeks to address a number of the recommendations made.

2. OBJECTS OF BILL

The objects of the Bill are to amend the Act, so as to provide for a new licence category for electronic communications facilities services; to enable the Minister responsible for local government to make a national standard by-law on rapid deployment; to enable spectrum sharing; to regulate roaming and mobile virtual network services; to improve the facilities leasing framework and its pricing principles; to provide for improved competition regulation; and to provide for matters connected therewith.

3. SUMMARY OF BILL

Clause 1: Amendment of section 1 of Act 36 of 2005

Section 1 is amended to include new definitions for terms introduced by amendments proposed in the Bill as outlined below. These include:

- Definitions for new license categories, namely ‘community networks’ and ‘electronic communications facility service licensee’ (with an accompanying definition of an ‘electronic communications facility service’).
- A definition for ‘competition assessment’ to clarify the meaning and to define ‘Competition Commission’.
- An amendment to the definition of ‘essential facility’, to simplify the definition and bring it in line with current thinking on essential facilities which focuses on the effectiveness of competitors and not just their existence.

- Definitions for 'high demand spectrum', 'radio frequency spectrum sharing' and 'radio frequency spectrum trading', all new terms used in the proposed Bill.

Clause 2: Amendment of section 5 of Act 36 of 2005

The purpose of the amendments to section 5 is to insert a new license category for electronic communications facility services. The purpose is to bring electronic communications facility service providers, such as tower companies, within the licensing framework of the Act. This will provide for the wholesale regulation of such facilities and the imposition of licensing conditions.

Clause 3: Insertion of section 21A in Act 36 of 2005

A new section 21A is inserted to require that the Minister responsible for local government must make a national standard draft by-law as contemplated in section 14 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that among others provides for a uniform wayleave process for electronic communications networks and facilities.

This amendment provides the basis for the rapid deployment of electronic communications networks and facilities nationally in the context where wayleaves are a municipal level competency. Rapid deployment forms part of the White Paper and the recommendations of the Data Services Market Inquiry. The introduction of a draft by-law provides the basis for a uniform approach across municipalities which would support rapid deployment. Barriers to rapid deployment identified include differing approaches,

unreasonable costs for wayleaves and a lack of access to municipal property and infrastructure including electricity poles, high sites and ducts. The amendment seeks to ensure a uniform approach across municipalities and create the basis for reasonable fees for wayleaves that do not hinder infrastructure deployment. It also seeks to ensure that access is granted to all municipal infrastructure and property through the draft by-law.

Clause 4: Amendment of section 30 of Act 36 of 2005

The purpose of clause 4 is to amend section 30(2)(b) to ensure that any shared use of spectrum is subject to the spectrum sharing requirements contemplated in section 31A.

Clause 5: Amendment of section 31 of Act 36 of 2005

Section 31 of the principal Act is amended to enable the Authority to amend any radio frequency spectrum licence when the licensee fails to use the assigned radio frequency spectrum adequately for a period of two years in any under-serviced area, and allow spectrum sharing of such spectrum in the relevant under-serviced area until such time and on such conditions as may be determined by the Authority, referred to as the 'use it or share it' principle.

The Authority must prioritise the assignment of unused spectrum to community networks.

The amendment seeks to ensure that nationally assigned scarce spectrum is effectively utilized in all geographic areas, either by a licensee or a community network where the licensee is not making full use of the spectrum. Spectrum may not be utilized by a licensee

in an underserved area due to a number of reasons, including a failure to prioritise the rollout of service in an underserved area (e.g. providers focused on urban areas primarily), roaming arrangements in those areas which remove the need to utilize the licensees own spectrum (e.g. often also in rural areas), or where sufficient capacity is provided through a portion of spectrum assigned to the network operator (e.g. where coverage spectrum such as sub 1GHz is sufficient to meet demand without capacity spectrum such as the 1.8GHz or 2.3GHz spectrum).

The prioritized assignment of any unused spectrum to community networks ensures that the assignment promotes access in underserved areas and avoids the difficulties of assignment to competing commercial providers. This is in line with the recommendation of the Data Services Market Inquiry which found that community networks could reduce their costs and improve coverage if they were permitted access to radio frequency spectrum, where such spectrum was not being utilized by some national operators. The alternative, namely WiFi networks, were less efficient and more costly to deploy.

Clause 6: Insertion of section 31A in Act 36 of 2005

Section 31A is inserted to make provisions for rules governing spectrum sharing and the role of the Authority to approve it first. Spectrum sharing has historically been prohibited but such arrangements may further the purposes of the Act under certain circumstances. Furthermore, recent roaming arrangements between network operators have raised the question as to whether these arrangements amount to sharing or trading of spectrum. It

is therefore appropriate to bring spectrum sharing into the Act and regulate such arrangements.

The section indicates that the Authority must approve any sharing of high demand spectrum given its importance in mobile competition but may be notified in respect of spectrum that is not high demand. The section requires that the Authority prescribe regulations in respect of spectrum sharing within 12 months in order to provide licensees with certainty on the processes for notification and authorization, the criteria and conditions for such sharing, including the processes for implementing the 'use it or share it' principle for unused spectrum. However, the amendments do include a restriction on such regulations from the Authority in clause 31A(2), namely that there cannot be approval where sharing amounts to trading, interferes with emergency services or where it has a negative impact on competition.

Clause 7: Insertion of Chapter 7A in Act 36 of 2005

A new chapter is inserted to provide for the regulation of roaming and mobile virtual network operator services ("MVNOs").

An electronic communications network service licensee with access to International Mobile Telecommunications radio frequency spectrum, that has national network coverage of 90% of the population, must provide roaming and MVNOs.

The amendment stems from the Data Services Market Inquiry finding that wholesale roaming arrangements are not competitively priced and contribute to raising rivals costs of challenger networks, thereby reducing the competitive constraint that such operators are able to exert in the market. Roaming agreements must be sought from operators with national network coverage which confers market power on those networks. The amendment also addresses the finding that MVNOs are not well developed in South Africa due largely to a lack of incentives by larger networks to provide access. MVNOs can bring material competitive benefits where barriers to their operation are removed.

Section 42A aims to mandate operators with national coverage to provide roaming and MVNO services upon request, and provides for a dispute resolution mechanism if terms are not agreed with the access provider. It also provides that operators with national coverage engage in accounting separation of their radio access network, core network and retail business. Section 42B requires that the Authority prescribe regulations which set the minimum requirements of such agreements, including the maximum price levels, the minimum quality requirements and the types of technologies to which access is provided.

Section 43C is inserted to make provision for international roaming, including SADC roaming regulations. It places an obligation on the Authority to prescribe regulations taking into consideration policy directions issued by the Minister and SADC Roaming decisions. The regulations must be conditional on reciprocal terms and conditions being imposed on electronic communications service providers of another country by such

country or its National Regulatory Authority. The section enables the Authority to obtain any information required for international roaming regulation from electronic communications service licensees and that the Authority may engage National Regulatory Authorities of any other country in order to promote international roaming.

Clause 8: Amendment of section 43 of Act 36 of 2005

Section 43 of the Act is amended to improve the facilities leasing framework.

The first amendment brings electronic communications facility services within the facilities leasing framework as licensees will now be regulated and must lease facilities. This impacts on various subsections of section 43 where such licensees are included in the coverage.

The second amendment replaces the reasonability test for access with principles of access prescribed by the Authority. When access is denied, the role of the Authority will not be to determine the reasonability of the request, but to decide the matter, considering the principles of access. These principles of access must be prescribed by the Authority in terms of section 44. This impacts on subsections (1) to (3). In addition, for essential facilities there is no longer the ability to refuse the request based on technically and economically feasibility as access is compulsory once a facility is listed as essential.

A third amendment is that the Authority must prescribe a list of essential facilities within 12 months that electronic communications network service licensee and electronic

communications facility service licensees will be required to lease upon request. This list must be reviewed every three years.

Clause 9: Amendment of section 44 of Act 36 of 2005

Section 44 of the Act is amended to enable the Authority to make regulations on the principles of access, which replaces the existing framework which is more narrowly focuses on the framework for the technical and economic feasibility.

Clause 10: Substitution of section 47 of Act 36 of 2005

Section 47 that deals with facilities leasing pricing principles is amended to ensure that the Authority prescribes wholesale pricing rules or standards applicable to different types of electronic communications facilities including for essential facilities, roaming and MVNOs.

General principles that must be adhered to are included such as fairness and reasonability and that costs must be cost-oriented.

The objective of the amendments is to provide that pricing principles for facilities leasing and wholesale rates for roaming and MVNOs are developed by the Authority. This is in contrast to the current position where such regulations may be developed rather than must be developed. This is in line with the findings and recommendations of the Data Services Market Inquiry that such regulation takes place, but that it does recognise that different pricing principles may apply to different facilities and wholesale arrangements.

Whilst the amendment provides the legislative basis for wholesale price regulation, it does not prescribe the form that it takes, rather leaving that to the Authority and only identifying principles that such regulation must adhere to. These include that such pricing regulations are fair and reasonable, non-discriminatory (standard FRAND principles), cost reflective and reflective of competitive commercial arrangements. These principles ensure fair and competitive pricing of facilities, roaming and MVNOs arrangements.

Clause 11: Amendment of section 67 of Act 36 of 2005

Section 67 of the Act is amended in order to substitute the heading to be aligned with its contents and to improve the market review processes. The Authority can do a market inquiry if it has reason to believe that any feature or combination of features of any markets or market segments impedes, distorts or restricts competition within such markets or market segments.

Where the Authority determines that there is a feature or combination of features that impede, distort or restrict competition within that market, the Authority must determine actions to remedy, mitigate or prevent the adverse effect on competition or the objects of this Act and of the related legislation.

The amendment aims at improving the market review process of the Authority in line with the recommendations of the Data Services Market Inquiry and in line with the market inquiry process of the Competition Act. The amendment enables the Authority to address any feature which may hinder competition in order to actively promote competition in

communications markets, or to actively achieve purposes such as universal service. This is in contrast to the current narrow scope of market reviews, which limit interventions where competition as a whole in a market is deemed ineffective, and which does not permit the promotion of other objectives of the Act.

A provision is inserted to enable the Authority and the Competition Commission to enforce each other's findings, to promote and enhance competition. This ensures that once a finding is made in respect of competition by the Commission that an inquiry need not be repeated by the Authority in order to implement remedies which may be best overseen by the Authority. This is in the context where the Commission processes will include affected parties and are itself subject to normal review processes.

Clause12: Competition Assessments

A new section 67A is inserted that empowers the Authority to perform competition assessments as part of exercising its licensing functions. The Authority may also prescribe regulations that determine the relevant process and procedures. Section 67B is inserted to formalise the requirement for a concurrent jurisdiction agreement between the Authority and the Competition Commission. It also requires that such agreement must include consultative mechanisms between the two authorities, including the sharing of information and how to manage competition-related assessments, market inquiries, complaints, mergers, cooperation arrangements and other relevant matters conducted by the Authority or the Competition Commission.

Clause13: Transitional arrangements

Clause 13 provides transitional arrangements that are necessary to ensure that facilities leasing can continue under the existing sections 43 and 44 of the Act and Facilities Leasing Regulations until the Authority has prescribed the principles of access contemplated in section 43(1) of the Electronic Communications Amendment Act, 2022, that replaces the existing framework.

Clause14: Short title

This clause provides the name of the Act and seeks to provide that different dates may be fixed by the President for the coming into operation of different sections of this Act by Proclamation in the *Gazette*.

4. DEPARTMENTS/BODIES/PERSONS CONSULTED

- Competition Commission;
- Department of Cooperative Governance;
- Independent Commissions Authority of South Africa (“ICASA”);
- South African Local Government Association ; and
- Department of Trade, Industry and Competition.

5. FINANCIAL IMPLICATIONS FOR STATE

5.1 The resources required to implement the interventions in the Bill mostly affect ICASA and DCoG. A costing exercise was done with both ICASA and COGTA and the financial implications included in the SEIAS.

5.2 The additional costs will need to be applied for during the MTEF process.

5.3 The commencement of relevant sections of the Act can be managed in accordance with budgetary allocations to ICASA.

6. PARLIAMENTARY PROCEDURE

6.1 The Constitution of the Republic of South Africa, 1996 (“the Constitution”), regulates the manner in which legislation may be enacted by Parliament. It prescribes different procedures for different kinds of Bills.

6.2 Section 75 of the Constitution sets out a procedure to be followed when National Assembly passes a Bill other than a Bill to which the procedure set out in section 74 or 76 of the Constitution applies.

6.3 Section 76 of the Constitution on the other hand provides for a procedure that must be followed for all the Bills referred to in this section under subsections (3), (4) and (5).

6.4 In **Tongoane v Minister of Agriculture and others CCT 100/09 [2010] ZACC 10**, the Constitutional Court confirmed and upheld the test for tagging that was formulated in **Ex Parte President of the Republic of South Africa: In re Constitutionality of the Liquor Bill [1999] ZACC 15; 2000 (1) SA 732 (CC); 2000 (1) BCLR 1 (CC)**, where the Constitutional Court held that —

“the heading of section 76, namely, ‘Ordinary Bills affecting provinces’ provides a strong textual indication that section 76(3) must be understood as requiring that any Bill whose provisions in substantial measure fall within a functional area listed in Schedule 4, be dealt with under section 76.”

6.5 At paragraph 58 the Constitutional Court held that “What matters for the purposes of tagging is not the substance or the true purpose and effect of the Bill, rather, what matters is whether the provisions of the Bill “in substantial measure fall within a functional area listed in Schedule 4”.

6.6 The Constitutional Court stated at paragraph 72 that any Bill whose provisions substantially affect the interest of the provinces must be enacted in accordance with the procedure stipulated in section 76. This also includes Bills providing for legislation envisaged in the further provisions set out in section 76(3)(a) to (f), as well as Bills the main substance of which falls within the exclusive national competence, but the provisions of which nevertheless substantially affect the provinces. What must be stressed, however, is that the procedure envisaged in section 75 of the Constitution remains relevant to all Bills that do not in substantial measure affect the provinces.

6.7 We have carefully considered the Bill and we are of the view that the Bill can be distinguished from the Tongoane judgment, as the Bill that does not deal with any of the matters listed in Schedule 4 or Schedule 5 to the Constitution.

6.8 Since the Bil does not fall within a functional areas listed in Schedule 4 or Schedule 5 to the Constitution, we are of the view that the procedure of section 76 of the Constitution does not apply and the Bill cannot be tagged as a section 76 Bill.

6.9 In light of the above, we are of the opinion that the Bill must be dealt with in accordance with the procedure set out in section 75 of the Constitution.

6.10 We are also of the view that it may not be necessary to refer this Bill to the National House of Traditional and Khoi-San Leadership in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NO. 3568

23 June 2023



**Film and
Publication
Board**

Content Regulatory Authority of South Africa

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FILM AND PUBLICATION BOARD FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS AMENDED DRAFT ACCREDITATION FRAMEWORK 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 18D of the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended (FP Act), hereby publishes for public comment the following draft accreditation framework, together with a mock application form annexed thereto.

2. Interested persons who wish to comment on any or both of the draft accreditation or the mock application form 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 Oupa Makhalemele**, 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: **oupa.makhalemele@fpb.org.za**

Kindly write ***draft Accreditation Framework of the Film and Publication Board with mock application form*** 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**. **Film and Publication Board Date:**

FPB Council Members:

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**DRAFT FRAMEWORK ON THE ACCREDITATION OF FILMS, GAMES AND
PUBLICATIONS CLASSIFIED UNDER A FOREIGN OR INTERNATIONAL SYSTEM IN
TERMS OF SECTION 18D OF THE FILMS AND PUBLICATION ACT, 65 OF 1996.**

DRAFT

FPB Council Members:

Ms. Zamantungwa Mkosi – Council Chairperson; Dr. Siyasanga Tyali – Deputy Chairperson;
Ms. Lungelo Nxele; Ms. Mpho Sedibe; Dr. Andile Nontso; Mr. Phosa Mashangoane; Adv. Lufuno Nevondwe; Ms. Maggie Pillay; Ms. Zanele Nkosi



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1 INTRODUCTION

- 1.1 This Draft Framework is issued pursuant to the powers and duties of the Film and Publication Council ("**Council**") as set out in section 4A of the Films and Publication Act, 65 of 1996, ("**the Act**") to guide commercial online distributors who wish to distribute films, games or publications by making an application to the Council for the accreditation of films, games or publications using a foreign or international classification system.
- 1.2 This Framework set out the procedure to be followed as well as describes the conditions and terms on which the Council will consider and approve an application by a commercial online distributor to utilise an international or foreign accreditation system for its films, games and/or publications, which it distributes in the Republic of South Africa ("**Republic**").

2 DEFINITIONS

- 2.1 "**Act**" means the Film and Publications Act, 65 of 1996.
- 2.2 "**Board**" means the Film and Publication Board, established by section 3 of the Act.
- 2.3 "**Classification**" means any decision by the Board in terms of the Act.
- 2.4 "**Council**" means the Council established by section 3 of the Act.
- 2.5 "**Distribute**" shall have the meaning assigned thereto in the Act.
- 2.6 "**Online Commercial Distributor**" means a distributor in relation to films, games, and publications which are distributed for commercial purposes using the internet."
- 2.7 "**Film**" shall have the meaning assigned thereto in the Act.
- 2.8 "**Game**" shall have the meaning assigned thereto in the Act.
- 2.9 "**Publication**" shall have the meaning assigned thereto in the Act.

3 ACCREDITATION OF A FOREIGN OR INTERNATIONAL CLASSIFICATION SYSTEM

- 3.1 In terms of section 18D of the Act, a commercial online distributor wishing to obtain approval to distribute its films, games and/or publications within the Republic, using a classification system which is a foreign or international classification system, must apply to the Council for approval and accreditation of such classification system to be used by the commercial online distributor.
- 3.2 The Council will consider any such application for accreditation and may either –

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- 3.2.1 accept the foreign or international classification system as being sufficient, approve and allow the commercial online distributor to accredit its films, games and/or publications for distribution within the Republic applying such foreign or international classification system;
- 3.2.2 accept the foreign or international classification system as sufficient, subject to certain conditions (as may be stipulated by the Council) being met by the commercial online distributor when it applies the foreign or international classification system to rate films, games and/or publications for distribution within the Republic thereafter; or
- 3.2.3 reject the foreign or international classification system as not being sufficient to meet the requirements of the Act and/or on the basis that the commercial online distributor has not satisfied the requirements of the Act in relation to its application to the Council.

4 ACCREDITATION APPLICATION PROCESS

- 4.1 A commercial online distributor making an application for accreditation of a foreign or international classification system as set out in section 18D, must pay the prescribed application fee as set out in the Films and Publication Amendment Tariff's Regulations from time to time and/or as published by the Minister from time to time.
- 4.2 The prescribed application fee can be paid in line with the details set out below:
- [•]**
- 4.3 The commercial online distributor must complete the prescribed application form for accreditation (obtainable from the FPB's offices during business hours or from the FPB's website) and submit it to the Council with the necessary supporting documentation, through the following channels:
- 4.3.1 Emails: **[•]**
- 4.3.2 Postal address: Private Bag X31, Highveld Park, 0169
- 4.3.3 Physical address: 420 Witch Hazel

Eco Glade 2, Eco Park
Centurion 0169

5 ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION

- 5.1 Once the application is received and recorded on the system(s) of the FPB, the commercial online distributor will receive an acknowledgement email or letter with a reference number for the application within 7 (seven) business days.

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- 5.2 If the commercial online distributor wishes to provide additional information to its application or if any information supplied as part of the application has become outdated or incomplete, such additional or supplementary information can be emailed to or made accessible to the Council via an FPB stipulated communication portal or mechanism. The application reference number must be provided to the FPB with each additional information submission.

6 ASSESSMENT OF THE APPLICATION

- 6.1 In considering and assessing the application for accreditation the FPB is required to assess the following:
- 6.1.1 the accessibility of the applicant's online service by the FPB to allow the FPB to be able to carry out compliance, monitoring and auditing activities on a routine and regular basis; and
- 6.1.2 consider the alignment of the foreign or international ratings to the applicable ratings in terms of the Act and the Classification Guidelines of the FPB.¹

7 ALIGNMENT OF THE FOREIGN OR INTERNATIONAL RATINGS TO THE APPLICABLE RATINGS IN TERMS OF THE ACT AND FPB CLASSIFICATION REQUIREMENTS

- 7.1 In determining whether the foreign or international classification system is aligned with that set out in the Act or to the extent thereto, the Council will consider the following:
- 7.1.1 the Constitution of the Republic of South Africa, 1996, is the supreme law of the Republic, and informs all laws, including the accreditation under the Act, in determining the alignment with a foreign or international classification system, such system must not infringe on rights under the Constitution (unless such limitation is justifiable under section 36). This means that if a film, game or publication as classified under the foreign or international system, propagates for war or incites imminent violence, infringes the right to freedom of expression for example, it should not be accredited;
- 7.1.2 the process and methodology which the commercial online distributor will apply in the classification process and in managing ratings that are applied;
- 7.1.3 demonstration by the commercial online distributors of how the foreign classification system takes cognisance of the requirements under the Act including diversity, socio-cultural norms/standards within the Republic;

¹ Department of Communications and Digital Technologies, Classification Guidelines for the Classification of Films, Games and Certain Publications No. 2218 (1 July 2022).

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- 7.1.4 an outline of the process, actions plans and review mechanisms of the commercial online distributor in its applying and managing ratings assigned to its films, games and/or publications;
- 7.1.5 how the foreign or international classification system provides adults with the necessary information to make informed viewing, gaming and reading choices for themselves and the children in their care. This includes an illustration of mechanisms in place to ensure child protection;
- 7.1.6 where the content concerns children, the manner in which the foreign or international classification system strikes a reasonable balance between the interest and protection of children from potentially disturbing, harmful and age-inappropriate content;
- 7.1.7 demonstrate how the guidelines within the classification system inform the ratings that the commercial online distributor will apply to its online material and publications;
- 7.1.8 whether the regulatory standard of the international or foreign classification system grossly violate any South African sociocultural norms/standards;
- 7.1.9 what measures and/or mechanisms are set out under the classification system after classification to enforce compliance and how do they compare with those set out under the Act, its regulations and guidelines;
- 7.1.10 is the classification system transparent (this is in light of the FPB's aim to be transparent to the public);
- 7.1.11 does the commercial online distributor have a policy or procedure designated for the efficient management of online material and classification standards; and
- 7.1.12 the tolerance level determined by the commercial online distributor through its assessment and testing of the foreign or international classification system, by assessing the factors taken into account under the foreign or international classification system against factors that would be assessed under the FPB rating system. Where the tolerance level between the two is below 75%, accreditation will not be granted and the commercial online distributor must rectify the divergence. The FPB will continuously monitor the tolerance level after accreditation has been granted.

8 FACTORS AND CONDITIONS WHICH THE FPB WILL TAKE INTO ACCOUNT

- 8.1 Upon approval, the commercial online distributor would be required to enter into a Memorandum of Understanding ("**MOU**") with FPB to manage the application of ratings based on the accredited foreign or international classification system to ensure quality assurance for classifiable elements and standards that fall within the scope of the FPB's mandate.

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8.2 The commercial online distributor is expected to have already been or have made application for registration with the regulator or authority, as the case may be, who is in charge of or manages the foreign or international classification system, for which accreditation is sought from the FPB.

8.3 In assessing an application, the Council will *inter alia* consider the following factors:

8.3.1 Quality indicators

8.3.1.1 Whether the commercial online distributor is accredited by a relevant classification authority or body under a foreign or international classification system and whether such classification system shares the same primary focus of the FPB;

8.3.1.2 Whether currently there is an MOU in place with the classification authority or body and the FPB;

8.3.2 Quality assurer's details

8.3.2.1 The Quality Assurance function provided by suitably qualified Quality Assurers, with a minimum academic qualification at NQF Level 7 or its equivalent, who will furnish the FPB with sufficiently detailed Curriculum Vitae ("**CV**") as part of the application.

8.3.3 Legal basis and quality assurer expertise

The FPB will consider the following -

8.3.3.1 The Council will also consider the classification authority or body's Code of Conduct, Quality Assurance Practice and Principles, Fraudulent Activities, Matters of Confidentiality and De-Registration processes;

8.3.3.2 Whether the classification authority or body commits to quick turnaround times – a commitment to deliver 48 hours turnaround time from submission of online material to be rated;

8.3.3.3 Demonstration that individuals responsible for quality assurance mechanisms are experienced and highly trained individuals. Classifiers must possess training at a minimum South African qualification level 7 of the National Qualifications Framework ("**NFQ**") or an equivalent thereto, in areas such as socio-cultural studies, law, ethics and or any other relevant qualification.

8.3.4 Commercial online distributors Record Keeping and Monitoring tools and systems

8.3.4.1 The commercial online distributor is expected to have implemented a suitable system and tools to allow for effective reporting to the FPB on the ratings applied to publications, exceptions and tolerance level achievement and to

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allow for the FPB to have effective access (during the application process and if the application is successful, during the entire duration that the accreditation is effective) to carry out QA checks and to carry out randomised spot checks, audits and analysis of the ratings applied to the films, games and/or publications distributed by the commercial online distributor.

- 8.3.4.2 The assessment by the FPB as part of the application process will be designed to test the efficacy of the aforementioned tools and systems.

9 AUDIT PROCEDURE AND ASSESSMENT

- 9.1 If the application is accepted, an online audit will be conducted and thereafter the Council will issue a Notice of Accreditation of the foreign or international system classification within 7 (seven) days.
- 9.2 The FPB audit team will conduct an online audit of the commercial online distributor's services and thereafter provide an audit report.
- 9.3 The [FPB Committee] will consider the audit report including the recommendations provided and either approve accreditation for a period as determined by the Council and provide an accreditation certificate or reject the audit report.
- 9.4 If the application is rejected, the commercial online distributor will be provided with a compliance plan and given an opportunity to resubmit its application within a stipulated time period (with the maximum time period being 6 months). Where the commercial online distributor fails to resubmit the application, such a distributor will have to reapply for accreditation.
- 9.5 Commercial online distributors should note that until such time that their application for accreditation has been approved, such distributors must submit their films, games or publications to the FPB together with the relevant form and the prescribed fee, for examination and classification.

10 REQUIREMENTS AND FEES

- 10.1 The commercial online distributor is to be aware that all ratings that it assigns to any films, games and publications using an accredited foreign or international classification system must be accompanied by the FPB logo on each film, game and publication to which these ratings are applied.
- 10.2 Regardless of the accreditation for the application of ratings based on a foreign or international classification system, the commercial online distributor will be required to pay the relevant fees as are set out in the then applicable Fee Tariff, in accordance with the requirements of the Act and regulations.

FPB Council Members:

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11 DURATION AND VALIDITY OF ACCREDITATION

- 11.1 The accreditation shall be valid for a period not exceeding five years.
- 11.2 A commercial online distributor will be required to make a new application for any accreditation to be approved after the expiry date of the then current accreditation approval.
- 11.3 The Council reserves the right to terminate any accreditation that it has approved, including before the expiry of a valid accreditation, including where the commercial online distributor:
- 11.3.1 is in breach of the provisions of the Act;
 - 11.3.2 is in breach of the conditions and requirements of any approval;
 - 11.3.3 is in breach of the terms of any MOU that it has in place with the FPB;
 - 11.3.4 has a material change in its business operations;
 - 11.3.5 any event as set out in paragraph 12 occurs;
 - 11.3.6 if there are material changes in the ratings system applied by the foreign and international classification system as accredited by the Council; and/or
 - 11.3.7 if the minimum ratings tolerance levels stipulated by the Council is exceeded by the commercial online distributor (unless the Council agrees to and approves suitable workarounds which the commercial online distributor implements).
 - 11.3.8 The accreditation shall not be transferable, and shall apply only to the commercial online distributor that has successfully applied for such accreditation, having complied with all the necessary requirements and regulations.

12 CHANGES IN THE COMMERCIAL ONLINE DISTRIBUTOR'S BUSINESS

- 12.1 A commercial online distributor is obliged to timeously notify the FPB if there are any changes to its business including in the following circumstances –
- 12.1.1 there is a material change in the nature of its business operations;
 - 12.1.2 any change in shareholding and/or ownership and/or control in the commercial online distributor;
 - 12.1.3 any change in the legal or corporate structure of the commercial online distributor;
 - 12.1.4 a compromise, scheme of arrangement or composition by the commercial online distributor with any or all of its creditors;
 - 12.1.5 liquidation of the commercial online distributor, whether provisionally or finally;

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- 12.1.6 the placement of the commercial online distributor under business rescue proceedings or any similar administration, whether voluntarily or upon application by a third party;
- 12.1.7 the existence of circumstances which would allow for the commercial online distributor to be subject to any winding up (whether provisional or final), dissolution, or business rescue proceedings (whether voluntary or upon application by a third party) (or, in respect of all the foregoing, any analogous arrangements under any law to which the commercial online distributor is subject) of the commercial online distributor under any law to which the commercial online distributor is subject regulating the bankruptcy, insolvency, winding up, judicial management, dissolution or rescue of corporate entities; or
- 12.1.8 if the commercial online distributor is not incorporated under the laws of the Republic, the existence of circumstances which would allow for the commercial online distributor to be subject to any winding up (whether provisional or final), dissolution, or business rescue proceedings if the commercial online distributor had been incorporated under the laws of the Republic.

13 ENQUIRIES

- 13.1 Should you require further information and/or have any enquiries, you can contact **[Mr. Oupa Makhalemele at 012 000 1400 or 078 7026652, or email: omakhalemele@fpb.org.za] during business hours.**

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DRAFT

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ANNEXURE A: MOCK APPLICATION FORM FOR DEMONSTRATION PURPOSES

FILM AND PUBLICATION BOARD

420 WITCH HAZEL, ECO GLADE 2, ECO PARK

CENTURION 0169

PRIVATE BAG X 31, HIGHVELD 0169

E-MAIL ADDRESS: [•]

WEBSITE: www.fpb.org.za

APPLICATION FOR ACCREDITATION OF FILMS, GAMES AND PUBLICATIONS CLASSIFIED BY FOREIGN OR INTERNATIONAL SYSTEM

The Film and Publication Board may refuse to process your application if this form is not fully completed.

This application form is designed to assist the Films and Publication Council (hereinafter referred to as "**the Council**") in assessing an application for accreditation of a film, game or publication classified in accordance with a foreign or an international classification system. Please fill out this form, attach proof of payment of the prescribed fees, and any other relevant documentation and send it to (email address) or alternatively hand delivery to the address set out above.

NOTE:

- a) Applicants must refer to the Films and Publication Act, 65 of 1996 ("**the Act**") as amended from time to time and any regulations published under the Act with regard to the requirements to be fulfilled by the applicant.
- b) Information that is required in terms of this form which does not fit within the provided space may be contained in an appendix attached to the form. Each appendix must be numbered with reference to the relevant part of the form.
- c) Where any information in this form does not apply to the applicant, the applicant must indicate that the relevant information in the form is not applicable.

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1 PARTICULARS OF THE APPLICANT	
Name of applicant	
Designated contact person	
Applicant's street address	
Applicant's principal place of business (if different from street address)	
Applicant's postal address	
Applicant's telephone number	
Applicant's telefax number	
Email address of designated contact person	
LEGAL FORM OF APPLICANT	

FPB Council Members:

Ms. Zamantungwa Mkosi – Council Chairperson; Dr. Siyasanga Tyali – Deputy Chairperson;
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Indicate if the applicant is:	
A natural person	
A partnership	
A juristic person	
Other (specify)	
If the applicant is a natural person or partnership:	
Provide the identity number of the applicant of each partner in the partnership.	
Attach a certified copy of the identity document of the registrant or certified copies of the identity document of each partner in the registrant marked clearly as Appendix 2.2.2 of this form.	
If the applicant is a juristic person:	
Registration number of registrant:	
Attach certified copies of the registrant's certificate of incorporation and memorandum and articles of association or other founding documents of the registrant (e.g. memorandum and articles of association, association agreement,	

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constitution) marked clearly as Appendix 2.3.3 of this form.	
Description of applicant's business	
The applicant confirms that its tax affairs are in order (attach proof thereto)	
FOREIGN OR INTERNATIONAL CLASSIFICATION FRAMEWORK	
Country/jurisdiction	
Regulatory instrument	
Regulatory body	
The applicant warrants that it complies with all 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	
Classified rating and process thereto.	
Reason for rating	
Is the applicant's online service platform accessible to the Council for	

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compliance, monitoring and auditing purposes?	
If so, specify the measures taken to ensure that the Council has access to platform?	
If the online service platform is not made accessible to the Council, what steps will it undertake to make the platform accessible?	
Does the foreign or international rating align with the applicable ratings in terms of the Act and Classification Guidelines of the Films and Publication Board?	
Motivation of alignment	
Reporting and auditing process – describe the manner in which the applicant will track and monitor and apply the foreign classification system and how will records of same be kept?	
Methodology and reporting to FPB – describe the record keeping methodology and reporting formats that will be used and provided to the FPB to manage and monitor the classifications applied under the foreign classification system	

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<p>Indicate details and location of applicant's business and operational premises where the FPB can carry out onsite inspections</p>	
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The applicant or person signing this application on behalf of the applicant acknowledges as follows:

I acknowledge that the Council reserves the right to have any authorisation issued pursuant to this application set aside should any material made herein, at any time, be found to be false.

Signed (Applicant)

I certify that this declaration was signed and sworn to before me at on the day of 20..., by the deponent who acknowledged that he/she: knows and understands the contents hereof; has no objection to taking the prescribed oath or affirmation; and considers this oath or affirmation to be truthful and binding on his/her conscience.

COMMISSIONER OF OATHS

Name:

Address:

Capacity

FPB Council Members:

Ms. Zamantungwa Mkosi – Council Chairperson; Dr. Siyasanga Tyali – Deputy Chairperson;
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DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**NO. 3569****23 June 2023****NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****THE NATIONAL BIODIVERSITY OFFSET GUIDELINE**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby publish for implementation, under section 24J of the National Environmental Management Act, 1998 (Act No. 107 of 1998), the National Biodiversity Offset Guideline, set out in the Schedule hereto.



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

NATIONAL BIODIVERSITY OFFSET GUIDELINE

issued under section 24J of the National Environmental Management Act

FIRST EDITION (JANUARY 2023)

Preface

This guideline has been published in terms of section 24J of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and must therefore be read together with the provisions of NEMA, including the national environmental management principles in section 2 of NEMA, as well as the Environmental Impact Assessment Regulations, 2014 (EIA Regulations) and other guidelines published under section 24J of NEMA. Of importance, the guideline must be read in the context of the mitigation hierarchy provided for in section 2(4)(a)(i) of NEMA as well as any national policy on environmental offsetting.

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Abbreviations and acronyms.

BA Report	Basic assessment report	I&AP	Interested and affected party
CA	Competent authority	MEC	Member of the Executive Council responsible for the environment in a Province
CBA	Critical Biodiversity Area	Minister	The Minister responsible for the environment
Constitution	Constitution of the Republic of South Africa, 1996	NBA 2018	National Biodiversity Assessment (2018)
DFFE	Department of Forestry, Fisheries and the Environment	NBF	National Biodiversity Framework 2019-2024
EA	Environmental authorisation	NDP	National Development Plan
EAP	Environmental assessment practitioner	NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998)
EIA Regulations	Environmental Impact Assessment Regulations, 2014	NEMBA	National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
EIA Report	Environmental Impact Assessment Report	NEMPAA	National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)
EMPr	Environmental management programme	NEMICMA	National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)
EPL	Ecosystem Protection Level	NGO	Non-government organisation
ESA	Ecological Support Area	NPO	Non-profit organisation
		PBO	Public benefit organisation

Definitions

In this guideline, unless expressly provided otherwise, or if the context provides otherwise, a word or expression to which a meaning has been assigned in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (**NEMA**) or the Environmental Impact Assessment Regulations, 2014 (**EIA Regulations**), has the same meaning, and –

“biodiversity” means the variability among living organisms from all sources including, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and also includes diversity within species, between species, and of ecosystems;

“biodiversity offset” means the measurable outcome of compliance with a formal requirement contained in an environmental authorisation to implement an intervention that has the purpose of counterbalancing¹ the residual negative impacts of an activity, or activities, on biodiversity, through increased protection and appropriate management, after every effort has been made to avoid and minimise impacts, and rehabilitate affected areas;

“Biodiversity Offset Implementation Agreement” means a legally binding agreement that is entered into between the holder of an environmental authorisation and a third party, or third parties, for the implementation of a biodiversity offset, more fully described in Chapter 10;

“Biodiversity Offset Management Plan” means a plan setting out the management actions to be taken at a biodiversity offset site to achieve and maintain specific conservation outcomes in the long term, more fully described in Chapter 7.6.1;

“biodiversity offset receiving area” means an area identified in an official policy, plan or programme as an optimal area for locating biodiversity offsets;

“Biodiversity Offset Report” means a report prepared by a relevant specialist, or specialists, and submitted to a competent authority together with a basic assessment report, or environmental impact assessment report, setting out the findings of a biodiversity offset study, more fully described in Chapter 7.7;

¹ Biodiversity offsets should be distinguished from trade-offs. A trade-off in the biodiversity context involves exchanging a negative outcome for biodiversity with another positive outcome, which does not *necessarily* benefit biodiversity, and where it benefits biodiversity, does not properly counterbalance the loss of biodiversity through a like-for-like approach. Trading off is not a form of mitigation, like biodiversity offsetting. Ecological compensation is an example of a trade-off in the biodiversity context. Ecological compensation can be described as the outcome of measurable actions to protect, rehabilitate and manage priority biodiversity, aimed at compensating for residual negative impacts on biodiversity and ecological infrastructure but is not designed to *counterbalance* those impacts. Trade-offs should be approached with extreme caution in the context of environmental authorisation applications given that South African law demands a rational link between impacts on the environment and conditions of environmental authorisations directed at addressing those impacts. Trade-offs fall outside the scope of this guideline.

“biodiversity offset site” means a suitable area in the landscape which meets the offset requirements in an environmental authorisation and is secured for biodiversity conservation in the long term;

“biodiversity priority area” means an area identified as a priority for biodiversity conservation in a spatial biodiversity plan, and includes Critical Biodiversity Areas, Ecological Support Areas, Freshwater Ecosystem Priority Areas and focus areas for protected area expansion;

“biodiversity target”–

- (a) when used in the context of ecosystems, means the minimum proportion of each ecosystem type that needs to be kept in good ecological condition in the long term in order to maintain viable representative samples of all ecosystem types and the majority of species associated with them, and is expressed as a percentage of the historical extent of an ecosystem type, measured as area, length or volume; or
- (b) when used in the context of a species, means the minimum number of individuals in a population required to ensure the viability and persistence of that population, or the minimum number of populations of a species required to ensure the viability and persistence of that species, within a particular landscape context or defined in a provincial, national, continental or global conservation programme or strategy;

“candidate biodiversity offset site” means one of the potential biodiversity offset sites identified in a Biodiversity Offset Report;

“CBA Map” means a map of Critical Biodiversity Areas and Ecological Support Areas, based on a systematic biodiversity plan;

“coastal protection zone” means the area contemplated in section 16 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (**NEMICMA**);

“coastal public property” means the area contemplated in section 7 of NEMICMA;

“conservation area” means an area with a conservation designation that is effective at achieving *in-situ* conservation of biodiversity outside of protected areas in the long term;

“conservation authority” means South African National Parks or the organ of state responsible for the conservation of biodiversity in a province

“conservation servitude” means a servitude registered against the title deed of a property placing restrictions on the landowner and successors-in-title for the purposes of conservation of biodiversity on the relevant property;

“Critical Biodiversity Area” (CBA) means an area that must be maintained in a good ecological condition (natural or near-natural state) in order to meet Biodiversity Targets for ecosystem types as

well as for species and ecological processes that depend on natural or near natural habitat, that have not already been met in the protected area network;²

“Critical Biodiversity Area (CBA): Irreplaceable (CBA 1)” means a CBA that is essential for meeting biodiversity targets because there are insufficient other options for meeting biodiversity targets for the features associated with the site;³

“Critical Biodiversity Area: Optimal (CBA 2)” means a CBA that has been selected as the best option for meeting Biodiversity Targets based on complementarity, spatial efficiency, connectivity and/or avoidance of conflict with other land or resource use;⁴

CBA Maps

CBA Maps are identified in spatial biodiversity plans, such as CBA Maps and bioregional plans, which can be found at <http://biodiversityadvisor.sanbi.org>

“ecological condition” means the extent to which the composition, structure and function of an area or biodiversity feature has been modified from a reference condition of “natural”;

“ecosystem extent” means the proportion of an ecosystem type that remains intact (i.e. in a natural, near-natural or semi-natural condition) relative to its historical distribution⁵;

“ecological infrastructure” means naturally functioning ecosystems that deliver valuable services to people, such as water and climate regulation, soil formation and disaster risk reduction;

“ecological processes” means the natural functions and processes that operate in a land- or seascape to maintain and generate biodiversity;

“Ecological Support Area” (ESA) means an area that must be maintained in at least fair ecological condition (semi-natural/ moderately modified state in which ecological function is maintained even though composition and structure have been compromised) in order to support the ecological functioning of a CBA or protected area, to generate or deliver key ecosystem services (e.g. water), or to meet remaining biodiversity targets for ecosystem types or species when it is not possible or necessary to meet them in natural or near-natural areas;

“ecosystem” means an assemblage of living organisms, the interactions between them and their physical environment;

² Please note that some provinces, such as the Western Cape Province, uses different methodologies for setting their biodiversity targets in systematic biodiversity plans.

³ Please see footnote 1 above.

⁴ Please see footnote 1 above.

⁵ The vegetation map used in the most recent ecosystem assessment reflects the historical extent of vegetation prior to major anthropogenic land conversion (ca. 1750).

“ecosystem protection level” means the indicator of how well represented an ecosystem type is in the protected area network, in which ecosystem types are categorised as well protected, moderately protected, poorly protected or unprotected, based on the proportion of the biodiversity target for each ecosystem type that is included in one or more protected areas;

“ecosystem services” means services and benefits to people and the economy provided by ecosystems, often classified into three broad categories: provisioning services, regulating services and cultural services;

“ecosystem threat status” means the indicator of how threatened an ecosystem type is (in other words the degree to which it is still intact or alternatively losing vital aspects of its function, structure or composition) in which Ecosystem types are categorised as Critically Endangered, Endangered, Vulnerable or Not Threatened, based on the proportion of ecosystem type that remains in good ecological condition relative to a series of biodiversity thresholds;

Ecosystem threat status

The status of the different ecosystem types in South Africa can be found in the list of ecosystems that are threatened or in need of protection published in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (**NEMBA**). However, if a more recent ecosystem assessment has been conducted (such as the one that was done as part of the National Biodiversity Assessment (NBA), that ecosystem assessment should also be considered.

“ecosystem type” means an ecosystem unit, or set of ecosystem units, that has been identified and delineated as part of a hierarchical classification system, based on biotic and/ or abiotic factors, with ecosystems of the same type to likely share broadly similar ecological characteristics and functioning;

“fatal flaw” means a major defect or deficiency in a project proposal that should result in environmental authorisation being refused, and from a biodiversity perspective, a residual negative impact that would have a Very High significance rating as determined in Chapter 6.2;

“impact” includes direct impact, indirect impact and cumulative impact;

“irreplaceable biodiversity” means biodiversity identified through a systematic conservation assessment as being essential⁶ to meet a biodiversity target;

“mitigation” means to avoid negative impacts, and where they cannot altogether be avoided, to minimise and remedy them, including through rehabilitation, restoration, and/or offsetting;

⁶ “Essential” here means that there are no other options in the relevant systematic conservation planning domain for the relevant target to be met.

“Other Natural Area” means an area in good or fair ecological condition (natural, near-natural or semi-natural) that is not required to meet biodiversity targets for ecosystem types, species or ecological processes;

“protected area” means an area recognised as a protected area in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (**NEMPAA**);

“rehabilitation” means returning a disturbed, degraded or destroyed ecosystem to sustainable, productive use, with the emphasis on repairing ecological processes and ecosystem services;

“residual negative impacts” means negative impacts that remain after the proponent has made all reasonable and practicable changes to the location, siting, scale, layout, technology and design of the proposed development, in consultation with the environmental assessment practitioner and specialists (including a biodiversity specialist), in order to avoid and minimise negative impacts, and/or rehabilitate any impacted areas within the prescribed timeframes specified for the completion of the rehabilitation in the EA;

“restoration” means returning a disturbed, degraded or destroyed ecosystem to its natural condition, with the species present being representative of the ecosystem that occurred on the site prior to disturbance, and ecological processes supporting the long-term persistence of the ecosystem and species, and the associated ecosystem services, through active (with interventions) or passive (without interventions) means;

In the terrestrial realm, confidence in the success of restoration in reinstating biodiversity is generally low and can take an extremely long time. In most instances therefore, especially when working in the terrestrial realm, restoration is not a realistic achievable goal for biodiversity offsetting.

“spatial biodiversity plan” means a spatial plan that identifies one or more categories of biodiversity priority area, using the principles and methods of systematic biodiversity planning;

“special habitat” means a biodiversity feature found nested within an ecosystem or spanning adjacent ecosystems, which contains or comprises unique elements that underpin or support species diversity, interaction or ecological processes within that ecosystem, and which can often only be identified at a finer scale than, for example, ecosystem assessments undertaken at national or provincial level;

“Strategic Water Source Areas” means areas of land that –

- (a) supply a disproportionate (i.e. relatively large) quantity of mean annual surface water runoff in relation to their size and so are considered nationally important;
- (b) have high groundwater recharge and where the groundwater forms a nationally important resource; or
- (c) areas that meet both criteria (a) and (b); and

Strategic Water Source Areas

SWSAs can be found at <http://biodiversityadvisor.sanbi.org>

“threatened ecosystem” means an ecosystem with an Ecosystem Threat Status of Critically Endangered, Endangered or Vulnerable as determined by the latest edition of the NBA, or the list of ecosystems that are threatened or in need of protection published in terms of NEMBA, whichever is more recent.

1. Introduction

The purpose of this guideline is to indicate when biodiversity offsets are likely to be required as mitigation by any competent authority (**CA**), to lay down basic principles for biodiversity offsetting and to guide offset practice in the environmental authorisation (**EA**) application context.

This guideline is an implementation guideline contemplated in section 24J of the National Environmental Management Act, 1998 (**NEMA**). Guidelines published in terms of that section give guidance on, *inter alia*, the implementation, administration and institutional arrangements of the Environmental Impact Assessment Regulations, 2014 (**EIA Regulations**) or subsequent regulations regarding the environmental impact assessment process.

This guideline is therefore applicable to applications for EA in terms of section 24 of NEMA. However, relevant authorities responsible for taking decisions in other regulatory contexts which may involve biodiversity offsetting may also find the guideline helpful. Those relevant authorities include the organs of state responsible for taking decisions regarding applications for EA in terms of section 24G of NEMA, emergency directives contemplated in section 30A of NEMA, applications for licences under the National Water Act, 1998, the National Forests Act, 1998 and the National Environmental Management: Waste Act, 2008, applications for development rights in terms of the Spatial Planning and Land Use Management Act, 2013 and requests for the de-proclamation, or the withdrawal of declarations, of protected areas in terms of provincial legislation or NEMPAA.

This guideline is applicable in the terrestrial and freshwater realms. It is therefore not applicable in the offshore marine realm and estuarine ecosystems. That does not however mean that biodiversity offsetting is not required for residual negative impacts on biodiversity in estuarine ecosystems and the marine realm. The guideline focuses on ecosystems as the primary unit for expressing ecosystem-based offset requirements, given the strong foundation that the EIA Regulations and EIA implementation already have in ecosystem concepts. However, some guidance on species and other biodiversity features are given, but to a lesser extent.

The guideline does not replace NEMA’s provisions regarding EA processes, or the EIA Regulations. It guides the implementation of NEMA and the EIA Regulations in the context of mitigation of biodiversity impacts and use of biodiversity offsets and should therefore be read in conjunction with those laws.

Biodiversity offsetting is a mitigation measure that is potentially applicable in all EA application processes regardless of the identity of the applicant. This guideline is therefore applicable to EA applications made by private persons or entities, as well as organs of state.

The guideline is for CAs, environmental assessment practitioners (**EAPs**), specialists in environmental assessment processes, commenting authorities, statutory conservation authorities, interested and affected parties (**I&APs**), applicants for EA and financial institutions funding proposed projects that require an EA.

It is acknowledged that biodiversity offsets and trade-offs are often done even when they are not required by law. This guideline does not deal with those types of offsets and trade-offs.

2. Background

Biodiversity is fundamental to the health and well-being of people, as well as economic activity and socio-economic upliftment. The National Biodiversity Assessment (2018) (**NBA 2018**) states that South Africa's biodiversity assets and ecological infrastructure contribute significantly towards meeting national development priorities.

Ecosystem services are delivered by ecological infrastructure, including healthy mountain catchments, rivers, wetlands, coastal dunes, and nodes and corridors of natural habitat, which together form a network of interconnected structural elements in the landscape. Ecosystem services are essential for human well-being and supports economic activities.

Many economic activities are directly linked to biodiversity: it was estimated in 2018 that more than 400 000 people are employed in the biodiversity economy in South Africa (NBA 2018). There is still an immense opportunity to further unlock the value of biodiversity and ecosystems in support of the country's development path, especially as the knowledge base on the value of ecosystems and their effective management expands.

South Africa has a rich natural and biodiversity heritage. It is classified as a megadiverse country, which means that South Africa's biodiversity is also important in an international context.

South Africa's biodiversity is being gradually eroded and degraded (NBA 2018). South Africa's primary development plan, the National Development Plan (2012-2030) (**NDP**), notes that South Africa is currently in "ecological deficit".⁷ The loss of biodiversity has negative socio-economic impacts (such as adverse impacts on health, loss of livelihoods and the absence of protection against natural disasters or hazards). One specific challenge identified through the trends analysis in developing the National Framework for Sustainable Development (2008) was the need to reverse the "continuing

⁷ An ecological deficit occurs when the footprint of a population exceeds the biocapacity (or the capacity of ecosystems to produce useful biological materials and to absorb waste materials generated by humans, using current management schemes and extraction technologies) of the area available to that population.

degradation or loss of biodiversity and functioning ecosystems” on which sustainable development depends.

It is for that reason that the negative impacts of certain activities on biodiversity must be mitigated: avoided, and where they cannot altogether be avoided, are minimised, and remedied through rehabilitation and, should there still be a significant remaining impact, offsetting. Biodiversity offsetting has been identified as one way in which biodiversity loss can be slowed down. In the NDP, it is recommended that measures are adopted “to protect the country’s natural resources including an environmental management framework in which developments that have serious environmental or social effects need to be *offset* by support for improvements in related areas and a target for the amount of land and oceans under protection” (emphasis added). Biodiversity offsets are specifically recognised as a policy option to slow the degradation and erosion of South Africa’s biodiversity in the National Biodiversity Framework, 2019-2024 (**NBF**) published under NEMBA. One of the deliverables in the NBF is also to “complete, approve, publish, and implement” a national guideline on biodiversity offsetting “to guide the consistent implementation of biodiversity offsets in the country.”

Biodiversity offsetting, if done correctly, can advance the environmental right in the Constitution of the Republic of South Africa, 1996 (**Constitution**). Section 24 of the Constitution provides that everyone has the right to, amongst other things, have the environment protected for the benefit of present and future generations through reasonable legislative and other measures that, amongst other things, promote conservation and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development. Biodiversity offsetting is one of the ways in which South Africa’s protected and conservation areas can be expanded, thereby promoting conservation. It may well also help to secure ecologically sustainable development as it mitigates the adverse impact of economic and social development on biodiversity, which, in turn, underpins such development.

In short, biodiversity offsetting has the potential to encourage more rigorous consideration of feasible development alternatives which avoid and minimise negative impacts on biodiversity, to help remedy and counterbalance the degradation and loss of biodiversity through increased protection and appropriate management, and to help South Africa to meet its international biodiversity and protected area targets. Biodiversity offsetting can therefore play a role in ensuring that biodiversity and ecological infrastructure can continue to provide the ecosystem services on which people depend for their livelihoods and contribute to the achievement of the environmental right in section 24 of the Constitution.

Biodiversity offsetting is a relatively novel practice in South Africa. Unfortunately, it has not always been implemented in an evidence-based and consistent manner. This guideline intends to address the shortcomings of biodiversity offset practice in South Africa.

3. Legislative framework

As already noted, section 24 of the Constitution gives everyone the right to an environment that is not harmful to health or well-being, and to have the environment protected, through reasonable legislative and other measures that, among other things, secure *ecologically* sustainable development and use of natural resources while promoting justifiable economic and social development. NEMA, including the EIA Regulations, is one of the legislative measures that have been taken to advance that right. Biodiversity offsets are an integral part of the environmental management system created under NEMA. One of the national environmental management principles, principles that guide all environmental decision making, is that the disturbance of ecosystems and loss of biodiversity should be avoided, or where it cannot altogether be avoided, is minimised and remedied.⁸ Biodiversity offsetting is one of the best means of remedying such disturbance or loss, but only after the other steps in the mitigation hierarchy (i.e. avoidance, minimisation and rehabilitation) had been considered.

In the environmental management context, biodiversity offsetting consists of actions that are taken to comply with biodiversity offset outcomes required in conditions in EAs, Biodiversity Offset Implementation Agreements and environmental management programmes (EMPrs). The environmental management system provided for by NEMA and the EIA Regulations provide for a CA to grant EAs subject to conditions.⁹ In appropriate circumstances (please see Chapter 6), a CA may grant an EA subject to the condition that a measurable biodiversity offset is implemented by the EA holder.

As already noted, this guideline is an implementation guideline contemplated in section 24J of NEMA. It must, in accordance with section 24O of NEMA and regulation 18 of the EIA Regulations, be taken into account by a CA when considering an application for an EA. It is therefore not absolutely binding and can be deviated from when justifiable under the circumstances.

Given that this is a guideline contemplated in section 24J of NEMA, it is not applicable to regulatory processes other than environmental authorisation applications in terms of NEMA, which could culminate in decisions to issue approvals subject to biodiversity offset conditions. However, parts of this guideline could be helpful to regulatory authorities charged with the administration of those other regulatory frameworks. When this guideline is used in the context of other regulatory processes, stakeholders, and decision-makers in particular, should take into consideration the differences between the EIA Regulations and the law governing those other regulatory processes. Examples of such other laws include the National Water Act, 1998 (Act No. 36 of 1998), the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (**SPLUMA**), the National Forests Act, 1998 (Act No. 84 of 1998) and sections 30A and 24G of NEMA.

⁸ Section 2(4)(a)(i) of NEMA.

⁹ See Regulation 26(d) and (i) of the EIA Regulations.

4. Outcome statement and principles

The outcome statements and principles in this chapter serve as the general framework within which it must be determined if a biodiversity offset is required and within which biodiversity offsets must be designed and implemented. The outcome statement and principles should also guide decision-making pertaining to biodiversity offsets and, as relevant, the setting of conditions regarding biodiversity offsets.

4.1 Desired outcomes of biodiversity offsets

The desired outcome of biodiversity offsets is to ensure the following:

1. That biodiversity is secured in the long term through the protection and appropriate management of ecosystems and species.
2. That efforts to protect biodiversity in the long term contribute to the expansion of South Africa's protected area network,¹⁰ and are focussed in areas identified as biodiversity priorities, with particular emphasis on the consolidation of protected areas and biodiversity priority areas and securing effective ecological links between priority areas.
3. That ecological infrastructure and the services and benefits it provides are maintained and where necessary restored to an acceptable level.
4. That the cumulative impact of the authorised activity, or activities, and land and resource use change does not –
 - result in the loss of irreplaceable biodiversity or jeopardise the ability to meet biodiversity targets;
 - lead to any ecosystem with a threat status of Vulnerable or Least Concern becoming Endangered, or any Endangered ecosystem becoming Critically Endangered;
 - cause an irreversible decline in the conservation status of species and the presence of special habitats; or
 - cause a significant loss in ecosystem services.¹¹

¹⁰ As planned for in the National Protected Areas Expansion Strategy, provincial protected area expansion strategies and, where available, local protected area expansion strategies.

¹¹ Sometimes the loss of ecosystem services can be compensated for through artificial provision of a replacement service. However, this guideline does not deal with that type of compensation. It only deals with required mitigation (focussing on biodiversity offsets) for impacts on biodiversity, i.e., the *natural* ecosystem components that provide the ecosystem service.

4.2 Principles for biodiversity offsetting

The following principles must be considered by a CA when taking decisions in relation to biodiversity offsets, and by environmental assessment practitioners and specialists when preparing basic assessment or environmental impact assessment reports, specialist reports and Biodiversity Offset Reports (See Chapters 5 and 7).

- ***Offsets are the final option in the mitigation hierarchy*** - Biodiversity offsets must only be considered once all the foregoing steps in the mitigation hierarchy have been considered to their full and feasible extent. The mitigation hierarchy dictates that the degradation and loss of biodiversity must be avoided, or where impacts cannot altogether be avoided, they should be minimised, and the area adversely impacted by relevant activity should be rehabilitated. When, after taking the aforementioned mitigation measures, there are likely to be residual negative impacts on biodiversity of medium to high significance, they must be offset.
- ***Ecological equivalence (like-for-like) is the preferred offset type*** – Only when offsets remain the only mechanism to manage residual negative impacts and in order to counterbalance a residual impact, biodiversity offsets should comprise - or benefit - the same or similar biodiversity components as those components that would be negatively affected by the development. ***Trading-up offset types***, or biodiversity offsets which secure priority areas of greater importance or priority to biodiversity conservation than the area being impacted, may however be considered under certain circumstances in order to contribute to conservation objectives.

Residual impacts on irreplaceable biodiversity cannot be offset – Where there are no options left in the landscape to counterbalance a residual impact in accordance with the ecological equivalence (like-for-like) principle (see above), that residual impact cannot be offset. That is, there would be a residual impact on irreplaceable biodiversity, which would prevent national biodiversity targets from being met. In these cases, development would be a fatal flaw and the impacts should be avoided.¹²

- ***Additionality*** - Biodiversity offset interventions must be additional to, or over and above, biodiversity conservation measures that are already required by law, or that would have occurred had the biodiversity offset not taken place.
- ***The significance of residual impacts on biodiversity must be considered in decision making involving biodiversity offsetting*** – When considering the significance of the residual impact to be counterbalanced by an offset intervention, including the nature of the impacted biodiversity (e.g.

¹² Please also see the textbox below, the definition for “biodiversity offset” in the definitions section of this guideline as well as footnote 1 above. Please also consult DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa.

whether it is part of a priority area), its threat status and protection level, ecological condition, and the size of the impacted area must be considered at the very least.

- ***Biodiversity offsets should embody the ecosystems approach and promote connectivity in the wider landscape*** - Biodiversity offsets should ideally involve the integrated management of land, water and living resources in a way that promotes ecological functionality and persistence. Biodiversity offsetting should therefore take a landscape-scale, rather than a site-specific view, to enable consideration of cumulative impacts, to promote connectivity between biodiversity priority areas.

Integrated landscape scale interventions

Integrated landscape-scale interventions are more likely to yield far greater, and more sustained, conservation benefits at less cost and reduced administrative burden than a number of small-scale, isolated interventions. A 'patchwork' of small-scale, isolated offset interventions poses a number of challenges including, among others: the high risk of failure if upstream or bordering degradation is not addressed in some way; increased demands on ecological management, enforcement and compliance monitoring capacity; the potentially limited environmental value of small, unconnected pockets of natural features; and reduced opportunities for maximising the benefits that could be accrued by integrated, landscape-scale interventions.

- ***Biodiversity offsets must result in long-term protection and management of priority biodiversity*** - Biodiversity offsets should contribute to the long-term security of biodiversity priority areas and maintain or improve their ecological condition, thereby resulting in tangible and measurable positive outcomes for biodiversity conservation 'on the ground'. Biodiversity that is in good ecological condition promotes human well-being in the long term.

Timespan of a biodiversity offset

An offset can only contribute to the principal objective of slowing the loss and progressively reversing the degradation of biodiversity if it continues to counterbalance the residual negative impacts of the development to which it applies for as long as those residual impacts persist. For practical purposes, the counterbalancing outcomes of an offset intervention should ideally endure in perpetuity. The timespan of a biodiversity offset should not be confused with the duration of the responsibility of the EA holder to implement the biodiversity offset.

- ***Biodiversity offset design must be evidence-based and transparent*** - The measure of the size and significance of the residual impacts on biodiversity caused by a proposed activity, as well as the design and implementation of biodiversity offsets, should be based on the best available biodiversity information and sound science, and should incorporate local, traditional and conventional knowledge and values as appropriate. Offsets must consider all significant residual impacts on biodiversity including direct, indirect and cumulative impacts. The scope of assessment must include the due consideration of impacts on priority biodiversity areas; impacts on biodiversity pattern (compositional and structural aspects of biodiversity, at the genetic, species or ecosystem level) and ecological processes (the functions and processes that operate to maintain and generate biodiversity); and impacts on ecosystems or species on which there is high dependence for health, livelihoods, safety and well-being. The Biodiversity Offset Report and audits of the offset performance, as well as biodiversity offset registers, must be made publicly available.
- ***Offsets must follow a risk averse and cautious approach*** - A biodiversity offset must be designed in a risk-averse and cautious way to take into account uncertainties about the measure of the extent and significance of the residual impacts (including uncertainties about the effectiveness of planned measures to avoid, minimize and rehabilitate impacts), and the uncertainties relating to the successful outcome and/ or timing of the biodiversity offset intervention.
- ***Offsets must be fair and equitable*** - The determination of residual impacts, and the design and implementation of biodiversity offsets to counterbalance these impacts, must be undertaken in an open and transparent manner, providing for stakeholder engagement, respecting recognised rights, and seeking positive outcomes for affected parties. Biodiversity offsets should not displace negative impacts on biodiversity to other areas or cause significant negative effects that in turn would need to be remedied.
- ***Offset intervention timing*** - Implementation of a biodiversity offset should preferably take place before the impacts of the activity occur, or as soon thereafter as reasonable and feasible.

Biodiversity offset options

For practical purposes, at the very least, biodiversity offset options must be fully described in the Biodiversity Offset Report submitted as part of a basic assessment or environmental impact assessment report to inform a biodiversity offset condition in an EA. This information should be formulated in a way that facilitates and enables the efficient and effective monitoring and enforcement of compliance with the implementation of the approved offset intervention, its timing and required outcome.

- **Biodiversity offsets must be measurable, auditable and enforceable** - The required outcomes of a biodiversity offset must be practically measurable on the ground. Once the development is underway, residual impacts should be monitored and measured to ensure that the counterbalancing offset remains adequate. The offset's counterbalancing adequacy must, in turn, be monitored and audited in terms of clear and measurable management, performance and desired outcome targets, and provision must be made for corrective or adaptive actions where needed to ensure that targets are achieved.

5. Biodiversity offsets in the environmental authorisation application process

As already mentioned, this guideline is intimately linked with the environmental management system provided for in NEMA and the EIA Regulations. In this Chapter, the various steps of the biodiversity offsetting process are placed in the context of the EA application process provided for in NEMA and the EIA Regulations. The roles of the various role-players in both the EA application process in the context of biodiversity offsets are also explained.

For the purposes of this guideline, "EIA" must be taken to mean both "basic assessment" and "scoping and environmental impact assessment" as contemplated in the EIA Regulations.

5.1 An overview of the steps involved in the biodiversity offsetting process

This chapter gives a broad overview of the various steps of the biodiversity offsetting process in the context of the EA application process. More details on those steps are given in chapters 6, 7, 8, 9, 10, 11 and 12 below. *For the purposes of this chapter*, the EA application process is divided up into 4 phases: **the pre-application phase** (before the process for an EA application is commenced); **the EIA phase** (the phase starting from before the submission of the EA application by, amongst others, the generation of a report through the National Environmental Web-based Screening Tool¹³ (and consideration of the most suitable site for the proposed development) and the date on which a basic assessment report (BA Report) or environmental impact assessment report (EIA Report), and a draft EMPr, is submitted by an applicant to the CA; **the decision-making phase** (the process for taking a decision to grant or refuse EA, and to approve or reject an EMPr); and **the post-authorisation phase** (any steps taken after a decision has been made to grant EA and approve an EMPr).

The biodiversity offsetting process, which only applies when a biodiversity offset is required (see Chapter 6) involves the following steps:

- Identifying the need for a biodiversity offset.

¹³ Applicants for EAs must submit reports generated by the National Web-based Environmental Screening Tool, available at <https://screening.environment.gov.za/screeningtool/>, as part of applications for EA. That screening tool often provides an indication of the biodiversity sensitivity of the affected project area.

- Determining the requirements of a biodiversity offset and compilation of a Biodiversity Offset Report.
- Preparing biodiversity offset conditions for an EA.
- Selecting the biodiversity offset site.
- Securing the biodiversity offset site.
- Preparing a Biodiversity Offset Management Plan.
- Concluding a Biodiversity Offset Implementation Agreement.

Generally, it takes much longer to complete all the steps in the biodiversity offsetting process than it does to complete the EA application process. The EIA Regulations provide for strict timeframes: The EIA Regulations provide that a BA Report must be submitted within 90 days of the receipt of an EA application¹⁴ and that an EIA Report must be submitted to the CA no later than 106 days of the acceptance of a scoping report.¹⁵ In contrast, and as illustrated below, the biodiversity offsetting process can take years to complete. In this chapter, the steps in the biodiversity offsetting are **summarised** for the purposes of giving an indication of where in the EA application process, as provided for the EIA Regulations, they could be completed in order for biodiversity offsetting to work in the EIA context. **For more information on each step in the biodiversity offsetting process, please consult chapters 6, 7, 8, 9, 10, 11 and 12 below.**

5.1.1 Identifying the need for a biodiversity offset

Please see **Chapter 6** of this guideline for more information on this step.

In this step, the proponent's EAP, or a relevant specialist or specialists, applies the mitigation hierarchy (please see figure 3 below). If it is found that after all steps are taken to avoid and minimise the impact of an activity, or activities, on biodiversity, and to rehabilitate the affected area, there would still be a significant residual negative impact on biodiversity, an offset is required, provided that offsetting is possible under the circumstances. The need for an offset is most often only identified in the **EIA phase** after a report has been generated through the National Environmental Web-based Screening Tool and a site sensitivity verification report has been prepared, or when the issue has been raised by the applicant's EAP or specialist, the CA,¹⁶ a commenting authority or an interested or affected party.

¹⁴ Regulation 19 of the EIA Regulations.

¹⁵ Regulation 23 of the EIA Regulations.

¹⁶ A CA can, at any stage during the pre-application and EIA phases, advise a proponent, or applicant, of the likelihood or not that an environmental authorisation would be granted (based on the biodiversity sensitivity of the relevant area), or of a biodiversity offset being required in terms of Regulation 8(b) of the EIA Regulations. That regulation provides that a CA must advise the proponent or applicant of any matter that may prejudice the success of an application. The likelihood of a biodiversity offset being required is a factor that may well prejudice the success of an application.

The EAP and a relevant specialist, or specialists, should start preparing a Biodiversity Offset Report (see Chapter 7) as soon as possible after the need for an offset has been identified.

It is important for a proponent, or applicant, or EAP to engage with relevant commenting authorities, including municipalities and, especially, conservation authorities when that proponent, applicant or EAP assesses whether or not a biodiversity offset is likely to be required (please see Chapter 8 below).

As already stated, it is possible that biodiversity offsets could be required as conditions to the granting of authorisations other than EA, such as licences in terms of the National Forests Act, 1998, which imposes restrictions on development in natural forest ecosystems. It is not desirable for an applicant to be required to implement more than one biodiversity offset for a single development. It is therefore recommended that the CA coordinates with the other regulatory authorities to ensure that the applicant is only required to implement one biodiversity offset for a single development.

There is of course nothing that prevents an applicant from instructing a specialist or specialists to do a preliminary assessment of whether a biodiversity offset would likely be required in the pre-application phase. This would allow the applicant to commence the other steps in the biodiversity offsetting process before the EA application is submitted to better ensure that the processes would run smoothly. It is emphasised here however that biodiversity offsets may never be used as a reason why a particular EA application should be approved. Biodiversity offsets are mitigation measures that must be implemented when EA is granted for other, overriding, reasons. A BA Report or EIA Report must always explain how the mitigation hierarchy has been applied to arrive at the conclusion that a biodiversity offset is required or is not required.

Pre-application studies and engagement

Pre-application studies and engagement do not mean that an offset can 'leapfrog' other, preferred forms of mitigation earlier in the mitigation hierarchy. A CA will require evidence of the effort invested to exhaust other mitigation measures and project alternatives, before resorting to biodiversity offsets. Pre-application studies are therefore not guarantees that EA will be granted for an activity, or activities – biodiversity offsets and ecological compensation should never be used as the reason to grant EA.]

5.1.2 Determining the requirements of a biodiversity offset and preparation for a Biodiversity Offset Report

Please see **Chapter 7** of this guideline for more information on this step.

This step involves the preparation by a relevant specialist, or specialists, in close collaboration with the EAP, of a Biodiversity Offset Report, which sets out, amongst other things, the biodiversity outcomes that must be achieved in implementing a biodiversity offset and the candidate biodiversity offset sites where those outcomes can be achieved.

This step can be commenced either in the pre-application phase (see below) or in the EIA phase. The biodiversity offset study **must** however be completed in the EIA phase because the Biodiversity Offset Report must be submitted together with the BA Report or EIA Report to the CA before the legislated timeframes for the EIA phase lapse. The absence of a Biodiversity Offset Report may well result in an EA being refused by a CA, or the decision to grant an EA being set aside on appeal or judicial review.

A draft Biodiversity Offset Report must be subjected to public participation for at least 30 days. The EIA Regulations provide that, if after the public participation process, significant changes were made to, or significant new information has been included in a BA or EIA Report (of which the Biodiversity Offset Report forms part), those reports must be subjected to another 30-day public participation process.

There is nothing that prevents the applicant from instructing a specialist, or specialists, to prepare a Biodiversity Offset Report (if, after a pre-application assessment, it was found that a biodiversity offset would likely be required by the CA) in the pre-application phase to better ensure that the application process runs smoothly. The caution is however repeated here that the Biodiversity Offset Report should not be used as leverage for an EA that should not be granted due to a fatal flaw or other environmental or socio-economic reasons.

As with the previous step, it is crucial for the EAP and the specialist, or specialists to engage with commenting authorities, including municipalities, and especially, conservation authorities during this phase of the biodiversity offsetting process. The EAP or specialist, or specialists, would also need to engage with landowners, holders of rights in land and other stakeholders in the landscape during this phase.

5.1.3 Preparing biodiversity offset conditions for an EA

Chapter 9 gives more information on this step.

This step is applicable when the CA has decided to grant EA for an activity, or activities, subject to the condition that a biodiversity offset is implemented. It involves the CA preparing EA conditions that require that a biodiversity offset is implemented.

At the very least, a biodiversity offset condition in an EA must specify the biodiversity outcomes that must be achieved in implementing a biodiversity offset and that the EA holder must be required to enter into a Biodiversity Offset Implementation Agreement with a third party (please see chapter 5.1.7 below). It must also require the holder of the EA to select a biodiversity offset site, secure that site and prepare a Biodiversity Offset Management Plan for that site.

5.1.4 Selecting a biodiversity offset site

Please see **Chapter 7.5** for more information on this step.

This step involves the selection of a biodiversity offset site that meets the biodiversity offset requirements specified in a Biodiversity Offset Report and/or the conditions of an EA. Preferably, the biodiversity offset site should be selected from a portfolio of candidate biodiversity offset sites given in a Biodiversity Offset Report. Given that the selection of a biodiversity offset site can take years, it is likely that the biodiversity offset site would only be selected in the post-authorisation phase, i.e. after the CA has granted the applicant an EA subject to the condition that a biodiversity offset that meets specific requirements is implemented.

However, in some circumstances, a biodiversity offset site can be selected before the decision-making phase. In such a case, if the CA is satisfied that the selected site is appropriate, the CA can issue an EA subject to the condition that a biodiversity offset that meets the specified requirements is implemented on that specific site.

5.1.5 Securing the biodiversity offset site

More information is given on this step in **Chapter 7.6.1**.

During this step, the EA holder takes the necessary steps to secure the biodiversity offset site in perpetuity. Ideally, the biodiversity offset site should be secured by the declaration of the site as a protected area in terms of the National Environmental Management: Protected Areas Act, 2003, or by the registration of a conservation servitude in respect of such land if the declaration of a protected area is not possible or appropriate under the circumstances. This step should always be taken in the post-authorisation phase.

5.1.6 Preparing the Biodiversity Offset Management Plan

More information on this step is given in **Chapter 7.6.1**.

In this step, the EA holder's specialist, or specialists, prepares a Biodiversity Offset Management Plan for the biodiversity offset site. A Biodiversity Offset Management Plan sets out the specific measures that must be undertaken to achieve the required biodiversity outcomes on the biodiversity offset site. Since biodiversity offset sites are typically only selected in the post-authorisation phase, it is likely that the Biodiversity Offset Management Plan is prepared in the post-authorisation phase. How soon in the post-authorisation phase the Biodiversity Offset Management Plan is developed depends on whether the biodiversity offset site was identified in the EA or whether a site still needs to be found. If the biodiversity offset site was identified in the EA, a specialist, on behalf of the EA holder, can commence with the preparation of the Biodiversity Offset Management Plan as soon as the EA is granted.

5.1.7 Concluding a Biodiversity Offset Implementation Agreement

More information on this step is given in **Chapter 11** below.

This step is typically only taken after the biodiversity offset site has been selected and secured. As stated above, the applicant would typically be required in terms of an EA to enter into a Biodiversity Offset Implementation Agreement with an implementing party. In terms of such an agreement, the implementing party should agree to implement the Biodiversity Offset Management Plan and the EA holder should agree to make the funds available for such implementation.

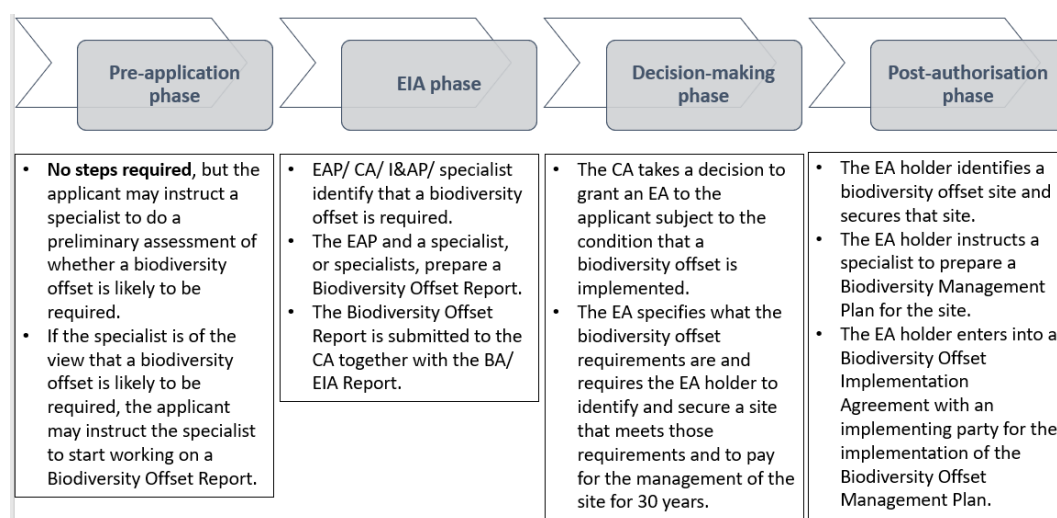


Figure 1 Overview of the steps involved in the biodiversity offsetting process in the EIA context

5.2 The roles and responsibilities of the different role-players in the biodiversity offsetting process

- **The proponent/ applicant** must appoint an EAP to carry out an EIA process on their behalf. When biodiversity offsets are likely to be required, the applicant should also appoint appropriately qualified specialists to compile relevant documentation for review by the CA, including but not limited to biodiversity specialist reports, Biodiversity Offset Reports, Biodiversity Offset Management Plans and Biodiversity Offset Implementation Agreements. All costs related to the investigation of biodiversity offsets would be to the applicant's account. If environmental authorisation is granted, the implementation of the biodiversity offset condition in the EA will be to the **EA holder's** account. These costs include the costs related to the design of the biodiversity offset (such as engaging landowners, preparing a Biodiversity Offset Management Plan and concluding necessary contracts), requesting the declaration of a protected area in respect of the biodiversity offset site, the management of the biodiversity offset site as well as the costs of auditing implementation against the Biodiversity Offset Management Plan.
- **The environmental assessment practitioner (EAP)** is responsible for coordinating the EIA process, drawing up Terms of Reference for specialists, and synthesising specialists' inputs. The EAP must ensure that the mitigation hierarchy has been adhered to (with due consideration of reasonable and feasible alternatives) and, where residual negative impacts on biodiversity are likely to be

significant, may need to appoint biodiversity specialists (and other specialists, as appropriate) to investigate and evaluate potential biodiversity offsets. The EAP must also ensure that all relevant I&APs, including conservation authorities and other organs of state as well as the owners of land in which candidate biodiversity offset sites (see Chapter 7 below) are situated, have been adequately engaged about a proposed biodiversity offset and that offset-related issues and comments are accurately captured in the EIA documentation. Where offsets are required for terrestrial ecosystems as well as wetland ecosystems and/ or forest ecosystems, the specialist or specialists and the EAP should strive to integrate these different requirements in the Biodiversity Offset Report, and select candidate offset areas which would meet all offset requirements, where at all possible. Since the EAP takes his or her instructions from the applicant, the applicant bears ultimate responsibility for what the EAP does.

- **Specialists** will give site- and context-specific information, assess potential impacts of activities on biodiversity and ecological infrastructure and evaluate their significance, recommend lower-impact project alternatives where feasible, provide an estimate of residual negative biodiversity impacts, propose appropriate biodiversity offset metrics and components, and, where appropriate, investigate and advise on securing, protecting, rehabilitating and managing biodiversity offset sites. Specialists must have appropriate skills and experience and must generally be registered with the South African Council for Natural Scientific Professions. As part of the process of preparing Biodiversity Offset Reports, specialists engage the owners of land that could be selected as candidate biodiversity offset sites or biodiversity offset sites.
- **National and provincial conservation authorities** play a lead role in advising the CA¹⁷ on proposed biodiversity offsets. Biodiversity specialists and EAPs must involve these authorities in EIA processes when the activities involved could have significant residual negative impacts on biodiversity or protected areas and engage staff with regard to finding optimum biodiversity offsets that align with national and provincial protected area expansion strategies. The management authorities for protected areas that would be expanded by the inclusion of a biodiversity offset site should report on those biodiversity offsets as part of their statutory reporting responsibilities.¹⁸
- **The competent authority** is responsible for evaluating, and taking decisions on, EA applications. As part of that role, the CA reviews, amongst other documents, BA reports, scoping reports and EIA reports submitted to them as part of EA applications. CAs may advise or instruct the proponent or applicant of the nature and extent of the processes that may or must be followed in an EA application process, or decision-support tools that must be used in order to comply with NEMA and the EIA Regulations. CAs should also advise the proponent or applicant of any matter that may prejudice the success of an application, such as unacceptable loss of biodiversity. In the context

¹⁷ In some instances, organs of state other than conservation authorities may also need to advise on appropriate offset measures, in particular the Department of Water and Sanitation.

¹⁸ See generally the National Environmental Management: Protected Areas Act, 2003.

of biodiversity offsets, a CA must advise an applicant or its EAP when it is of the view that a biodiversity offset will be required, and that this guideline must be considered. The CA is also responsible for seeing that the mitigation hierarchy has been properly applied and formulating the biodiversity offset condition(s) in an EA.

- **Local authorities** are primarily responsible for taking decisions on how land in their respective municipal areas is used. Municipalities are therefore required to be consulted during the EIA phase to ensure that biodiversity offset areas may be used for conservation purposes. Some municipalities also have their own biodiversity targets and therefore need to be consulted on the identification of a biodiversity offset site. Municipalities are also authorised to require biodiversity offsets in terms of SPLUMA and applicable municipal by-laws (see the bullet point below).
- **Organs of state responsible for processing applications for other applicable regulatory approvals** should also be consulted during the biodiversity offsetting process. Other regulatory approvals, other than an EA in terms of NEMA, may well be required for the same development, such as licences in terms of the National Water Act, 1998, licences in terms of the National Forests Act, 1998, development rights in terms of SPLUMA (and applicable municipal by-laws) and requests for the de-proclamation, or withdrawal of the declaration, of protected areas in terms of provincial legislation or NEMPAA. As alluded to in Chapter 1, biodiversity offsets could also be required as conditions to those regulatory approvals. It is therefore important for the CA and applicant to liaise with those organs of state to ensure that only one biodiversity offset is required, to avoid duplication.
- **Organs of state whose functions could be affected by a proposed biodiversity offset:** A proposed biodiversity offset could have implications for the performance of certain functions by organs of state, such as land reform functions exercised by the Regional Land Claims Commissioners. Those organs of state should be consulted to resolve potential conflicts.
- **Interested and affected parties:** When conducting the public participation process prescribed in the EIA Regulations, it is important for the applicant or EAP to consult all relevant potentially interested and affected parties about the Biodiversity Offset Report (see Chapter 7), including relevant indigenous and traditional communities and NGOs/ NPOs active in the relevant landscape, to ensure the participation of those stakeholders in the biodiversity offsetting process. It is advisable to start engaging those I&APs as soon in the EIA process as possible.

6. When are biodiversity offsets required?

A biodiversity offset is required when a proposed listed or specified activity, or activities, is/are likely to have **residual negative impacts on biodiversity of medium or high significance**. These negative impacts could affect biodiversity patterns (e.g. threatened ecosystems, species or special habitats), ecological processes (e.g. migration patterns, climate change corridors enabling shifts in species

distributions over time,¹⁹ or wetland function), ecosystem services (e.g. provision of clean water) or a combination of all three.

In this Chapter, the concepts of residual impacts and impact significance are discussed. A flow diagram of the steps that need to be taken to determine if a biodiversity offset is required is given in **Figure 2**.

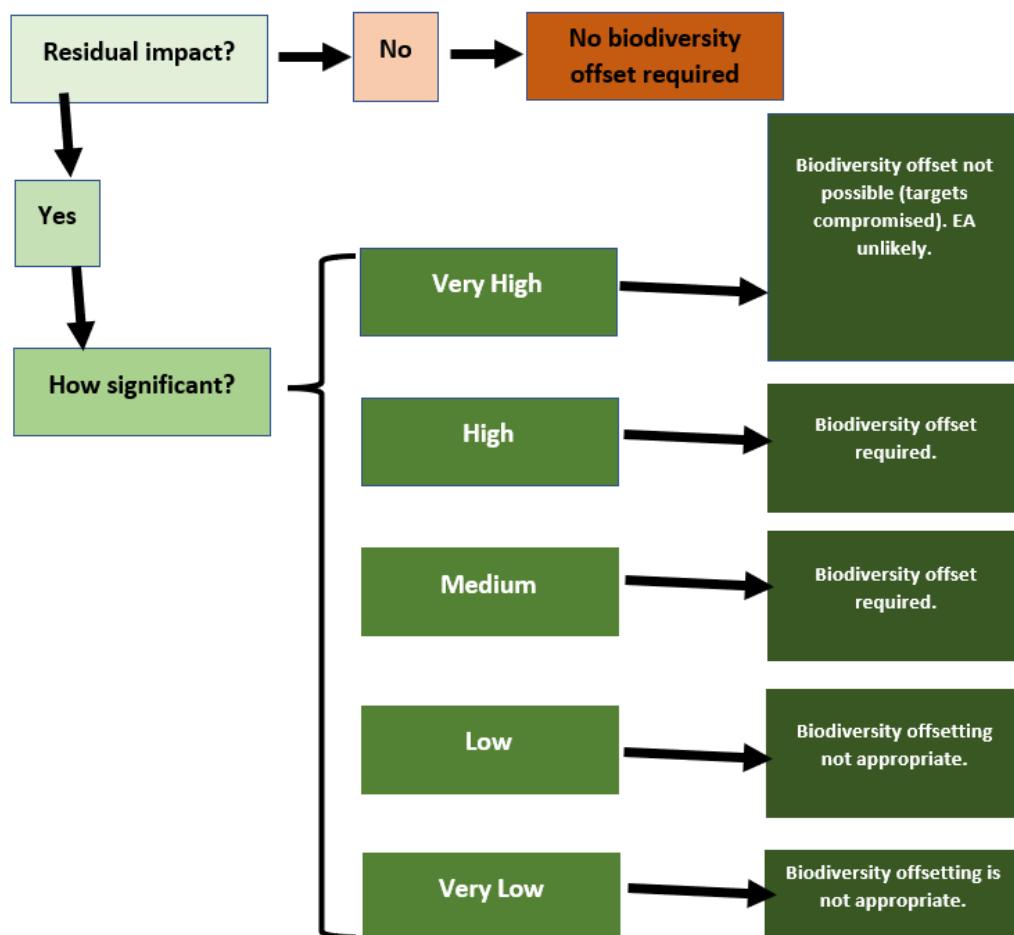


Figure 2 Flow diagram: When is a biodiversity offset required?

6.1 Residual impacts

A residual biodiversity impact is the impact of an activity, or activities, on biodiversity that remains after all efforts have been made to avoid and minimise the impacts of the activity, or activities, and to rehabilitate the affected area to the fullest extent possible.

¹⁹ Climate change modeling projects shifts in climatic envelopes that are likely to affect biodiversity. There is however some uncertainty as to how it might affect biodiversity.

As part of an EIA, an EAP or a specialist is required to predict the possible negative impacts of an activity, or activities, on biodiversity, including direct impacts, indirect impacts (including the potential impacts of an activity on the climate, where climate change could have negative impacts on biodiversity), and cumulative impacts.²⁰ After those impacts have been identified, the EAP or specialist must investigate alternative project locations, designs, technologies, scales and layouts to determine if and how potentially significant negative impacts on biodiversity could be avoided or minimised. The EAP or specialist must also determine if, to what extent, and how successfully, impacted areas could be rehabilitated.

If predictions in the EIA state that all negative impacts on biodiversity cannot be avoided, and/or that impact minimisation and rehabilitation of the affected area cannot, with a high degree of certainty, fully mitigate the impacts of the activity, or activities, on biodiversity, the proposed development would have residual negative biodiversity impacts.

The mitigation hierarchy, as set out in section 2(4)(a)(i) of NEMA, and applicable guidelines, should be followed to determine if there will likely be residual impacts.

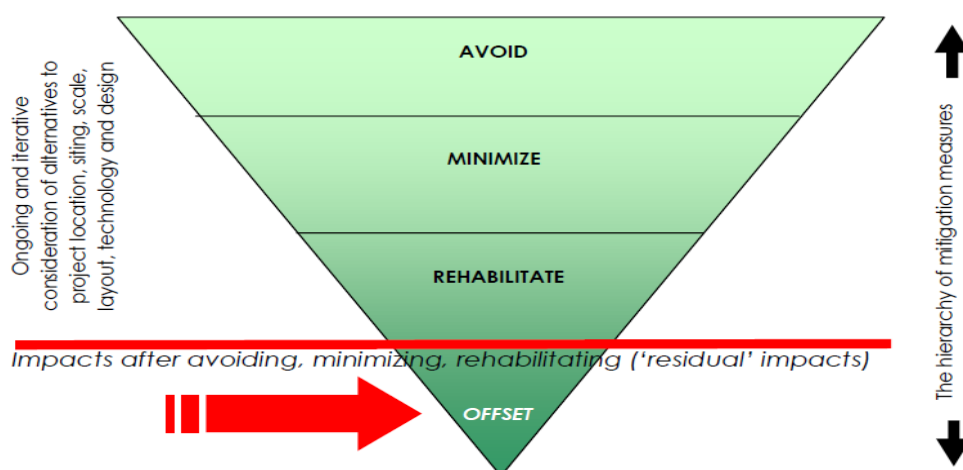


Figure 3 The mitigation hierarchy

6.2 Impact significance

Where residual negative biodiversity impacts are evaluated to be of medium or high significance, a biodiversity offset would be required. Biodiversity offsets are unlikely to be required when the residual negative impacts of a proposed activity, or activities, on biodiversity are evaluated to be of low significance. Biodiversity offsets are not appropriate when an activity, or activities, will have residual impacts on biodiversity of very high significance, including when residual negative impacts will result

²⁰ See Department of Environmental Affairs (2017), *Guideline on Need and Desirability*, Department of Environmental Affairs (DEA), Pretoria, South Africa at p14 for a description of "cumulative impacts."

in loss of irreplaceable biodiversity. As already indicated, those developments are fatally flawed and should be avoided.

‘Significance’ is a combination of the consequence and likelihood of an impact occurring. At least the following factors must be considered as part of the process of assessing the significance of a negative impact on biodiversity:

- **The consequence of an impact is a combination of the intensity, extent and duration of the impact.**
 - **Intensity (severity) of the ecological impact:** the intensity of an ecological impact is given at a defined (usually spatial) scale. It is influenced by such considerations as the condition or quality of the affected resource (i.e. the ecological condition) and the vulnerability of receptors to impacts. The biodiversity features of an area described in Table 1 below are relevant considerations²¹ in intensity ratings. The greater the intensity, the greater the consequence, and the more significant the impact.
 - **Extent:** the scale of expected impacts as a proportion or range of a given biodiversity feature, inversely related to viability of the remaining portion of that feature when the biodiversity feature impacted on is ecosystems, ecosystem extent (available in the look-up table), and specific provincial biodiversity targets, should be considered as part of this factor. The greater the extent, the greater the consequence, and the more significant the impact.
 - **Duration:** how long the impact will last, from short-term to permanent, where permanent is a period of thirty years and above (unless the receiving environment justifies a shorter consideration of permanent). The longer the duration, the greater the consequence, and the more significant the impact.
- **Likelihood of the occurrence of the impact:** The more likely the impact, the greater the certainty of the impact significance. However, it is important to keep in mind that a risk-averse and cautious approach needs to be followed when the likelihood is more remote.

Table 1 The importance of biodiversity and/ or ecological infrastructure²²

The importance of biodiversity and/ or ecological infrastructure
<p>Irreplaceable biodiversity: residual impacts in this category cannot be fully counterbalanced by offsets because of the high threat status or irreplaceability of affected biodiversity or ecosystem services. Impacts in this category would generally be unacceptable (and the development thus fatally flawed) and could lead to –</p> <ul style="list-style-type: none"> • irreversible and irreplaceable loss of ecosystem or species, such as impacts on –

²¹ The biodiversity features identified in Table 1 should be considered alongside the site verification reports, as well as relevant biodiversity specialists’ reports, submitted to the CA in the pre-application and EIA phases.

²² Adapted from Department of Environmental Affairs and Development Planning (DEA&DP) 2015. Western Cape Guideline on Biodiversity Offsets. Prepared by Susie Brownlie and Mark Botha for DEA&DP, Cape Town.

<ul style="list-style-type: none"> ○ Critical Biodiversity Areas: Irreplaceable (CBA 1), especially where the feature(s) driving the designation as a CBA 1 is significantly negatively affected or will be compromised beyond its Biodiversity Target;²³ ○ protected areas, and more particularly, the natural or near natural parts²⁴ of protected areas; ○ Critically Endangered ecosystems outside of CBAs; ○ confirmed habitats of Critically Endangered species, where those areas have not been included in CBA 1s; or ○ Ramsar sites, where the impacts negatively affect the site's ecological character; ○ range-restricted species which have been identified in South Africa's Red List as Rare or Extremely Rare; or ○ areas evaluated to Very High Site Ecological Importance; or ● irreplaceable loss of key ecological corridors recognised as important for evolutionary processes and climate change adaptation where no spatial options to safeguard these processes exist; ● irreversible or irreplaceable loss of highly valued ecological infrastructure at national or provincial scale and/or where there is a high level of dependence on the associated ecosystem services by local communities for livelihoods and health, and no feasible substitutes; or ● a high probability or risk of extinction of a plant or animal species.
<p>Biodiversity of major potential concern: residual impacts in this category could lead to –</p> <ul style="list-style-type: none"> ● loss of vulnerable or potentially irreplaceable biodiversity in areas of recognised importance, such as – <ul style="list-style-type: none"> ○ Critical Biodiversity Areas: Optimal (CBA 2); ○ Endangered ecosystems outside of CBAs; ○ Natural forests; ○ buffer zones around protected areas and protected area expansion zones identified in protected area management plans; ○ the Coastal Protection Zone; ○ areas seawards of development setback lines, and where development setback lines have been determined, within 1 km of the High Water Mark; or ○ areas evaluated as having High Ecological Site Importance;²⁵ or ● irreversible loss or deterioration of valued ecosystem services at provincial level; or ● irreversible loss of – <ul style="list-style-type: none"> ○ Critically Endangered or Endangered Species; or ○ Range-restricted endemic species which have not been identified in South Africa's Red List as being Rare or Extremely Rare.
<p>Biodiversity of potential concern: Residual impacts in this category could lead to –</p> <ul style="list-style-type: none"> ● irreversible loss of vulnerable biodiversity, such as – <ul style="list-style-type: none"> ○ Ecological Support Areas;

²³ Please take note that CBA 1s in some CBA Maps, such as the Western Cape Biodiversity Spatial Plan (2017), are not necessarily all regarded as irreplaceable. It is recommended that reasons are requested from a relevant conservation authority, such as CapeNature, as to why a particular area is a CBA 1.

²⁴ Development in protected areas, including the modified parts of protected areas (such as accommodation facilities and roads) require the consent of the relevant management authority. Development must also be aligned with the management plan for a specific protected area as well as the reasons for declaration of the relevant protected area.

²⁵ For a general explanation of Site Ecological Importance, please see section 8 of South African National Biodiversity Institute (SANBI). 2020. Species Environmental Assessment Guideline. Guidelines for the implementation of the Terrestrial Fauna and Terrestrial Flora Species Protocols for environmental impact assessments in South Africa. South African National Biodiversity Institute, Pretoria. Version 3.1. 2022.

<ul style="list-style-type: none"> ○ Strategic Water Source Areas; ○ Ecological infrastructure that provides highly significant ecosystem services, which is not within a SWSA and is not identified as an ESA; ○ conservation areas; ○ Vulnerable ecosystems or species; ○ areas that have two or more of the following characteristics: Threatened Ecosystem, confirmed habitat for Threatened Species; or important ecological process area or corridor; ○ areas within 32 meters of a watercourse; ○ areas evaluated as to be of Medium Site Ecological Importance; ○ Priority Focus Areas in the National Protected Areas Expansion Strategy; ○ endemic, but not range-restricted, species; or ● irreversible loss or deterioration of valued ecosystem services at local level.
<p>Biodiversity of Low concern: Residual impacts in this category could lead to irreversible loss of –</p> <ul style="list-style-type: none"> ● Other Natural Areas; ● Not Threatened or Least Concerned ecosystems or species, where those species or ecosystems do not – <ul style="list-style-type: none"> ○ support Protected or Threatened ecosystems or species; ○ constitute important ecological process areas or corridors; ○ provide important ecosystem services; or ● areas evaluated to be of Low Ecological Importance.
<p>Biodiversity of negligible concern: Impacts in this category are on highly modified areas or areas identified as having Very Low Site Ecological Importance.</p>

Sufficient rigour and adherence to specific guidance on assessing biodiversity impacts and evaluating their significance must be demonstrated to the CA, drawing firstly on the applicable biodiversity²⁶ and species²⁷ protocols, used in conjunction with the National Environmental Web-based Screening Tool (Screening Tool).²⁸ The report generated through the Screening Tool and a site sensitivity verification report by the EAP or specialist, could give an early indication of the significance of the possible negative impacts of an activity, or activities, on biodiversity. However, the nature of the possible impacts of a development on biodiversity should always be based on the best available information on the receiving area, including reports by relevant specialists.

²⁶ Procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for environmental authorisation, published under Government Notice No. 320 in Government Gazette 43110 of 20 March 2020. These protocols cover terrestrial and freshwater biodiversity, and not marine biodiversity.

²⁷ Procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for environmental authorisation, published under Government Notice No. 1150 in Government Gazette 43855 of 30 October 2020. These protocols cover terrestrial and freshwater species and not marine species.

²⁸ Available at <https://screening.environment.gov.za>. The notice in terms of which the use of the screening tool was made compulsory was published under Government Notice No. 960 in Government Gazette No. 42561 of 5 July 2019.

Where the significance ratings for biodiversity impacts are contentious or contested, leading to uncertainty about the need for a biodiversity offset, the CA could call for independent peer review of a biodiversity specialist study and/ or biodiversity offset report.²⁹

7. Determining biodiversity offset requirements

Once it has been determined that a biodiversity offset is needed, the requirements for that biodiversity offset must be determined. The requirements for a biodiversity offset are set out in a Biodiversity Offset Report, which must be prepared by a relevant specialist, or specialists, and be submitted to a CA together with a BA Report or EIA Report at the end of the EIA phase. In preparing the Biodiversity Offset Report, the specialist, or specialists, must take the following steps:

1. Assess the significance of the residual negative biodiversity impacts.
2. Determine the right size of the biodiversity offset.
3. Take into consideration unique or special biodiversity features.
4. Selecting and securing candidate biodiversity offset sites.
5. Selecting the biodiversity offset site.
6. Planning for biodiversity offset implementation.
7. Preparing the Biodiversity Offset Report.

In this Chapter, guidance is given regarding each of the steps outlined above.

7.1 Assess significance of the residual negative biodiversity impacts

The significant residual negative impact on biodiversity is assessed with reference to the factors listed and explained in Chapters 6.1 (residual impacts) and 6.2 (impact significance) above. The more significant the impact, the more significant the biodiversity outcomes that must be achieved to counterbalance the impact. The guidance in this chapter focusses on how to express the outcomes that must be achieved in the context of residual negative impacts on ecosystems (both terrestrial and freshwater). However, biodiversity offsets may well be required for significant residual negative impacts on biodiversity features other than ecosystems (e.g. threatened species). In those cases,

²⁹ Section 24I of NEMA provides that the Minister or MEC may appoint an external specialist reviewer, and may recover costs from the applicant, in instances where - (a) the technical knowledge required to review any aspect of an assessment is not readily available within the competent authority; (b) a high level of objectivity is required which is not apparent in the documents submitted, in order to ascertain whether the information contained in such documents is adequate for decision making or whether it requires amendment. A CA may of course also just request the additional information from the applicant or EAP.

relevant specialist advice is required, over and above the guidance given for ecosystems in this guideline. That advice must at least include the metrics for loss and gain in populations of species.

7.2 Determining the right size of the biodiversity offset

This guideline gives a standard, area-based approach to calculating the size requirements for biodiversity offsets when the significant residual negative impact is on ecosystems (terrestrial, including coastal, and freshwater, but excluding offshore marine and estuarine). However, residual negative impacts on biodiversity cannot always be easily specified in terms of area. Residual negative impacts on species of conservation concern,³⁰ ecological processes or ecosystem services, are examples of such instances. In those cases, the size of the biodiversity offset must be determined based on the advice of an appropriate specialist, or specialists. In some cases, the biodiversity offset site(s) targeted to remedy residual impacts on ecosystems may also accommodate offset activities that address the particular needs of impacted species. In other instances, additional offset site(s) and activities may be required to counterbalance residual impacts on ecosystems, species of conservation concern and/ or key ecosystem services.

7.2.1 Standard approach to determining the required size of a biodiversity offset

The starting point for determining the size of a biodiversity offset is calculating an applicable ecosystem-based biodiversity offset ratio. A biodiversity offset ratio provides the area-based size of a biodiversity offset relative to the area of the residual negative biodiversity impact.

Given that the focus of this chapter is on ecosystems, the standard approach for determining ratios is based on Ecosystem Extent, Ecosystem Protection Level (**EPL**) and Ecosystem Threat Status. It is also recommended that it is taken into consideration which type of biodiversity priority area the relevant area is classified as. This is to ensure that biodiversity priorities can still be met in areas that are CBA2s but were not selected because of ecosystem threat level.

(1) *Determining the basic offset ratio*

The standard approach to determining a basic biodiversity offset ratio is based on biodiversity targets. Those targets are, in turn, based on Ecosystem Extent, Ecosystem Protection Level and Ecosystem Threat Status of the various ecosystem types identified in the ecosystem assessment conducted as part of the determination of ecosystems that are threatened and in need of protection in terms of the National Environmental Management: Biodiversity Act, 2004.³¹ The proposed applicable ratios are listed in the look-up table, which is attached, marked **Annexure A**. The look-up table also sets out the

³⁰ For the purposes of this guideline, the term “species of conservation concern” includes protected tree species identified in terms of the NFA.

³¹ At the date of publication of this guideline, the latest such list was the one published under Government Notice No. 2747 in *Government Gazette* No. 47526 of 18 November 2022.

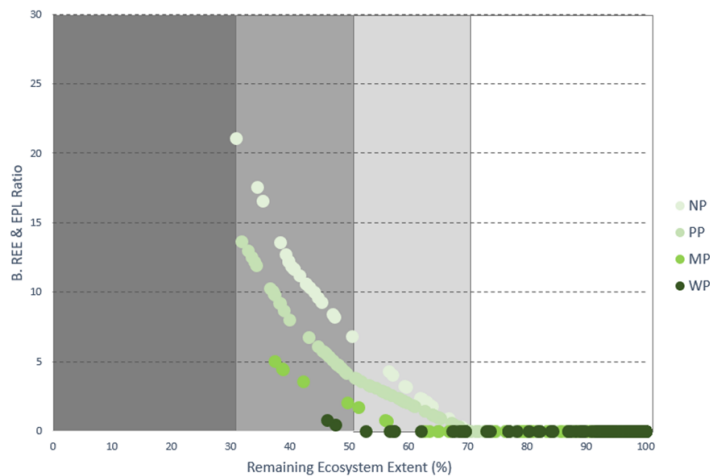
rationale for the standard approach in greater detail and will be reviewed periodically and updated, if and when necessary.

The standard approach is shortly as follows:

1. If the Ecosystem Extent is less than or equal to 30%, the precautionary principle demands that a 30:1 ratio must be applied.
2. If the Ecosystem Extent is between 30 and 70%, the ratios provided for in the look-up table, which takes into consideration Ecosystem Extent and EPL, should be applied. The ratios in that range of Ecosystem Extent vary between 1:22 to 1:1 depending on the extent of the ecosystem remaining and how much of the relevant ecosystem type is protected. In the table below, ratios were assigned to 6 different "bands" based on remaining ecosystem extent and ecosystem protection level:

Remaining Ecosystem Extent (%)			Not Protected		Poorly Protected		Moderately Protected		Well protected	
Bands	Low	High	Low	High	Low	High	Low	High	Low	High
1	0	30	TPC Ratio Applied							
2A	30	40	12.0	22.0	8.0	15.0	4.0	8.0	2.0	4.0
2B	40	50	7.0	12.0	4.0	8.0	2.0	4.0	0.0	2.0
3A	50	60	3.0	7.0	2.0	4.0	0.0	2.0	0.0	0.0
3B	60	70	0.0	3.0	0.0	2.0	0.0	0.0	0.0	0.0
4	70	100	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

The starting ratios based on Ecosystem Extent and EPL are represented in the graph below



In the graph above, NP: Not Protected; PP: Poorly Protected; MP: Moderately Protected; and WP: Well Protected. REE: Remaining Ecosystem Extent; EPL: Ecosystem Protection Level.

3. Take into consideration the ecosystem threat status: it is recommended that the following ratios are applied for the different ecosystem threat statuses:

- Critically Endangered: 30:1.
- Endangered: 10:1.
- Vulnerable: 5:1.

Ecosystems are not only threatened by a reduction in range. They are also threatened for other reasons. Please see the textbox on the latest ecosystem threat status assessment below.

The latest ecosystem threat status assessment

The most recent **Ecosystem Threat Status** assessment was done in 2021. Like the assessment that was done as part of the NBA 2018, it is based on five criteria, namely the reduction in geographic distribution, restricted geographic distribution, environmental degradation, disruption of biotic processes and interactions, and a quantitative analysis that estimates the probability of ecosystem collapse. The approach for calculating the basic offset ratio is primarily based on the first of those criteria. The other criteria, however, also need to be considered when calculating the basic offset ratio. The fact that an ecosystem has restricted geographic distribution, or is generally in a poor ecological condition, for example, may well mean that the basic biodiversity offset ratio needs to be higher than it would have been in the absence of those factors.

4. Following the precautionary approach, it is recommended that the highest of the two ratios described in 2 and 3 above is selected as the starting ratio.

It should be noted that a biodiversity offset could still be required for an activity, or activities, that are likely to have a significant residual negative impact on an ecosystem of Least Concern with an Ecosystem Extent of greater than 70%. In those cases, the starting ratio would be based on the information before the decision-maker, such as the reasons why the biodiversity offset is required (see Chapter 6 above).

It is emphasised here that the standard approach is not binding, but a guide based on relevant scientific information on ecosystems. Competent authorities must apply their minds to each case, which would involve considering additional factors, such as the size of the historical extent of the ecosystem measured against the extent of the residual negative impact (if a large percentage of the extent of the ecosystem would be impacted on, a higher ratio would be justified) and the cumulative residual negative impact of the activity, or activities, on biodiversity.

Some provincial conservation authorities or CAs have adopted, or may in future adopt, province-specific approaches to determining biodiversity offset ratios, based on province-specific biodiversity targets. Those approaches take precedence over the standard approach provided for in this guideline provided that they are scientifically defensible.

Consideration also needs to be given to how ratios are determined for development in the urban setting. It is likely that there would be good reasons for adjusting biodiversity offset ratios down for activities in the urban setting given the relative scarcity of space and natural areas in those areas. In this regard, consideration should be given to approaches for determining biodiversity offset ratios for development in the urban environment.

‘Like-for-better’ biodiversity offsetting/ ‘trading-up’

Wherever possible, a ‘like-for-like’ biodiversity offset should be required and provided to ensure that residual negative impacts on the affected biodiversity features are appropriately compensated. In exceptional cases, targeting biodiversity of greater conservation concern (for example, ecosystems that have higher threat status than the impacted ecosystem, or areas of higher biodiversity priority as indicated in applicable systematic biodiversity plans), may be justifiable. Where such an approach of ‘trading up’ is being considered, a strong motivation should be provided for this choice (for example, when it can be shown that there are no suitable areas of the same or proxy habitat available). Such motivation should also show the relationship between the biodiversity offset site’s biodiversity and impacted biodiversity.

(2) Determining the adjusted biodiversity offset ratio

To ensure that biodiversity priorities are considered as part of the determination of the size requirement for a biodiversity offset, the relevant CBA Map must also be considered as part of that

process. While any loss in a CBA 1 is generally considered irreplaceable³², if it is found that the negative significant impact on biodiversity will take place in a CBA 2, it is recommended that the basic biodiversity offset ratio should be adjusted by increasing it by a factor of 1.5 up to a maximum of 30:1.

Example of the application of the standard approach

The specialist report suggests that an activity, or activities, would have a significant residual negative impact on biodiversity in a Dry Coast Hinterland Grassland ecosystem, in an area which has been identified as a CBA2 in the relevant spatial biodiversity plan.

1. According to the look-up table, Ecosystem Extent is greater than 30%. A 30:1 ratio is therefore likely not applicable.
2. The starting ratio based on Ecosystem Extent and EPL is 8:1. (Ecosystem Extent is 41,6% and EPL is Not Protected. Band 2B is therefore applicable).
3. The ecosystem type is Vulnerable (because of range reduction and restricted range). The starting ratio based on ecosystem threat status is therefore 5:1.
4. Select the higher of the starting ratios determined in 2 and 3 above. The starting ratio is therefore 8:1.
5. Because the disturbed area is in a CBA2, increase the ratio by a factor of 1.5. The adjusted ratio is therefore 12:1.
6. Take into consideration other factors, such as the size of the historic extent of the ecosystem relative to the extent of the impacted area, the cumulative impact and whether the area is in an urban or rural setting. Adjust the ratio up or down depending on the information before the decision-maker.

7.2.2 Targeted approaches to determining the required size of the biodiversity offset

Biodiversity offsets require that ecosystems are considered, protected and managed within their landscape and functional context (also see the principle that biodiversity offsets should embody the ecosystems approach and promote connectivity in the wider landscape in Chapter 4.2 above). Some ecosystems, namely forests and wetlands, require a slightly different approach to determining the size of offsets from the standard approach described above. For these ecosystems, historical guidance,³³ mitigation practice, and/or specific legal protection, necessitate this different approach. However, it is desirable for there to be alignment between the different approaches to biodiversity offsetting wherever possible. The approaches for natural forests and wetlands are discussed below.

Forest ecosystem types

³² Please take note that CBA 1s in some CBA Maps, such as the Western Cape Biodiversity Spatial Plan (2017), are not necessarily all regarded as irreplaceable. It is recommended that reasons are requested from a relevant conservation authority, such as CapeNature, as to why a particular area is a CBA 1.

³³ See, for example, Department of Agriculture, Forestry and Fisheries *Policy principles and guidelines for control of development affecting natural forests* (2010); and Macfarlane, D., Holness, S.D., von Hase, A., Brownlie, S. & Dini, J., 2014. *Wetland offsets: a best-practice guideline for South Africa*. South African National Biodiversity Institute and the Department of Water Affairs. Pretoria. 69 pages.

Activities which have residual negative impacts on forest ecosystems often require both an EA and a licence in terms of the National Forests Act, 1998 (NFA). The NFA, the primary law for the protection of natural forests in South Africa, provides that natural forests must not be destroyed save in exceptional circumstances.³⁴ This implies that the target for conserving remaining forests is the remaining extent of the forest ecosystem type (i.e. they constitute irreplaceable biodiversity). Where an activity would have the effect of negatively impacting on a natural forest, and the “exceptional circumstances”³⁵ referred to in the NFA are present, ecological compensation³⁶ would be required. This compensation may include, but is not necessarily limited to, removing or reducing the activities or processes that impede or threaten forest regeneration, or that result in ongoing loss of that forest type, or a nearby related type. The strong protection given to natural forests by the National Forests Act, 1998 due to the rarity of the biome and its high ecosystem services, in practice means that any impacts on such forests are regarded as serious, and in the case of endangered forest types, as fatally flawed.

As already stated, an offset may well be required where a listed or specified activity would involve the removal of one or more protected tree species, despite the fact that application of this guideline’s approach for determining when an offset is required suggests that no biodiversity offset is required. In such instances, the biodiversity offset requirements should involve an offset area to maintain or increase viable populations of the same tree species as those impacted or involve reducing or removing other activities or processes that threaten the persistence, recruitment or survival of protected trees, or both.

Wetland ecosystem types

Wetland ecosystems require mitigation for the loss of biodiversity (i.e. wetland ecosystem type and wetland species), and for impacts on wetland (hydrological) functioning. The standard approach described in Chapter 7.1 above also applies to wetlands. However, the negative impacts of an activity, or activities, on wetland functioning need to be addressed through the rehabilitation of degraded wetland systems, careful location of biodiversity offset sites in the wider hydrological landscape, and/or the removal, reversal or curbing of activities or processes threatening their effective functioning. Increasing wetland offset area is often not a suitable substitute for improving wetland functioning as an offset. Please consult *Wetland Offsets: A Best Practice Guideline for South Africa* (2016) for more guidance on wetland offsets. That guideline must be read in conjunction with this guideline.

³⁴ Section 3(3)(a) of the National Forests Act, 1998.

³⁵ It is not possible to list all the circumstances under which development would be justified notwithstanding a fatal flaw. What is exceptional depends on the circumstances of each case. The term “exceptional circumstances” has been interpreted to mean something out of the ordinary, uncommon, rare or unusual (see, for example, *Avnit v First Rand Bank Ltd* (2023/14) [2014] ZASCA 132 (23 September 2014)).

³⁶ See footnote 1.

7.3 Taking into consideration unique or special biodiversity features

Once the adjusted biodiversity offset ratio has been determined, biodiversity features other than Ecosystem Extent, EPL, ETS and biodiversity priority status must be considered to adjust the biodiversity offset requirements, if necessary. Those features include, but is not limited to, the following:

- (a) **The condition of the affected habitat and potential offset site(s):** The ecological condition of the biodiversity offset site should be comparable to, or better than, the ecological condition of the area impacted by the relevant activity, or activities.
- (b) **The presence of any threatened or restricted range species:** The biodiversity offset site(s) must cater for these species.
- (c) **The presence of any special habitats:** The biodiversity offset site should include these habitats (e.g. wetlands, quartzite/ calcrete patches, unique geological or hydrological features).
- (d) **The role of the affected area in the bigger landscape with regard to ecological processes:** If it has been found that the affected area acts, for example, as an important fixed or flexible ecological corridor across a gradient, then the biodiversity offset should provide an effective substitute corridor/ link.
- (e) **The presence of ecological infrastructure in the area:** If there is ecological infrastructure in the area on which local human communities and/ or society as a whole are reliant for ecosystem services, the biodiversity offset should contain or re-establish similar ecological infrastructure to benefit the significantly affected dependants. Where it is not feasible for this ecological infrastructure to be re-established, or secured and managed, through a biodiversity offset, compensation to provide acceptable services to the affected community should be provided. This could include, for example, water provision by the developer to an affected community that has lost access to spring or stream as a result of development.

7.4 Selecting and securing candidate biodiversity offset sites

The Biodiversity Offset Report must include a portfolio of candidate biodiversity offset sites. This is the case even when the biodiversity offset site has already been selected before the Biodiversity Offset Report was completed. In such a case, the process for selecting the proposed biodiversity offset site needs to be clearly specified in the Biodiversity Offset Report, and reasons must be given why that particular site has been selected over other candidate biodiversity offset sites.

The potential for and viability of securing each candidate biodiversity offset site identified in the Biodiversity Offset Report should then be investigated and reported on. It is important to engage with

the relevant conservation authority during the site selection process to ensure that they would consider biodiversity offset sites to be acceptable.

The identification of candidate biodiversity offset sites, assessing the potential of each of candidate biodiversity offsets to be selected as a biodiversity offset site, consulting with a relevant conservation authority and the selection of a biodiversity offset site from a portfolio of candidate biodiversity offset sites are dealt with under chapters 7.4.1, 7.4.2, 7.4.3 and 7.4.4 below.

7.4.1 Selecting candidate biodiversity offset sites

Once the biodiversity offset requirements have been determined, the relevant specialist, or specialists, appointed by the applicant should identify and screen a number of potential biodiversity offset sites, called “candidate biodiversity offset sites” for the purposes of this guideline. Biodiversity offset sites should ideally be located in biodiversity priority areas as determined in spatial biodiversity plans. These include Critical Biodiversity Areas, Ecological Support Areas, Freshwater Ecosystem Priority Areas and focus areas for protected area expansion.

The overriding principle of site selection is that, where possible, and as the highest priority for biodiversity offsetting, biodiversity offsets should be used to protect and maintain the irreplaceable elements of our biodiversity and natural heritage. The following principles must also guide site selection:

- Biodiversity offset sites should be selected for ecological equivalence (the “like-for-like” principle) or, where appropriate, there could be “trading-up” to select an area of relatively high or more urgent conservation priority.
- Selection should be guided as far as possible by existing biodiversity priority areas in the landscape (for example, the CBA and ESA network, Freshwater Ecosystem Priority Areas, and Priority Focus Areas in the National Protected Area Expansion Strategy or provincial, local, protected area expansion strategies) and/or areas identified as strategic from an ecological infrastructure perspective (such as Strategic Water Source Areas).
- Biodiversity offsets should strive to secure the best examples of the features which have been impacted and to improve connectivity in the landscape between protected and priority areas for biodiversity.
- The final selection can be influenced by the reasonable consideration of factors other than the biodiversity value of the different candidate sites, such as: ease of the management of the site by a relevant management authority; and threats to conservation due to conflicting land use rights, claims or land use classification. These other factors should be considered cautiously and in the context of the outcomes and principles of biodiversity offsets given in Chapter 4.

For biodiversity offsets in **terrestrial ecosystems**, rehabilitation of areas in modified condition (i.e. no longer natural or near-natural) is seen as an integral part of the required management of the offset site. For this reason, it is optimal for candidate biodiversity offset sites to be in a good ecological condition (natural or near-natural state), to minimise the additional burden of having to rehabilitate an area.

In exceptional circumstances, where a specialist is considering selecting an area in a modified condition in the terrestrial realm as a candidate biodiversity offset site, the following principles need to be considered:

- The decline in condition of an ecosystem implies the loss of biodiversity pattern (i.e. species composition and ecosystem structure) and ecological functioning. The potential for rehabilitation decreases proportional to the extent of deterioration in condition, with growing effort and costs to achieve a return to a natural state. In areas of highly modified habitat, rehabilitation to an acceptable level is unlikely to be possible; an offset in such areas would not be acceptable.
- In terrestrial ecosystems, confidence in the success of restoration in reinstating biodiversity is generally low and can take an extremely long time. The removal of invasive alien species is a key strategy in rehabilitation and restoration, but in many cases is already a legal requirement (i.e. it would not satisfy the 'additionality' principle of offsetting).
- If rehabilitation or restoration in the terrestrial realm is proposed as a distinct and measurable contribution to a biodiversity offset, robust and evidence-based motivation would be needed, with evidence-based assurance of outcomes for biodiversity, and specific, measurable, time-bound outcomes to determine when success has been achieved.

In **wetland and freshwater ecosystems**, on the other hand, it is more acceptable to select ecosystems in a modified state as candidate biodiversity offset sites. Rehabilitation and restoration are recognised as delivering improvements in ecosystem function, and they are explicitly accounted for in determining offset requirements. That is, selecting areas with good potential for rehabilitation and restoration within recognised freshwater priority areas (FEPAs) or SWSAs may be advantageous. Those areas should be located in the same local or quaternary catchment, unless there are good reasons why they are not.

7.4.2 Assessing the potential for securing candidate biodiversity offset sites

Suitable biodiversity offset sites would need to be secured for biodiversity conservation in the long term. Ideally, sites need to be effectively protected in perpetuity. For this reason, a proponent would either have to own or purchase suitable land or enter into a biodiversity stewardship agreement with owners of land situated in biodiversity offset sites, in perpetuity. There are a host of legal mechanisms available for securing biodiversity offset sites, but the following mechanisms are the most common in practice:

- **The declaration of a protected area in terms of NEMPAA:** This is the preferred mechanism for securing a biodiversity offset site, but it is not always possible or appropriate (see the bullet point below this one). Where possible, such declarations should be made in respect of areas adjacent to existing protected areas to increase the size of those protected areas. A written agreement underlying such a declaration should provide for ecological management in the long term, after the EA holder's responsibility in relation to the relevant development ends. Also note that protected areas can also be declared in terms of legislation other than NEMPAA. For example, forest nature reserves can be declared in terms of the National Forests Act, 1998, and World Heritage Sites can be declared in terms of the World Heritage Convention Act, 1999. However, given that NEMPAA comprehensively deals with the management of protected areas, declarations in terms of that Act are preferable.
- **Conservation servitudes:** It is recommended that conservation servitudes are considered as the mechanism for securing sites when the declaration of a protected area is not possible or where the biodiversity offset site is part of the development site (on-site offset). A conservation servitude is a real right in the property of another that allows the beneficiary, usually a conservation authority or a conservation NPO/ PBO, certain circumscribed entitlements with regard to the conservation of biodiversity on another person's property. Conservation servitudes are binding on successors-of-title and are enforceable against the world at large (not only one person). Conservation servitudes work best when the EA holder is also the owner of the land constituting a biodiversity offset site. However, the EA holder could also negotiate with a landowner for the conservation servitude to be registered in respect of his or her land. Ideally, a conservation servitude should be combined with a Biodiversity Offset Management Plan and penalties for breach and be valid in perpetuity.

Servitudes and positive obligations

Servitudes cannot impose positive obligations on a landowner (only restrictions). If the EA holder is also the owner of the biodiversity offset site, and a conservation servitude has been elected as the measure for securing that area, it is recommended that the deed of servitude incorporates a restriction on the sale of the property. The restriction should specify that the property may not be sold to any person who is not willing to undertake to allow the implementing party to carry out the measures prescribed in a Biodiversity Offset Management Plan on the relevant land.

Purchasing credits from a recognised biodiversity offset bank: A relevant authority may have approved a scheme that proactively delivers biodiversity offsets in biodiversity offset receiving areas and can sell credits. The purchase of specific credits must satisfy offset requirements, i.e. credits must trade in the same ecosystem or species habitat, and be of sufficient quantity. Please note that the different competent authorities may have specific governance frameworks for biodiversity offset banking.

Purchasing credits in a biodiversity offset bank and environmental authorisations

Given the ease with which credits can be bought in a biodiversity offset bank in comparison to identifying, securing and managing a biodiversity offset site, credits in biodiversity offset banks would be in high demand. However, a biodiversity offset bank has limited credits. It is therefore recommended that CAs do not allow the purchasing of biodiversity offset credits when the development that must be offset had been authorised after the illegal commencement of the relevant activity, or activities in terms of section 24G of NEMA. Reserving credits for legal developments may well disincentivise the illegal commencement of activities.

The above mechanisms may require that the applicable land use, town-planning or zoning scheme be amended to ensure that the biodiversity offset site may be/ is used for conservation purposes.

7.4.3 Ensuring that the biodiversity offset options would be acceptable to the relevant conservation authority

As provided in Chapter 8 below, the specialist must engage conservation authorities and other relevant organs of state throughout the biodiversity offsetting process. As a general rule, a proposed biodiversity offset site should not be included as a candidate biodiversity offset site in a Biodiversity Offset Report (see below) unless it is acceptable to the relevant conservation authority. The Biodiversity Offset Report must confirm that the conservation authority has been engaged and supports the candidate biodiversity offset sites.

7.5 Selecting the biodiversity offset site

The selection of a biodiversity offset site is a crucial step in the biodiversity offset process. The content of a Biodiversity Offset Management Plan (see Chapter 7.6.1 below) depends heavily on which site has been selected for the offset and the delineation of that site. In this Chapter, some principles regarding site selection and stakeholder engagement in the process of site selection are given.

Once the general requirements for a biodiversity offset have been set, a specific biodiversity offset site, or sites, must be selected, preferably from the portfolio of candidate biodiversity offset sites identified in the Biodiversity Offset Report. The site selection principles are given in Chapter 7.4.1 above.

Stakeholder engagement is an important component of the final site selection process. The owners and/ or occupiers of, and rights holders in, the land constituting the candidate biodiversity offset sites must be engaged to assess whether or not those owners or occupiers are willing to negotiate the use of their land for conservation purposes. As noted in Chapter 7.4.2, where candidate offset sites abut, or are close to, existing protected areas, discussions with the conservation authorities would be essential regarding future implementation and management arrangements and agreements to include the biodiversity offset site into the relevant protected area. In addition, conservation NPOs or

PBOs, especially those that are active in the relevant landscape, could be engaged on the optimum location and design of a biodiversity offset to receive their suggestions and gauge their support.

Once the biodiversity offset site has been selected, the required biodiversity offset site must be effectively delineated, preferably by maps that are clearly georeferenced since the biodiversity offset site will not necessarily always coincide with cadastral boundaries.

The period between selection and securing biodiversity offset sites

Once a biodiversity offset site has been selected, it may take some time for it to be secured through, for example, the declaration of the area as a protected area in terms of NEMPAA. The area could be lost to development before it can be secured. It is therefore important for the information to be recorded in the National Biodiversity Offset Register (see chapter 11) as soon as possible after it has been selected, and that the National Biodiversity Offset Register is made available to other organs of state responsible for regulating development so that those organs of state could take the biodiversity offset site into account when taking decisions impacting those sites.

7.6 Planning for biodiversity offset implementation

The applicant must consider the potential management arrangements for the biodiversity offset site as well as the financing of the relevant biodiversity offset. The management and financial arrangements must be recorded in a Biodiversity Offset Management Plan. However, if a biodiversity offset site cannot be selected before the decision-making phase, conceptual management and financial planning must be done during the EIA phase for each candidate biodiversity offset site identified in the Biodiversity Offset Report.

Managing the biodiversity offset site, and preparing Biodiversity Offset Management Plans is discussed in section 7.6.1 below. Financing biodiversity offsets is discussed in section 7.6.2 below.

7.6.1 Management of the biodiversity offset site

Planning for the management of a biodiversity offset site involves considering how the biodiversity offset site will be managed and who will be responsible for that management: the implementing party. The management arrangements for a biodiversity offset site should be recorded in a Biodiversity Offset Management Plan. A draft Biodiversity Offset Management Plan should ideally be submitted to the CA at the end of the EIA phase together with the Biodiversity Offset Report. However, when a biodiversity offset site has not been selected before the end of the EIA phase, conceptual management planning should be done for each candidate biodiversity offset site during the EIA phase, based on the ecosystem type and its typical management requirements, to aid the site selection process. That conceptual planning should then be included in the Biodiversity Offset Report.

A Biodiversity Offset Management Plan sets out any required demarcation, rehabilitation, ongoing conservation management activities and biodiversity outcomes required of the offset, as well as monitoring, adaptive or corrective management, auditing and reporting requirements. It furthermore specifies the roles and responsibilities of different parties for these activities and outcomes. Biodiversity Offset Management Plans must, as a minimum, specify -

- the biodiversity offset objectives and measurable biodiversity outcomes, against which performance will be evaluated;
- the management actions and where they must be conducted;
- the timelines for, and frequency of, implementation of actions;
- the roles and responsibilities of the various role-players;
- the monitoring requirements and a monitoring schedule;
- the auditing requirements and auditing schedule;
- a schedule for the periodic review of the Biodiversity Offset Management Plan;
- reporting requirements with regard to the performance of the biodiversity offset; and
- a plan for the management of the biodiversity offset site after the liability period has expired, including a plan for financing such management.

It is strongly recommended that the specialist, or specialists, consult with relevant stakeholders on a draft Biodiversity Offset Management Plan before finalising the plan.

Once a Biodiversity Offset Management Plan has been prepared for the biodiversity offset site, the EA holder would need to enter into a Biodiversity Offset Implementation Agreement (see Chapter 11 below) with the implementing party.

The identification of the implementing party and preparation of a Biodiversity Offset Management Plan should be done with the required legal mechanism used to secure the biodiversity offset site in mind. In cases where the biodiversity offset site will be secured through the declaration of a protected area, the chosen implementing party should meet the requirements of a management authority contemplated in NEMPAA and the Biodiversity Offset Management Plan would need to be aligned with the requirements for management plans in NEMPAA.

NEMPAA provides that a management authority must be appointed by the Minister or an MEC for the management of a protected area.³⁷ In terms of NEMPAA, any suitable person, organisation or organ of state can be appointed as the management authority for special nature reserves, nature reserves

³⁷ Section 38 of NEMPAA.

and protected environments.³⁸ A provincial conservation authority, municipality, non-profit organisation, public benefit organisation or conservation trust could therefore fill the role of implementing party. South African National Parks (SANParks) must however be appointed as the management authority for national parks.³⁹ SANParks would therefore need to be the implementing party in the case of a biodiversity offset resulting in the declaration of a new national park, or the extension of an existing national park.

The requirements for protected area management plans are set out in NEMPAA.⁴⁰ Ideally, the Biodiversity Offset Management Plan should meet those requirements to ensure that the terms of a Biodiversity Offset Management Plan can easily be translated into a protected area management plan, or incorporated into an existing protected area management plan, if an existing protected area will be expanded as part of a biodiversity offset. When a protected area is being expanded as part of a biodiversity offset, the management authority of the existing protected area must be consulted when the Biodiversity Offset Management Plan is being prepared.

When a biodiversity offset site will be secured by the declaration of a protected area, it is important to keep in mind that the EA holder will remain legally bound to deliver the required biodiversity outcomes despite the implementing party's appointment as the management authority of the protected area. It should also be kept in the mind that even though NEMPAA's requirements for protected area management plans, an existing management plan and consultations with a management authority should be taken into consideration when preparing a Biodiversity Offset Management Plan, the Biodiversity Offset Management Plan must always be designed to deliver the biodiversity outcomes required in the conditions to an EA.

Partnerships between conservation NPOs, PBOs, organs of state, community-based organisations and/or developers are effective in helping to secure and manage offsets, integrate conservation with other activities and land uses, and potentially deliver a range of socio-economic benefits to communities in the area of the biodiversity offset site and the wider public. It is also important to plan for the management of the biodiversity offset site after the liability period has expired.

7.6.2 Financing the biodiversity offset

EA holders are responsible for covering all of the costs of a biodiversity offset. These include the costs of securing and protecting a suitable biodiversity offset site, establishing the biodiversity site, rehabilitating it, and managing it effectively for an appropriate period. It is recommended that the liability period is at least 30 years⁴¹ or as long as the duration of the authorised activity, whichever is longer.

³⁸ Sections 38(1)(a) and (2) of the National Environmental Management: Protected Areas Act, 2003.

³⁹ Section 38(1)(aA) of the National Environmental Management: Protected Areas Act, 2003.

⁴⁰ See sections 40 and 41 of NEMPAA.

⁴¹ It is widely accepted that 30 years is the minimum period within which meaningful biodiversity outcomes could be achieved. In scientific literature on biodiversity offsetting, it is most often stated that the "recruitment period" of offsets should be 5-30 years and the "retention period" should be 20-50 years in order for offsets to

Please take note that this guideline does not deal with financial provisioning, as envisaged in NEMA and the Financial Provisioning Regulations, 2015. Financial provisioning relates to financial security for the rehabilitation of areas disturbed by prospecting, mining, exploration and production, and related activities.⁴² This guideline deals with financing biodiversity offsets (not rehabilitation) related to any of the listed or specified activities.

The financial planning for an offset includes estimating the costs of the biodiversity offset, which would typically comprise -

- once-off funds needed up front (e.g. land purchase and/or lease and/ or transfer costs, notary fees, baseline ecological surveys, management plan, legal fees, infrastructure and equipment costs, declaration costs and any specialist advice);
- funds for rehabilitation and/or authorisations linked to these activities; and
- funds for ongoing management (e.g. staffing, transport, firebreaks and controlled burns, invasive alien species control, grazing management, predator or pest management, erosion control, annual monitoring and evaluation, independent audits, replacement of broken infrastructure or equipment, legal compliance, insurance, financial management fees, a contingency amount, etc.).

Where developers enter into agreements with willing landowners to provide a biodiversity offset, payment to these landowners typically has two main components*, namely the amount of money required to finance biodiversity management of the offset site by the owner (covering any rehabilitation costs, specific and relevant management actions in line with a management plan, with monitoring and evaluation, and any specialist inputs), and a negotiable annual 'offset rental' to cover opportunity costs (i.e. change in market value of the site and/or income to the landowner because of the offset), administrative and/or management fees, and a profit and risk margin. These payments are negotiated between the landowner and developer.

* A landowner can sum these two amounts for the area to be made available as an offset and divide by the number of hectares (or habitat units) of particular ecosystem or habitat to arrive at a price per ha (or habitat unit).

The activities set out in the Biodiversity Offset Management Plan should be used to help determine the operational costs of the offset. Costs must be determined using current rates and adjusting for escalation over the liability period at least; i.e. the amount that needs to be invested to account for

yield proper biodiversity outcomes that properly counterbalance the loss of biodiversity. The proposed 30-year period is a good middle ground. Many foreign jurisdictions also require a liability period of 30 years. The 30-year period is moreover also based on the length of a human generation, which is more or less 30 years. By basing the liability period on the span of a human generation, the principle of inter-generational equity, enshrined in the Constitution and NEMA, is promoted.

⁴² At the time of preparing this guideline, the National Environmental Management Laws Amendment Act, 2022 was proclaimed as Act 2 of 2022 but not yet brought into effect. In this Amendment Act the scope of financial provisioning is extended to all listed or specified activities, and not only mining and mining-related activities.

future management requirements. The funds required to implement a biodiversity offset must be subject to an annual financial audit by qualified independent financial auditors.

The funds for the implementation of a biodiversity offset must be provided by the developer, either as a lump sum payment up front and/ or by scheduled regular payments, but there is a clear preference for the payment of a lump sum up front. When the developer is from the private sector, funds are best provided in full and up front as an endowment⁴³ or a 'sinking fund' to cover costs for the period of responsibility for the offset. There are also circumstances when the developer could be required to make a series of regular payments for the management of the biodiversity offset site. This can be considered when, for example, the developer is an organ of state or when the operational period of the activity (and therefore the validity period of the EA) is at least as long as the period for which the developer is liable for implementing the offset.

Offset funds can be received, held and administered by organs of state⁴⁴, or by conservation NPOs/ PBOs or Trusts. Who is best placed to receive and administer the funds required to implement a biodiversity offset is determined by, *inter alia*, who is best placed to facilitate and expedite the relevant actions that must be conducted to implement the biodiversity offset; the regulatory regime and financial controls associated with the different financial vehicles; the type and timing of activities required on the ground; and financial and/ or investment decisions.

- It should be kept in mind that organs of state are bound by legislation on public finance, such as the Public Finance Management Act, 1999. If funds are held by an organ of state, appropriate steps should be taken to ensure that the funds are not absorbed into the National Revenue Fund at the end of a budget cycle.
- The funds required to implement a biodiversity offset could be received, held, invested and disbursed by a trust. The trust deed must determine how the trust will function, the roles and responsibilities of the trustees and the identity of the beneficiaries. The trust could be set up by the developer or could be an independent trust set up by a conservation NPO/ PBO, or a voluntary association of persons with a constitution, or a combination.

There is a clear preference for a biodiversity offset that utilises an already established and dedicated entity such as a trust for the purposes of implementing the biodiversity offset and managing funds received from the project proponent. A trust is a dedicated, independent legal mechanism to cater for public interest objectives. It is better placed to offer perpetual succession and avoid being influenced by partisan (either private or public sector) interests. There are a number of examples of conservation trusts and associated funds in South Africa. The choice of financial instrument will, however, depend on the circumstances of each case.

⁴³ A fund based on the principal capital remaining intact for the duration of the period of responsibility for the offset, enabling it to be invested. The biodiversity offset is financed only through the income generated by the invested capital.

⁴⁴ To hold and administer funds for a biodiversity offset, an organ of state needs to be authorised to do so in terms of relevant legislation.

Tax and rates incentives provided for in relevant legislation should also be kept in mind when calculating the funds required for the implementation of a biodiversity offset. The Income Tax Act, 1962 gives tax incentives to set aside land for conservation, particularly in the case of national parks and nature reserves; a percentage of the value of the conservation land can be deducted from the landowner's taxable income⁴⁵. In terms of the Local Government: Municipal Property Rates Act, 2004 a municipality may not levy municipal property rates in respect of most parts of special nature reserves, national parks and nature reserves. That Act also authorises municipalities to provide for municipal property rate exemptions, reductions or rebates for the owners of land that constitute protected areas or conservation areas in their rates policies.

7.7 Preparing the Biodiversity Offset Report

It is strongly advised that a Biodiversity Offset Report is prepared by a specialist, or specialists, with the appropriate skills and experience, in collaboration with the EAP. A Biodiversity Offset Report is submitted by the EAP, together with the BA/ EIA Report, to the CA at the end of the EIA phase. The Biodiversity Offset Report must, as a minimum, specify the following:

- That the mitigation hierarchy, including due consideration of project alternatives to avoid or minimise impacts, has been appropriately applied before considering biodiversity offsetting. It is worth noting here that the EAP is also required to demonstrate the application of the mitigation hierarchy in the BA Report or EIA Report. The EAP, being in charge of the overall assessment process, is therefore in the best position to make a statement on the mitigation hierarchy. However, it is recommended that the specialist preparing the Biodiversity Offset Report checks the application of the mitigation hierarchy and engages the EAP, particularly where it appears that residual negative impacts on biodiversity necessitating offsets could be eliminated or significantly reduced by adopting siting or design changes. The EAP would then modify the proposed project and activities and revise the measure of residual negative impacts which either still need to be offset, or could remove the need for an offset.
- A justification as to why a biodiversity offset is required under the circumstances, and where relevant, why the "no-go" option is not recommended.
- The degree of risk that residual negative impacts cannot be offset (i.e. residual negative impacts on irreplaceable biodiversity and/or major constraints on finding suitable biodiversity offset sites to meet the offset requirements) and how the risk is to be addressed or mitigated.
- A measure of significant residual negative biodiversity impacts which must be offset.
- The applicable biodiversity offset ratios for impacted ecosystems.

⁴⁵ 'Allowance in respect of land conservation in respect of nature reserves or national parks'. Taxpayers are entitled to deduct the value of land declared as a nature reserve or national park at 4% per annum over 25 years in terms of Section 37D.

- Any other considerations which are relevant to determining the size and characteristics of the biodiversity offset (for example, impacts on species of conservation concern with specific habitat requirements, impacts on ecological corridors and connectivity in the landscape, and impacts on important ecological infrastructure), and how the size of offset is to be adjusted to take these considerations into account.
- An explicit statement on the required size of the biodiversity offset to remedy the residual negative biodiversity impacts, applying the basic offset ratio and adjustments as appropriate.
- The portfolio of candidate biodiversity offset sites, including the likelihood of each site's availability and feasibility.
- A description of the biodiversity offset site, and the reasons for the selection of that site from the portfolio of candidate biodiversity offset sites.
- The required biodiversity outcomes on the biodiversity offset site.
- The management measures that would need to be employed as part of the biodiversity offset for a defined period, for which the applicant would be responsible. It is recommended in this guideline that this period is not less than 30 years, and is longer if the impacting activity, or activities, will last beyond 30 years.
- The comments received from commenting authorities and interested and affected parties on the draft Biodiversity Offset Report as well as responses to those comments.

If available by the end of the EIA phase, a copy of the Biodiversity Offset Management Plan must be appended to the Biodiversity Offset Report.

Where the relevant information is available, a Biodiversity Offset Report should in those instances, also include the following information:

- An estimate of the financial needs related to securing, rehabilitating and managing a suitable biodiversity offset site for an appropriate period, which is recommended in this guideline to be a minimum of 30 years.
- The legal mechanism, or mechanisms, in terms of which the biodiversity offset site would be secured.
- Any comments received from, or the outcomes of discussions with, a relevant conservation authority regarding the candidate biodiversity offset sites, the proposed mechanism for securing those sites and the proposed biodiversity offset outcomes for those sites.

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The specialist, or specialists, preparing the report may well want to include proposed EA conditions. It should however be noted that the CA does not have to use those conditions.

A biodiversity offset report may recommend specific conditions that can be considered by the CA, to give effect to the requirements, commitments, opportunities and limitations encountered during the determination of the offset, location of, and arrangements for security and management of the offset site, or offset sites, to be included in an EA as a biodiversity offset condition (see Chapter 9).

Care should be taken in the Biodiversity Offset Report to avoid including potentially sensitive information such as personal information, as contemplated in the Protection of Personal Information Act, 2013, of landowners and other third parties, or detailed property descriptions where landowners have not yet been engaged by the applicant. The sharing of such sensitive information could lead to rent seeking behaviour,⁴⁶ or other behaviour that could prevent successful biodiversity offset implementation, on the part of landowners.

“Biodiversity Offset Reports” and “Specialist Reports”

Biodiversity Offset Reports are not “specialist reports” as envisaged in the EIA Regulations. However, it is important that they are prepared by specialists with appropriate skills and experience.

8. Engaging with conservation authorities and commenting authorities

Applicants must engage with conservation authorities and other relevant organs of state in confirming offset requirements, locating suitable offset sites and developing offset proposals for consideration. In some instances, conservation authorities or organs of state will be involved in the implementation of biodiversity offsets, and Implementation Agreements will need to be negotiated (see 12.1 below). Reaching agreement between parties can require extensive consultation time which must be factored into timelines for the EA process.

The management authority of a protected area must be engaged if a candidate biodiversity offset site is aimed at expanding that protected area or if there are likely to be implementation, management, auditing or reporting implications for that management authority. In such cases, a letter of support or non-objection from a relevant management authority may be required by the CA on the suitability of the proposals in the biodiversity offset report.

⁴⁶ In the biodiversity offset context, this can take the form of the owner of properties comprising a candidate biodiversity offset site inflating the price of his or her land, or making unreasonable financial demands for the use of the land as a biodiversity offset site.

Significant residual negative impacts on freshwater ecosystems (especially Freshwater Ecosystem Priority Areas) and/or hydrological regimes with biodiversity impacts, require careful consideration. Water-related biodiversity offsets or ecological compensation measures should be discussed with relevant staff in the Department of Water and Sanitation and a relevant catchment management agency (if one has been established for a particular region) to ensure alignment with relevant guidance and appropriate compliance with general authorisations or water use licence requirements.

Residual negative impacts on State forests, natural forests or woodlands or protected trees should be discussed with the Forestry Management Branch in the Department of Forestry, Fisheries and the Environment prior to finalising biodiversity offset or ecological compensation proposals. Conservation authorities and the management authorities for protected areas would need to consent to biodiversity offset or ecological compensation proposals where protected areas are impacted or where protected areas are the focus of mitigation measures.

The EIA/ BA report should include an indication of all the meetings held with conservation and competent authorities and other organs of state on the proposed biodiversity offset.

Engagement with conservation authorities and commenting authorities is an ongoing process and is therefore relevant to all of the phases of the biodiversity offsetting process (please see Chapter 5.1).

9. Drafting biodiversity offset conditions for environmental authorisations

NEMA and the EIA Regulations make provision for EAs to be issued subject to conditions. Appropriate and carefully framed conditions are vital components of ensuring sound environmental management and to aid with compliance and enforcement. Given their complexity, biodiversity offsets often require lengthy and specific outcomes-focused conditions.

The principles of administrative justice apply when deciding on appropriate conditions. The key principles for offset conditions are that the conditions must not be vague (and must therefore be enforceable), they must be rationally related to the purpose for which the condition is being incorporated into the EA, and they must not be unreasonable.

EA conditions are binding on the EA holder. Non-compliance with, or contravention of, a condition of an EA is an offence in terms of section 49A of NEMA. An appropriately designated environmental management inspector may also issue a compliance notice to the EA holder for non-compliance with a condition of an environmental authorisation in terms of section 31L of NEMA.

In Chapters 9.1 to 9.8 below, guidance is given for particular elements of biodiversity offset conditions. The various elements given in Chapters 9.1 to 9.8 are not necessarily the only elements of an effective biodiversity offset condition: CAs are encouraged to apply their minds to each application to ensure that all of the elements of the biodiversity offsetting process are covered in biodiversity offset conditions.

9.1 The biodiversity outcomes that must be achieved by a particular biodiversity offset

The most important component of a biodiversity offset condition is the one setting out the specific biodiversity outcomes that must be achieved through a biodiversity offset. This component includes the size of the relevant offset (see Chapter 7.2 above), the prescribed characteristics of the biodiversity that must be secured and managed as part of the biodiversity offset (see the like-for-like principle in Chapter 4.2 above, as well as the content of Chapters 7.3 and 7.4 above) and the specific outcomes that must be achieved in relation to a site that meets the size and biodiversity requirements.

9.2 The selection and securing of a biodiversity offset site

The biodiversity offset conditions must require the EA holder to select a biodiversity offset site that meet the requirements for an offset under the circumstances (see Chapter 9.1 above) and to secure that site (see Chapter 7.6.1 above).

Given that a Biodiversity Offset Report includes a portfolio of candidate biodiversity offset sites, the biodiversity offset site should ideally be selected from that portfolio. It is therefore recommended that, if the CA is satisfied that candidate biodiversity offset sites in the Biodiversity Offset Report meets the requirements for a biodiversity offset under the circumstances, the CA requires the EA holder to select a biodiversity offset site from the portfolio of candidate biodiversity offset sites, and only if each option fails, can the EA holder select a biodiversity offset site that is not identified in the Biodiversity Offset Report, but still meets the requirements for a biodiversity offset under the circumstances.

In Chapter 7.6.1, it is stated that the preferred method for securing biodiversity offset sites is through the declaration of that site as a protected area in terms of NEMPAA. However, the EA holder does not have the legislative power to *declare* a protected area. That function may only be performed by the Minister responsible for the environment (**Minister**) or a Member of the Executive Council responsible for the environment in a Province (**MEC**). The EA holder can, however, be required to submit a request for the declaration of the biodiversity offset site as a protected area to the Minister or an MEC, accompanied by required information. It is recommended that, if the declaration of an area as a protected area is the most appropriate way of securing the biodiversity offset site under the circumstances, the EA holder is only given the option to pursue other means of securing the biodiversity offset site (such as the registration of a conservation servitude) if the Minister or MEC refuses to declare a protected area under the circumstances.

Biodiversity offset sites must be secured in perpetuity even though the liability period is finite.

9.3 The obligation to prepare a Biodiversity Offset Management Plan for the biodiversity offset site

As part of the EA conditions, the EA must require the EA holder to cause for a Biodiversity Offset Management Plan for the biodiversity offset site, once selected, to be prepared by a specialist, or specialists. It is strongly recommended that CAs require that Biodiversity Offset Management Plan contains the components specified in Chapter 7.6.1 above.

9.4 Entering into a Biodiversity Offset Implementation Agreement

The EA must also require the EA holder to enter into a Biodiversity Offset Implementation Agreement with an implementing party, in terms of which the EA holder undertakes to make funds available for the implementation of the Biodiversity Offset Management Plan by the implementing party, and the implementing party undertakes to implement the Biodiversity Offset Management Plan on behalf of the EA holder.

As pointed out in the 9.7 below, it is not always desirable for an EA to be valid for as long as the biodiversity offset liability lasts. The Biodiversity Offset Implementation Agreement therefore serves a legal mechanism through which the EA holder could be held legally liable to implement the offset for the period between the date on which the EA lapses and the date on which the biodiversity offset liability expires.

When requiring an EA holder to enter into a Biodiversity Offset Implementation Agreement, care should be taken by the CA to include a “deadlock-breaking” condition. If the EA holder and implementing party are not able to come to an agreement, provision must be made for ways to break the deadlock between the two parties in order to ensure that the biodiversity offset condition is enforceable. An example of a deadlock-breaking condition is a condition requiring that a dispute between the parties must be referred to arbitration for an arbitration award.

It is also advisable that the biodiversity offset condition specifies some essential clauses that must be included in a Biodiversity Offset Implementation Agreement. Biodiversity Offset Implementation Agreements are dealt with in more detail in **Chapter 10** below.

9.5 Lump sum payments for biodiversity offsets

In most instances, it would be most appropriate for an EA holder to make a lump sum payment of the funds estimated to be required for delivering a biodiversity offset into an appropriate financial vehicle. The rationale for such a requirement is that an EA holder may cease to exist before the lapse of the liability period. In some cases, the EA holder can be required to make regular payments to the implementing party, such as when, for example, the EA holder is an organ of state or a mining company that has a mining right that authorises it to mine for the period for which the EA holder is liable to implement the biodiversity offset.

Since, in most instances, the Biodiversity Offset Management Plan will only be developed and finalised in the post-authorisation phase, the lump sum and the financial vehicle should be specified in the Biodiversity Offset Implementation Agreement. It is however recommended that the EA specifies that sufficient funds should be made available by the EA holder for the implementation of the Biodiversity Offset Management Plan and that it is paid into an appropriate financial vehicle.

9.6 Timeframes for taking the steps in the biodiversity offset process

In most cases, the EA holder's responsibility to implement an offset will lapse after the expiry of the liability period specified in a biodiversity offset condition. However, in circumstances where the significant residual negative impacts on biodiversity are likely to endure for far longer, the period of liability can be linked to the lifespan of the activity that was authorised in the relevant EA (provided that such period exceeds the appropriate liability period). In the case of a mining operation conducted over a period in excess of the appropriate liability period, for example, an EA holder would be released from the obligation to implement a biodiversity offset when the mining operation ceases, and the area disturbed has been rehabilitated to the extent required in the EMP.

The CA could also specify the timeframes for the completion of specific steps in the biodiversity offsetting process, which are taken in the post-application phase, in the biodiversity offset condition. In other words, deadlines can be set for the selection of a biodiversity offset site, the securing of a biodiversity offset site, the completion of a Biodiversity Offset Management Plan and the conclusion of a Biodiversity Offset Implementation Agreement. Those timeframes would depend on what is realistic under the circumstances.

9.7 The period of validity of the environmental authorisation

The EIA Regulations⁴⁷ provide that the CA must specify when an EA lapses in the EA. The date on which it lapses is determined by when the authorised activity, or activities, are completed, or when all the mitigation measures have been completed, whichever comes last. That does not however mean that EA containing a biodiversity offset condition must necessarily be valid for the full biodiversity offset liability period. As a rule, the EA must not lapse before the Biodiversity Offset Implementation Agreement has been concluded. If it lapses before that agreement has been concluded, there would be no way to hold the EA holder liable for the implementation of the offset.

9.8 Suspensive and resolute conditions

A suspensive condition is a condition in an EA that suspends the commencement of the authorised activity until certain events occur. Suspensive conditions could, *but does not necessarily have to*, be used in the biodiversity offset context. In that context, a suspensive condition could suspend the

⁴⁷ See regulation 26 of the EIA Regulations.

commencement of the authorised activity until a certain event in the biodiversity offsetting process has occurred, such as the conclusion of a Biodiversity Offset Implementation Agreement.

A resolute condition is a condition that terminates an EA if a certain event does not occur within a certain timeframe. Resolute conditions could also, *but does not necessarily have to*, be used in the context of biodiversity offsets. Such a condition in that context could specify that the EA terminates if an event in the biodiversity offsetting process does not occur within a given timeframe. Resolute conditions must be used with due regard to realistic timeframes within which the steps in the biodiversity offset process can be completed.

10. Biodiversity Offset Implementation Agreements

As stated above, a Biodiversity Offset Implementation Agreement is a mechanism through which the requirement to implement a Biodiversity Offset Management Plan is made legally binding on, and therefore enforceable against, the EA holder after the EA has lapsed. Biodiversity Offset Implementation Agreements are contracts entered into between the EA holder and an implementing party in terms of which the EA holder agrees to make funds available for the implementation of the Biodiversity Offset Management Plan and the implementing party agrees to implement the Biodiversity Offset Management Plan on behalf of the EA holder.

An implementing party could be an appropriate organ of state, such as a conservation authority, an NPO/ PBO or private organisation, so long as the organ of state or organisation is highly likely to be in existence for as long as the liability period.

A Biodiversity Offset Implementation Agreement must, as a minimum, contain the following clauses:

- Descriptions of the parties to the Biodiversity Offset Implementation Agreement.
- The required outcomes of the biodiversity offset which need to be achieved, as specified in the EA condition.
- The primary activities that need to be conducted to achieve the outcomes of the biodiversity offset as per the Biodiversity Offset Management Plan. The Biodiversity Offset Management Plan can also just be appended to the Biodiversity Offset Implementation Agreement and referred to in the agreement.
- The timeframes within which the primary activities specified in the Biodiversity Offset Management Plan must be completed to achieve the outcomes successfully.
- Descriptions of the roles and responsibilities of the parties to the agreement. As already stated, the implementing party must be responsible for implementing the activities specified in the

Biodiversity Offset Management Plan and the EA holder must be responsible for making the requisite funds available to the implementation of that plan by the implementing party.

- An undertaking on the part of the EA holder to make the funds necessary for the implementation of the biodiversity offset available to the implementing party into a specified financial vehicle to which the implementing party has access or by means of specified regular payments to the implementing party for the latter's services performed at specified milestones of the biodiversity offset implementation process.
 - When the EA holder will make regular payments (i.e. not a lump sum payment) to the implementing party at specified milestones of the biodiversity offset implementation process, the EA holder, if it is a private entity, it is strongly recommended that the implementing party is required in terms of the Biodiversity Offset Implementation Agreement to furnish the implementing party with a guarantee of finances necessary to implement the relevant biodiversity offset. In cases where the EA holder is a subsidiary company or a local subsidiary of an offshore company, it would be ideal if the holding/parent company gives such guarantee, and/or that the holding/parent company is held jointly and severally liable for the funding of the biodiversity offset.
- An undertaking by the implementing party to implement the Biodiversity Offset Implementation Agreement for the required liability period (which is recommended in this guideline to be a minimum of 30 years).
- The auditing and reporting requirements of the EA holder: the implementing party must appoint and pay for out of the funds made available by the EA holder, an independent auditor to undertake periodic performance audits. If the site had been secured by the declaration of a protected area, the auditing intervals must be linked to the auditing intervals provided for in NEMPAA. Audit reports must be submitted to the Minister or MEC if the site has been secured by the declaration of a protected area, and to the beneficiary of the conservation servitude if the biodiversity offset site had been secured by the registration of a conservation servitude. For more detail on auditing, adaptive/ corrective measures and enforcement, please see **Chapter 12** below.

In contrast to the conditions of an EA, which can be enforced by the issuing of a compliance notice on a person who has not complied with the terms of such conditions in terms of section 31L of NEMA, the terms of a Biodiversity Offset Implementation Agreement are enforceable by one party against the other by force of the law of contract.

Onsite biodiversity offsets

The biodiversity offset site does not necessarily have to be in a different site to the site on which the development is going to take place. There are circumstances in which the most appropriate biodiversity offset site is on the development site. This is often the case in the agricultural context. In the case of onsite offsets, it is often more appropriate for the biodiversity offset site to be secured by way of a conservation servitude than the declaration of a protected area because it is likely in those circumstances that the developer is also the landowner, and because it may well be difficult to justify the declaration of a protected area near a developed area. However, in instances where it is feasible to declare an onsite biodiversity offset site as a protected area, this should be encouraged. When an onsite offset is proposed, the CA should be satisfied that the 'additionality' principle is observed and that the securing and better management of the proposed site would not duplicate existing environmental obligations the landowner may have. The CA should ensure that the EA conditions clearly exclude the biodiversity offset site from the geographical scope of the development.

11. The National Biodiversity Offset Register

It is recommended that the Department of Forestry, Fisheries and the Environment establishes, and maintains, an electronic register of biodiversity offset sites in South Africa, called the National Biodiversity Offset Register.

As soon as possible after a biodiversity offset site has been identified, it is recommended that the relevant CA records the site in the National Biodiversity Offset Register. The information in the National Biodiversity Offset Register should be updated regularly to ensure that a record is kept of the status of biodiversity offsets. The following information must be recorded in the National Biodiversity Offset Register:

- Province and municipal area;
- Date on which the EA was issued;
- EA number;
- EA holder;
- Biodiversity offset conditions and any amendments;
- Date on which the Biodiversity Offset Management Plan was completed;

- Date on which the biodiversity offset site was secured (i.e. the date on which the relevant protected area was declared, servitude was registered, etc.);
- Delineation of the biodiversity offset site;
- Ecological description of the biodiversity offset site; and
- Date on which the Biodiversity Offset Implementation Agreement was concluded.

It is further recommended that a spatial layer representing the biodiversity offset sites is made publicly available online to ensure that the locations of biodiversity offset sites are known. It is also strongly recommended that all competent authorities, and organs of state that are authorised to take decisions that impact on the environment, are given access to the National Biodiversity Offset Register to ensure that those organs of state can take into consideration the location of biodiversity offset sites that have not yet been secured when taking decisions.

12. Implementation, monitoring and auditing

A biodiversity offset must be implemented in accordance with the biodiversity offset condition(s) in the EA, and the Biodiversity Offset Implementation Agreement. Once the EA has been granted, the EA holder is legally obligated, in terms of EA conditions, which are enforceable in terms of NEMA, to select a biodiversity offset site, to secure the biodiversity offset site, prepare a Biodiversity Offset Management Plan and enter into a Biodiversity Offset Implementation Agreement with an implementing party for the implementation of the biodiversity offset. For as long as an EA is valid, the EA holder is required to submit periodic audit reports to the CA. Non-compliance with EA conditions is an offence in terms of NEMA and can therefore result in administrative or criminal action being taken against the EA holder in terms of NEMA. If adaptive measures are required, the EA holder or the CA should initiate the process for an amendment to the EA in terms of the EIA Regulations.⁴⁸

Typically, and especially so in the context of non-operational activities, it is desirable for an EA to lapse after the EA holder has complied with all his or her rehabilitation obligations. However, it is important that the CA does not allow an EA to lapse before the implementer has signed a Biodiversity Offset Implementation Agreement with an implementing party. If such an agreement is in place when the EA lapses, the developer would be liable in terms of that agreement. A failure on the part of the implementing party to make funds available for implementation is a breach of contract. The implementing party can obtain an order from a competent court directing the developer to make those funds available.

Oversight over the implementation depends on the way the biodiversity offset site had been secured:

⁴⁸ Regulations 31-33 of the EIA Regulations.

- If the biodiversity offset site had been secured by the **declaration of a protected area**, the implementing party would be the management authority for that protected area and would be responsible for the implementation of the management plan for the protected area. The implementing authority would therefore be required to report to the MEC or Minister annually on the management of the protected area, and therefore on the implementation of the biodiversity offset management plan. If corrective or adaptive measures are required during the liability period, the management plan could be amended in accordance with NEMPAA. The Minister or MEC may take legal action, in terms of NEMPAA⁴⁹ or the common law, against management authorities that do not implement management plans satisfactorily.
- If the biodiversity offset site had been secured by the **establishment of a conservation servitude**, the implementing party must ideally be the landowner. The implementing party would have to enter into a deed of servitude with a third party, ideally a conservation authority (but it could also be an appropriate conservation PBO/ NPO), in terms of which the implementing party undertakes not to develop the biodiversity offset site and to give the beneficiary access to the biodiversity offset site for the purpose of monitoring the implementation of the Biodiversity Offset Management Plan. The Biodiversity Offset Management Plan should clearly state at which intervals the independent auditor should prepare periodic audit reports, and that those reports must be submitted to the beneficiary. If adaptive or corrective steps are required, the deed of servitude or Biodiversity Offset Management Plan may be amended by the consent of both parties. In the event of the implementing party defaulting on the deed of servitude or Biodiversity Offset Management Plan, the beneficiary may resort to common law property and contractual remedies to enforce compliance.

For the reasons given above, it is recommended that auditing intervals are linked to the auditing intervals provided for in the EIA Regulations for as long as the EA is valid, and to the auditing intervals provided for in NEMPAA if the biodiversity offset site had been secured by the declaration of a protected area. If the biodiversity offset site had been secured by the establishment of a conservation servitude, it is recommended that the auditing intervals are required at least yearly.

Audit reports must be made available to interested and affected parties on request to ensure transparency and public accountability.

The responsibilities of EA holders for biodiversity offsets are finite (i.e. at minimum 30 years). At the end of the period for which the EA holder is responsible, the management of the biodiversity offset site must be handed over to a suitable organ of state, person or organisation, with their consent, to ensure that its biodiversity is maintained. The plan for handing over the biodiversity offset site at the end of the liability period should be included in a Biodiversity Offset Management Plan (please see Chapter 7.6.1). There may well be a need to amend the handover plan in the course of the liability

⁴⁹ See sections 43 and 44 of NEMPAA.

period if circumstances change. It is important for the financial sustainability of the protected area or conservation area to be taken into consideration when doing a handover report.

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ANNEXURE A



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

NATIONAL BIODIVERSITY OFFSET GUIDELINE

Biodiversity offset ratios look-up table

October 2022 (First Edition)

Note: This is the table referred to in section 7.2.1 of the Draft National Biodiversity Offset Guideline under “(1) Determining the basic offset ratio”. For more detail on how the proposed ratios were arrived at, please see the text below the look-up table.

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Aggeney's Gravel Vygiveld	LC	100	4				0			0			0		
Agter-Sederberg Shrubland	LC	98	4					0		0				0	
Agulhas Limestone Fynbos	CR	92	4					0		30			30		
Agulhas Sand Fynbos	CR	52	3A						2			30			30
Albany Alluvial Vegetation	EN	46	2B					6		10				10	
Albany Arid Thicket	LC	100	4					0		0				0	
Albany Bontveld	LC	96	4					0		0				0	
Albany Broken Veld	LC	93	4					0		0				0	

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Albany Mesic Thicket	LC	80	4						0			0			0
Albany Valley Thicket	LC	89	4						0			0			0
Albertinia Sand Fynbos	EN	55	3A						3		10			10	
Alexander Bay Coastal Duneveld	CR	12	1	30						30			30		
Algoa Sandstone Fynbos	CR	43	2B						7		30			30	
Aliwal North Dry Grassland	LC	80	4				0			0			0		
Amathole Mistbelt Grassland	LC	98	4				0			0			0		
Amathole Montane Grassland	LC	85	4						0		0			0	
Amersfoort Highveld Clay Grassland	LC	56	3A						3		0			3	
Andesite Mountain Bushveld	LC	73	4						0			0			0
Anenous Plateau Shrubland	LC	83	4				0			0			0		
Atlantis Sand Fynbos	EN	52	3A						4		10			10	
Auob Duneveld	LC	100	4							0					0
Barberton Montane Grassland	LC	57	3A							0					0
Barberton Serpentine Sourveld	LC	67	3B							0					0
Basotho Montane Shrubland	LC	84	4						0		0			0	
Baviaans Valley Thicket	LC	99	4							0					0
Baviaanskloof Shale Renosterveld	LC	100	4							0					0
Bedford Dry Grassland	LC	98	4				0			0			0		
Besemkaree Koppies Shrubland	LC	96	4						0		0			0	
Betheldorp Bontveld	LC	59	3A							0					
Bhisho Thornveld	LC	64	3B				3			0			3		
Bloemfontein Dry Grassland	LC	54	3A				2			0			2		
Bloemfontein Karroid Shrubland	LC	86	4						3		0			3	
Blombos Strandveld	LC	98	4						0			0			0
Blouputs Karroid Thornveld	LC	99	4						0			0			0
Bokkeveld Sandstone Fynbos	LC	80	4						0		0			0	

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	WP	NP	PP	MP	WP	NP	PP	MP	WP
Boland Granite Fynbos	EN	57	3A				0					10			10
Breede Alluvium Fynbos	EN	38	2A						10				10		
Breede Alluvium Renosterveld	EN	40	2A					10				12			
Breede Quartzite Fynbos	LC	94	4						0				0		
Breede Sand Fynbos	CR	47	2B						30				30		
Breede Shale Fynbos	EN	67	3B							10				10	
Breede Shale Renosterveld	EN	61	3B						10				10		
Buffels Mesic Thicket	LC	82	4						0				0		
Buffels Valley Thicket	CR	45	2B					9				30			
Bushmanland Arid Grassland	LC	100	4					0				0			
Bushmanland Basin Shrubland	LC	99	4					0				0			
Bushmanland Inselberg Shrubland	LC	100	4					0				0			
Bushmanland Sandy Grassland	LC	100	4					0				0			
Bushmanland Vloere	LC	94	4					0				0			
Canca Limestone Fynbos	LC	81	4					0				0			
Cape Flats Dune Strandveld	EN	56	3A						1					10	
Cape Flats Sand Fynbos	CR	24	1	30								30			
Cape Lowland Alluvial Vegetation	EN	37	2A						10				10		
Cape Seashore Vegetation	LC	98	4								0				0
Cape Winelands Shale Fynbos	CR	46	2B								1				30
Carletonville Dolomite Grassland	LC	63	3B						1				1		
Cathedral Mopane Bushveld	LC	100	4								0				0
Cederberg Sandstone Fynbos	LC	90	4								0				0
Central Coastal Shale Band Vegetation	LC	88	4								0				0
Central Free State Grassland	LC	67	3B						1				1		
Central Inland Shale Band Vegetation	LC	100	4												0
Central Knersvlakte Vygieveld	LC	100	4								0				0

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Central Mountain Shale Renosterveld	LC	97	4				0			0			0		
Central Richtersveld Mountain Shrubland	LC	100	4												0
Central Ruens Shale Renosterveld	CR	12	1	30						30			30	1	
Central Sandy Bushveld	LC	65	3B												
Ceres Shale Renosterveld	CR	47	2B												
Citrusdal Shale Renosterveld	CR	28	1	30						30			30		
Citrusdal Vygiveld	LC	75	4												
Crocodile Gorge Mountain Bushveld	LC	81	4						0			0			0
Crossroads Grassland Thicket	LC	87	4						0			0			0
De Hoop Limestone Fynbos	LC	96	4						0			0			0
Delagoa Lowveld	LC	76	4						0			0			0
Die Plate Succulent Shrubland	LC	100	4				0			0			0		
Doringrivier Quartzite Karoo	LC	84	4				0			0			0		
Doubledrift Karroid Thicket	LC	88	4						0			0		0	
Drakensberg Afroalpine Heathland	LC	100	4						0			0		0	
Drakensberg Foothill Moist Grassland	LC	72	4						0			0		0	
Drakensberg-Amathole Afromontane Fynbos	LC	100	4												0
Dry Coast Hinterland Grassland	VU	47	2B				8			5			8		
Dwaalboom Thornveld	LC	80	4						0			0			0
Dwarsberg-Swartruggens Mountain Bushveld	LC	88	4											0	
East Griqualand Grassland	EN	56	3A											10	
Eastern Coastal Shale Band Vegetation	EN	40	2A											10	
Eastern Free State Clay Grassland	VU	42	2B				11			5			11		
Eastern Free State Sandy Grassland	LC	57	3A											3	
Eastern Gariep Plains Desert	LC	99	4				0			0			0		

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Eastern Gariep Rocky Desert	LC	100	4				0			0			0		
Eastern Gwarrieveld	LC	99	4					0			0			0	
Eastern Highveld Grassland	EN	33	2A								10			13	
Eastern Inland Shale Band Vegetation	LC	89	4							0			0		0
Eastern Little Karoo	EN	89	4				0			10			10		
Eastern Lower Karoo	LC	99	4					0			0			0	
Eastern Ruens Shale Renosterveld	EN	17	1	30						10			30		
Eastern Upper Karoo	LC	97	4					0			0			0	
Eastern Valley Bushveld	LC	70	4				0				0				
Eenriet Plains Succulent Shrubland	LC	100	4				0				0		0		
Egoli Granite Grassland	CR	22	1	30						30				30	
Elands Forest Thicket	LC	76	4					0			0			0	
Elgin Shale Fynbos	CR	30	1	30						30			30		
Elim Ferricrete Fynbos	EN	37	2A					10			10			10	
Escarpment Arid Thicket	LC	99	4						0			0			0
Escarpment Mesic Thicket	LC	89	4					0			0			0	
Escarpment Valley Thicket	LC	98	4						0				0		0
Fish Arid Thicket	LC	93	4						0				0		0
Fish Mesic Thicket	LC	88	4					0			0			0	
Fish Valley Thicket	LC	96	4						0			0			0
Frankfort Highveld Grassland	LC	57	3A				4			0			4		
Fynbos Riparian Vegetation	LC	98	4												0
Gabbro Grassy Bushveld	LC	100	4						0				0		0
Gamka Arid Thicket	LC	99	4					0			0			0	
Gamka Karoo	LC	100	4					0			0			0	
Gamka Valley Thicket	LC	97	4					0			0		0		
Garden Route Granite Fynbos	CR	41	2B				12			30			30		

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Garden Route Shale Fynbos	EN	48	2B					5			10			10	
Gauteng Shale Mountain Bushveld	LC	70	4					0			0			0	
Geluk Grassland Thicket	LC	62	3B												0
Ghaap Plateau Vaalbosveld	LC	98	4				0			0			0		
Goarlep Mountain Succulent Shrubland	LC	100	4												0
Gold Reef Mountain Bushveld	LC	81	4						0						0
Gordonia Duneveld	LC	100	4						0			0			0
Gordonia Kameeldoring Bushveld	LC	100	4							0					0
Gordonia Plains Shrubland	LC	100	4						0			0			0
Goukamma Dune Thicket	LC	73	4												0
Gouritz Valley Thicket	CR	64	3B					1			30			30	
Graafwater Sandstone Fynbos	LC	73	4					0			0			0	
Grahamstown Grassland Thicket	LC	67	3B					1			0		1		
Granite Lowveld	LC	77	4							0					0
Grassridge Bontveld	LC	90	4						0			0			0
Gravelotte Rocky Bushveld	LC	89	4					0			0			0	
Greyton Shale Fynbos	CR	59	3A					2			30			30	
Groot Brak Dune Strandveld	CR	48	2B					5			30			30	
Grootrivier Quartzite Fynbos	LC	100	4				0			0			0		
Grootrivier Dune Thicket	LC	68	3B					0			0			0	
Hangklip Sand Fynbos	CR	64	3B						0			30		30	
Hantam Karoo	LC	96	4				0						0		
Hantam Plateau Dolerite Renosterveld	LC	98	4				0						0		
Hartenbos Dune Thicket	EN	83	4					0			10			10	
Hawequas Sandstone Fynbos	LC	96	4										0		0
Heiskloof Canyon Desert	LC	100	4										0		0
Highveld Alluvial Vegetation	LC	68	3B					0			0			0	

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Hopefield Sand Fynbos	LC	65	3B					1			0			1	
Humansdorp Shale Renosterveld	EN	43	2B				10			10			10		
Income Sandy Grassland	EN	50	3A				7			10			10		
Ironwood Dry Forest	LC	100	4						0				0		0
Ithala Quartzite Sourveld	LC	79	4					0			0			0	
Kaarlug Mountain Bushveld	LC	79	4						0			0			0
Kahams Mountain Desert	LC	100	4							0			0		0
Kalahari Karroid Shrubland	LC	99	4				0				0		0		
Kamiesberg Granite Fynbos	LC	99	4				0				0		0		
Kamiesberg Mountains Shrubland	LC	99	4				0				0		0		
Kango Conglomerate Fynbos	LC	98	4					0			0		0		
Kango Limestone Renosterveld	LC	88	4					0			0		0		
KaNgwane Montane Grassland	EN	44	2B				10			10			10		
Karoo Escarpment Grassland	LC	98	4						0			0		0	
Kasouga Dune Thicket	LC	69	3B						0			0		0	
Kathu Bushveld	LC	98	4					0			0		0		
Kimberley Thornveld	LC	74	4					0			0		0		
Klawer Sandy Shrubland	CR	57	3A				4			30			30		
Klerksdorp Thornveld	LC	58	3A					2			0			2	
Knersvlakte Dolomite Vygieveld	LC	97	4						0			0		0	
Knersvlakte Quartz Vygieveld	LC	99	4										0		0
Knersvlakte Shale Vygieveld	LC	100	4					0			0			0	
Knysna Sand Fynbos	CR	23	1	30							30			30	
Kobee Succulent Shrubland	LC	98	4				0				0		0		
Koedoesberge-Moordenaars Karoo	LC	99	4				0				0		0		
Koedoeskloof Karroid Thicket	LC	90	4				0				0		0		
Kogelberg Sandstone Fynbos	CR	84	4							0			30		30

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Koranna-Langeberg Mountain Bushveld	LC	100	4											0	
Kosiesberg Succulent Shrubland	LC	100	4				0			0			0		
Kouebokkeveld Alluvium Fynbos	CR	34	2A					12			30			30	
Kouebokkeveld Shale Fynbos	CR	50	2B						2			30			30
Kouga Grassy Sandstone Fynbos	LC	92	4										0		0
Kouga Sandstone Fynbos	LC	91	4										0		0
Kuruman Mountain Bushveld	LC	98	4				0			0			0		
Kuruman Thornveld	LC	96	4				0			0			0		
Kuruman Vaalbosveld	LC	95	4				0			0			0		
Kwaggarug Mountain Desert	LC	100	4										0		0
KwaZulu-Natal Coastal Belt Grassland	EN	19	1	30						10			30		
KwaZulu-Natal Coastal Belt Thornveld	EN	39	2A				13			10			13		
KwaZulu-Natal Highland Thornveld	LC	64	3B					1			0			1	
KwaZulu-Natal Hinterland Thornveld	LC	69	3B				0						0		
KwaZulu-Natal Sandstone Sourveld	EN	16	1	30						10			30		
Lambert's Bay Strandveld	CR	70	4					0			30			30	
Langebaan Dune Strandveld	EN	87	4										10		10
Langkloof Shale Renosterveld	EN	35	2A				17			10			17		
Leombo Summit Sourveld	EN	31	2A				21			10			21		
Legogote Sour Bushveld	EN	34	2A					13			10			13	
Leipoldtville Sand Fynbos	EN	40	2A				12			10			12		
Lekkersing Succulent Shrubland	LC	99	4						0			0			0
Leolo Summit Sourveld	LC	94	4				0			0			0		
Lesotho Highland Basalt Grassland	LC	99	4				0			0			0		
Limpopo Ridge Bushveld	LC	97	4										0		0
Limpopo Sweet Bushveld	LC	90	4					0			0			0	

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Little Karoo Quartz Vgieveld	LC	96	4											0	
Loerie Conglomerate Fynbos	LC	87	4					0			0			0	
Long Tom Pass Montane Grassland	LC	53	3A										0		0
Loskop Mountain Bushveld	LC	94	4						0			0			
Loskop Thornveld	LC	59	3A					2			0			2	
Lourensford Alluvium Fynbos	CR	22	1		30						30			30	
Low Escarpment Moist Grassland	LC	91	4					0			0			0	
Lower Gariep Alluvial Vegetation	LC	65	3B					1			0			1	
Lower Gariep Broken Veld	LC	99	4					0			0			0	
Lowveld Riverine Forest	VU	69	3B						0				5		5
Lowveld Rugged Mopaneveld	LC	78	4						0				0		0
Lydenburg Thornveld	LC	79	4					0			0			0	
Mabela Sandy Grassland	CR	34	2A				18			30			30		
Madikwe Dolomite Bushveld	LC	98	4						0				0		0
Mafikeng Bushveld	LC	62	3B				2			0			2		
Makatini Clay Thicket	LC	82	4						0				0		0
Makhado Sweet Bushveld	LC	64	3B					1			0			1	
Makuleke Sandy Bushveld	LC	77	4						0				0		0
Malelane Mountain Bushveld	LC	96	4						0				0		0
Mamabolo Mountain Bushveld	LC	90	4					0			0			0	
Mangrove Forest	LC	87	4						0				0		0
Maputaland Coastal Belt	EN	39	2A						4			10			10
Maputaland Pallid Sandy Bushveld	LC	75	4						0			0			0
Maputaland Wooded Grassland	EN	39	2A						4			10			10
Marikana Thornveld	EN	38	2A					9			10			10	
Matjiesfontein Quartzite Fynbos	LC	99	4					0			0			0	
Matjiesfontein Shale Fynbos	LC	95	4							0			0		0

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Matjiesfontein Shale Renosterveld	LC	87	4											0	
Midlands Mistbelt Grassland	EN	32	2A					14			10			14	
Moist Coast Hinterland Grassland	VU	38	2A				14			5			14		
Molopo Bushveld	LC	96	4					0			0			0	
Mons Ruber Fynbos Thicket	LC	94	4				0			0			0		
Montagu Shale Fynbos	LC	79	4					0			0			0	
Montagu Shale Renosterveld	LC	82	4					0			0			0	
Mool River Highland Grassland	EN	61	3B					2			10		10		
Moot Plains Bushveld	LC	68	3B					0			0			0	
Mopane Basalt Shrubland	LC	100	4									0			0
Mopane Gabbro Shrubland	LC	100	4							0		0			0
Mossel Bay Shale Renosterveld	CR	40	2B				12			30			30		
Motherwell Karroid Thicket	CR	45	2B				10			30			30		
Mthatha Moist Grassland	EN	43	2B				11			10			11		
Muscadel Riviere	EN	41	2B				12			10			12		
Musina Mopane Bushveld	LC	92	4						0			0			0
Muzi Palm Veld and Wooded Grassland	CR	77	4					0			30			30	
Namaqualand Arid Grassland	LC	100	4												0
Namaqualand Blomveld	LC	93	4					0			0			0	
Namaqualand Coastal Duneveld	LC	87	4						0			0			
Namaqualand Granite Renosterveld	LC	84	4				0						0		
Namaqualand Heuvelveld Strandveld	LC	78	4					0			0			0	
Namaqualand Heuvelveld	LC	91	4					0			0			0	
Namaqualand Inland Duneveld	LC	97	4					0			0			0	
Namaqualand Klipkoppe Shrubland	LC	97	4					0			0			0	
Namaqualand Riviere	LC	89	4					0			0			0	

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Namaqualand Sand Fynbos	LC	86	4					0			0			0	
Namaqualand Seashore Vegetation	CR	82	4					0			30			30	
Namaqualand Shale Shrubland	LC	99	4				0			0			0		
Namaqualand Spinescent Grassland	LC	91	4					0			0			0	
Namaqualand Strandveld	LC	82	4					0			0			0	
Namib Lichen Fields	CR	80	4				0				30		30		
Namib Seashore Vegetation	CR	9	1	30						30			30		
Nanaga Savanna Thicket	LC	63	3B						0			0			0
Nardouw Sandstone Fynbos	CR	67	3B				1			30			30		
Ngongoni Veld	VU	43	2B				11			5			11		
Nieuwoudtville Shale Renosterveld	CR	49	2B					5			30			30	
Nieuwoudtville-Roggeveld Dolerite Renosterveld	LC	90	4					0			0			0	
Noms Mountain Desert	LC	100	4												0
Norite Koppies Bushveld	LC	86	4					0			0			0	
North Hex Sandstone Fynbos	LC	95	4												0
North Kammanassie Sandstone Fynbos	LC	100	4												0
North Langeberg Sandstone Fynbos	LC	92	4												0
North Outeniqua Sandstone Fynbos	LC	85	4												0
North Rooiberg Sandstone Fynbos	LC	100	4					0			0			0	
North Sonderend Sandstone Fynbos	LC	98	4												0
North Swartberg Sandstone Fynbos	LC	99	4												0
Northern Afrotemperate Forest	LC	84	4												0
Northern Coastal Forest	LC	77	4												0
Northern Drakensberg Highland Grassland	LC	91	4												0

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Northern Escarpment	LC	94	4												
Afromontane Fynbos	EN	39	2A					9			10			10	
Northern Escarpment Dolomite Grassland	LC	56	3A						1			0			1
Northern Escarpment Quartzite Sourveld	LC	93	4					0			0			0	
Northern Free State Shrubland	LC	94	4									0			0
Northern Inland Shale Band	LC	100	4						0						
Vegetation	LC	59	3A					2			5			5	
Northern Knervlakte Vygieveld	VU	100	4												0
Northern KwaZulu-Natal Moist Grassland	LC	100	4												
Northern Lebombo Bushveld	LC	74	4												0
Northern Mistbelt Forest	LC	99	4												0
Northern Nababiepsberge Mountain Desert	LC	100	4												
Northern Richtersveld	LC	99	4												0
Scorpionstailveld	LC	95	4												
Northern Richtersveld Yellow Duneveld	LC	55	3A								10			10	
Northern Upper Karoo	EN	72	4					3							
Northern Zululand Mistbelt Grassland	LC	100	4					0			0			0	
Northern Zululand Sourveld	LC	100	4												0
Nossob Bushveld	LC	100	4												0
Nwambya-Pumbe Sandy Bushveld	LC	89	4												0
Ohrigstad Mountain Bushveld	LC	95	4									0			0
Olifants Sandstone Fynbos	LC	99	4												0
Olifantshoek Plains Thornveld	LC	100	4					0			0			0	
Oograbies Plains Sandy Grassland	LC	97	4												0
Oudshoorn Karroid Thicket	LC	94	4												10
Overberg Dune Strandveld	EN	90	4								10			10	
Overberg Sandstone Fynbos	EN	51	3A					4			10			10	
Paulpietersburg Moist Grassland	EN														

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	WP	NP	PP	MP	WP	NP	PP	MP	WP
Peninsula Granite Fynbos	CR	37	2A											30	
Peninsula Sandstone Fynbos	CR	93	4												30
Peninsula Shale Fynbos	VU	48	2B												5
Peninsula Shale Renosterveld	CR	15	1		30								30		
Phalaborwa-Timbavati Mopaneveld	LC	92	4												0
Piketberg Quartz Succulent Shrubland	CR	22	1	30								30			
Piketberg Sandstone Fynbos	LC	89	4						0				0		
Pilanesberg Mountain Bushveld	LC	96	4												0
Platbakkies Succulent Shrubland	LC	100	4					0				0			
Polokwane Plateau Bushveld	LC	59	3A												
Pondoland-Ugu Sandstone Coastal Sourveld	VU	51	3A						2						
Postmasburg Thornveld	LC	96	4					0	4						5
Potberg Ferricrete Fynbos	CR	49	2B						4			0			
Potberg Sandstone Fynbos	LC	94	4										30		
Poung Dolomite Mountain Bushveld	LC	94	4								0				0
Pretoriuskop Sour Bushveld	LC	68	3B								0				0
Prince Albert Succulent Karoo	LC	99	4						0					0	
Queenstown Thornveld	LC	84	4					0				0			
Rand Highveld Grassland	VU	45	2B						6				5		6
Richtersberg Mountain Desert	LC	100	4												0
Richtersveld Coastal Duneveld	CR	68	3B						0				30		
Richtersveld Red Duneveld	LC	100	4						0				0		
Richtersveld Sandy Coastal Scorpionstailveld	LC	99	4					0				0			
Richtersveld Sheet Wash Desert	LC	100	4												0
Riethuis-Wallekraal Quartz Vygieveld	LC	99	4												0
Robertson Granite Fynbos	LC	84	4									0			0

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	WP	NP	PP	MP	WP	NP	PP	MP	WP
Robertson Granite Renosterveld	LC	98	4								0				0
Robertson Karoo	LC	78	4											0	
Roggeveld Karoo	LC	98	4					0				0			
Roggeveld Shale Renosterveld	LC	98	4										0		
Roodeberg Bushveld	LC	80	4							0				0	
Rooiberg Quartz Vygieveld	LC	100	4				0					0			0
Rosyntjieberg Succulent Shrubland	LC	100	4								0				0
Ruens Silcrete Renosterveld	EN	15	1	30								30			
Saldanha Flats Strandveld	EN	37	2A							10			10		
Saldanha Granite Strandveld	CR	28	1	30						30			30		
Saldanha Limestone Strandveld	CR	82	4								30			30	
Saltire Karroid Thicket	LC	98	4											0	
Sand Forest	LC	92	4								0				0
Sardinia Forest Thicket	LC	64	3B					2					2		
Scarp Forest	LC	91	4											0	
Schmidtsdrif Thornveld	LC	82	4												
Schweizer-Reneke Bushveld	VU	50	2B												
Sekhukhune Montane Grassland	LC	63	3B							5			5		
Sekhukhune Mountain Bushveld	LC	79	4					2				2			
Sekhukhune Plains Bushveld	EN	48	2B												
Senqu Montane Shrubland	LC	85	4							10			10		
South Eastern Coastal Thornveld	LC	60	3A												
South Hex Sandstone Fynbos	LC	99	4								0				0
South Kammanassie Sandstone Fynbos	LC	95	4												0
South Langeberg Sandstone Fynbos	LC	97	4												0
South Outeniqua Sandstone Fynbos	LC	69	3B												0

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
South Rooiberg Sandstone Fynbos	LC	99	4										0		0
South Sonderend Sandstone Fynbos	CR	93	4										30		30
South Swartberg Sandstone Fynbos	LC	100	4										0		0
Southern Afrotropical Forest	LC	80	4										0		0
Southern Cape Dune Fynbos	LC	82	4					0			0			0	
Southern Coastal Forest	LC	82	4										0		0
Southern Drakensberg Highland Grassland	LC	91	4					0			0			0	
Southern Kalahari Mergacha	LC	99	4						0						
Southern Karoo Riviere	LC	87	4					0			0			0	
Southern KwaZulu-Natal Moist Grassland	EN	46	2B					6			10			10	
Southern Lebombo Bushveld	LC	81	4					0			0			0	
Southern Mistbelt Forest	LC	83	4						0			0			0
Southern Nababiepsberge Mountain Desert	LC	100	4				0				0				
Southern Namaqualand Quartzite Klipkoppe Shrubland	LC	91	4					0			0			0	
Southern Richtersveld Inselberg Shrubland	LC	100	4				0				0			0	
Southern Richtersveld Scorpionstailveld	LC	100	4				0				0				
Southern Richtersveld Yellow Duneveld	LC	93	4						0			0		0	
Soutpansberg Mountain Bushveld	LC	75	4					0			0			0	
Soutpansberg Summit Sourveld	LC	98	4								0				0
Soweto Highveld Grassland	VU	41	2B				12			5			12		
Springbokvlakte Thornveld	VU	46	2B					6			5			6	
St Francis Dune Thicket	LC	86	4					0			0			0	
Steenkampsberg Montane Grassland	LC	71	4					0			0			0	
Stella Bushveld	LC	60	3A				3			0			3		

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Steylerville Karoo	LC	98	4				0			0			0		
Stinkfonteinberge Eastern Apron Shrubland	LC	100	4												0
Stinkfonteinberge Quartzite Fynbos	LC	100	4												0
Stormberg Plateau Grassland	LC	82	4				0						0		
Strydpoort Summit Sourveld	LC	98	4												0
Subtropical Alluvial Vegetation	LC	70	3B												0
Subtropical Dune Thicket	LC	93	4												0
Subtropical Seashore Vegetation	LC	95	4												0
Sundays Arid Thicket	VU	98	4						0			5			5
Sundays Mesic Thicket	LC	90	4												0
Sundays Valley Thicket	LC	88	4						0			0			0
Suurberg Quartzite Fynbos	LC	98	4						0			0			0
Suurberg Shale Fynbos	LC	98	4												0
Swamp Forest	LC	73	4												0
Swartberg Altimontane Sandstone Fynbos	LC	100	4												0
Swartberg Shale Fynbos	LC	87	4							0				0	
Swartberg Shale Renosterveld	LC	96	4						0					0	
Swartland Alluvium Fynbos	EN	34	2A						12		10			12	
Swartland Alluvium Renosterveld	VU	62	3B							5			5		
Swartland Granite Renosterveld	EN	20	1	30						10			30		
Swartland Shale Renosterveld	CR	12	1	30						30			30		
Swartland Silcrete Renosterveld	CR	16	1	30						30			30		
Swarttruggens Quartzite Fynbos	LC	98	4						0						0
Swarttruggens Quartzite Karoo	LC	100	4						0						0
Swaziland Sour Bushveld	LC	76	4								0			0	
Swellendam Silcrete Fynbos	EN	48	2B						5		10			10	
Tanqua Escarpment Shrubland	LC	100	4						0			0			0

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Tanqua Karoo	LC	99	4						0			0			0
Tanqua Wash Riviere	LC	94	4						0			0			0
Tarkastad Montane Shrubland	LC	98	4					0			0			0	
Tatasberg Mountain Succulent Shrubland	LC	100	4												0
Tembe Sandy Bushveld	LC	79	4						0			0			0
Thorndale Forest Thicket	LC	70	4					0			0			0	
Thukela Thornveld	LC	75	4					0			0			0	
Thukela Valley Bushveld	LC	74	4				0			0			0		
Transkei Coastal Belt	EN	56	3A					3			10			10	
Tsakane Clay Grassland	EN	37	2A					10			10			10	
Tsende Mopaneveld	LC	89	4										0		0
Tshokwane-Hlane Basalt Lowveld	LC	87	4										0		0
Tsitsikamma Sandstone Fynbos	LC	70	3B										0		0
Tsomo Grassland	LC	62	3B				2			0			2		
Tzaneen Sour Bushveld	EN	53	3A					3			10			10	
uKhahlamba Basalt Grassland	LC	100	4							0			0		0
Umdaus Mountains Succulent Shrubland	LC	100	4				0			0			0		
Umtiza Forest Thicket	CR	65	3B						0			30		30	
Uniondale Shale Renosterveld	LC	83	4					0			0			0	
Upper Annisvlakte Succulent Shrubland	LC	100	4						0			0		0	
Upper Gariep Alluvial Vegetation	LC	72	4					0			0			0	
Upper Karoo Hardeveld	LC	100	4					0			0			0	
Vaal Reef's Dolomite Sinkhole Woodland	LC	73	4				0			0			0		
Vaalbos Rocky Shrubland	LC	98	4					0			0			0	
Vaal-Vet Sandy Grassland	EN	29	1	30						10			30		
Vanrhynsdorp Gannabosveld	LC	85	4				0			0			0		

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	NP	PP	MP	NP	PP	MP	NP	PP	MP
Vanrhyndorp Shale Renosterveld	LC	95	4					0			0			0	
Vanstadens Forest Thicket	LC	99	4												0
Vhavenda Mlombo	LC	94	4												0
Vredefort Dome Granite Grassland	CR	48	2B				8			30			30		
Vyftienmyl se Berge Succulent Shrubland	LC	100	4												0
Wakkerstroom Montane Grassland	LC	81	4					0			0			0	
Waterberg Mountain Bushveld	LC	93	4						0						0
Waterberg-Magaliessberg Summit Sourveld	LC	97	4												0
Western Altimontane Sandstone Fynbos	LC	100	4												0
Western Bushmanland Klipveld	LC	100	4				0			0			0		
Western Coastal Shale Band Vegetation	EN	96	4										10		10
Western Free State Clay Grassland	LC	76	4					0			0			0	
Western Gariep Hills Desert	LC	93	4					0			0			0	
Western Gariep Lowland Desert	LC	92	4				0						0		
Western Gariep Plains Desert	LC	91	4				0						0		
Western Gwarrieveld	LC	98	4					0			0			0	
Western Highveld Sandy Grassland	EN	19	1	30						10			30		
Western Little Karoo	LC	96	4						0			0		0	
Western Maputaland Clay Bushveld	EN	42	2B						4			10		10	
Western Maputaland Sandy Bushveld	CR	58	3A										30		30
Western Ruens Shale Renosterveld	CR	15	1	30											
Western Sandy Bushveld	LC	93	4												0
Western Upper Karoo	LC	99	4				0						0		
Willowmore Gwarrieveld	LC	99	4				0						0		

Ecosystem Type	ETS	REE (%)	Transformation Band	A. TPC Ratio			B. RE & EPL Ratios			C. ETS Ratios			D. Starting Ratios		
				NP	PP	MP	WP	NP	PP	MP	WP	NP	PP	MP	WP
Winburg Grassy Shrubland	LC	84	4						0				0		
Winterhoek Sandstone Fynbos	LC	93	4								0				0
Wolkberg Dolomite Grassland	LC	94	4								0				0
Woodbush Granite Grassland	CR	27	1		30					30			30		
Xhariep Karroid Grassland	LC	93	4						0				0		
Zastron Moist Grassland	LC	70	3B					0				0			
Zeerust Thornveld	LC	70	3B						0				0		
Zululand Coastal Thornveld	CR	28	1		30						30		30		
Zululand Lowveld	LC	65	3B											0	

The standard approach for determining biodiversity offset ratios in more detail

Biodiversity offset ratios (also known as “multipliers” in other jurisdictions) are used to determine the size of a biodiversity offset site. They are expressed in the National Biodiversity Offset Guideline (**Guideline**) as a ratio between the extent of the significant residual negative impact on biodiversity to the extent of the area that should be selected and secured as a biodiversity offset site.

Ratios are necessary to address concerns that a biodiversity offset might not be sufficient to counterbalance the loss or degradation of biodiversity occasioned by a development. The concerns are primarily based on uncertainty in the ecological system, in offset implementation and time delays with offset delivery (Business and Biodiversity Offsets Programme 2012; Moilanen et al. 2009). Internationally, and in South Africa, ratios are designed to give effect to the precautionary principle, according to which the limits of current knowledge about the consequences of decisions and actions must be taken into consideration (section 2(4)(a)(vii) of the National Environmental Management Act, 1998 (NEMA)).

The Department of Forestry, Fisheries and the Environment considered the following factors when determining a proposed approach to calculating biodiversity offset ratios in the Guideline:

- Biodiversity offset ratios should be scientifically defensible and be based on the best available scientific information on the different ecosystem types occurring naturally in South Africa.
- The use of spatial biodiversity plans, which were designed to be key inputs into spatial planning and environmental decision-making, must be encouraged when determining ratios, but also noting that spatial biodiversity plans are constantly being refined and more investment is required to improve the quality of those plans.
- The risk-averse and cautious approach (also known as the precautionary principle) should be applied when calculating biodiversity offset ratios, where the limitations of data and the challenges with effectively implementing offsets in practice must be acknowledged.
- Biodiversity offset ratios must strengthen the application of the mitigation hierarchy (provided for in section 2(4)(a)(i) of NEMA), in terms of which significant impacts on important biodiversity should be avoided.
- The guideline on calculating biodiversity offsets should be sufficiently flexible for them to be refined at regional level and for special habitats.

The standard approach to determining biodiversity offset ratios is based on the best available information on ecosystems and ecosystem types at landscape level – the 2021 ecosystem assessment (the same assessment on which the latest List of the Ecosystems that are Threatened and in Need of Protection published in terms of the National Environmental Management: Biodiversity Act, 2004 is based) – and spatial biodiversity plans, setting out biodiversity priorities.

In the look-up table above, each ecosystem type has been allocated a final ratio. The final ratio is premised on (A) a punitive ratio for ecosystems that have crossed at Threshold of Potential Concern (TPC) for habitat remaining, (B) a ratio determined using each ecosystem’s Remaining Extent and Protection Level (RE&P) and (C) the ratio determined using the Ecosystem Threat Status (ETS). The basis for the different computations is described below. The ecosystem assessment of 2021 is the best available information (at a landscape level) on the ecosystem types occurring in South Africa and the threat status is the best available information on how threatened each ecosystem type is and the reasons for the threat status.

(A) Punitive ratios catering for Thresholds of Potential Concern

A Threshold of Potential Concern (TPC) was introduced because it is undesirable for ecosystem types to fall below certain thresholds. To avoid extinction, it is important to set limits (Simmonds, et al. 2019) to the transformation of ecosystems. As a rule of thumb, there is a big risk of an ecosystem becoming extinct if there is 20% or less of its historic range⁵⁰ remaining (SANBI, 2017). In applying the precautionary approach, the general threshold selected for the standard approach is an Ecosystem Extent of 30%. This is informed by the recent United Nations Biodiversity Conference (COP 15) which issued the Kunming Declaration to lay the foundation for the post-2020 Global Biodiversity Framework (GBF) to reverse the global extinction crisis. This specifically recognizes the call of many countries to protect and conserve 30% of land and sea areas through well-connected systems of protected areas and other effective area-based conservation measures by 2030. It is therefore recommended in the Guideline that an activity, or activities, that would have a significant negative impact on biodiversity in those ecosystem types are not authorised but, if they are authorised in exceptional circumstances, that a high punitive ratio of 30:1 is applied. This strengthens the application of the mitigation hierarchy because it may well encourage developers to avoid impacts in ecosystems that are threatened by dramatic range reduction.

(B) Ratios based on Remaining Ecosystem Extent and Ecosystem Protection Level

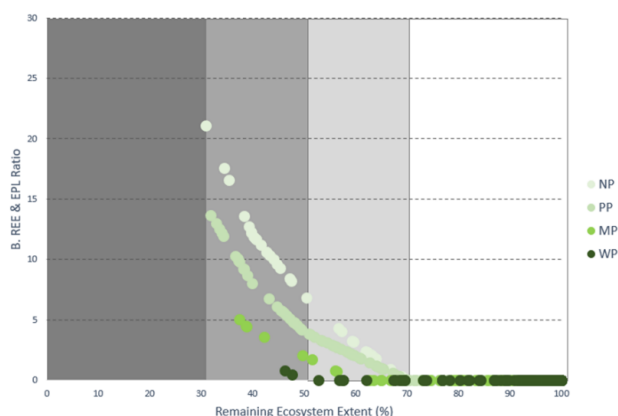
For ecosystems with a Remaining Ecosystem Extent (REE) of greater than 30% but smaller than 70%, a ratio between 22:1 and 1:1 is applied. As a general rule, the closer the REE is to the 30% threshold, the closer the ratio should be to 30:1, and the closer the REE is to the 70% threshold, the closer the ratio should be to 1:1. The rationale for setting higher ratios for ecosystems threatened by range reduction is to prevent ecosystems from getting closer to the 30% TPC. It is however acknowledged that the risk of Ecosystem Extent falling below 30% is reduced when ecosystem types are protected. Ecosystem Protection Levels (EPL) has therefore been used to moderate the ratios.

Several “transformation bands” were developed based on REE and EPL. Those bands are depicted in the table below.

Remaining Ecosystem Extent (%)			Not Protected		Poorly Protected		Moderately Protected		Well protected	
Bands	Low	High	Low	High	Low	High	Low	High	Low	High
1	0	30	TPC Ratio Applied							
2A	30	40	12.0	22.0	8.0	15.0	4.0	8.0	2.0	4.0
2B	40	50	7.0	12.0	4.0	8.0	2.0	4.0	0.0	2.0
3A	50	60	3.0	7.0	2.0	4.0	0.0	2.0	0.0	0.0
3B	60	70	0.0	3.0	0.0	2.0	0.0	0.0	0.0	0.0
4	70	100	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

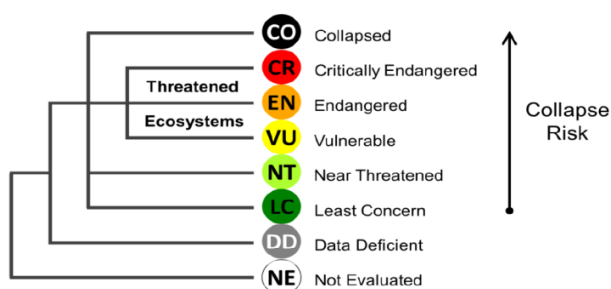
The ratios allocated to each band are based on expert advice and what according to the experts would be reasonable but would still promote the cautionary and risk averse approach and strengthen the application of the mitigation hierarchy. The transformation bands and the ratios associated with each transformation band are represented in the graph below. In that graph, NP is Not Protected; PP is Poorly Protected; MP is Moderately Protected; and WP is Well Protected.

⁵⁰ The baseline is 1750 (International Union for the Conservation of Nature, 2016).



(C) Ratios based on Ecosystem Threat Status

The criteria for determining the Ecosystem Threat Status (ETS) recommended by the International Union for the Conservation of Nature (IUCN) (IUCN, 2016) were applied in the ecosystem assessment conducted in 2021 and include the following classes:



The ecosystem assessment of 2021 also culminated in an updated List of Ecosystems that are Threatened and in Need of Protection, which has been published in terms of NEMBA⁵¹ (**List of Ecosystems**). For more information on the IUCN's recommended approach, please consult the IUCN's *Guidelines for the application of IUCN Red List of Ecosystems Categories and Criteria* (2016).

The ETS is recognized as a critical indicator of the health of the world's biodiversity. An important point to note is that an ecosystem type may be threatened by factors other than a reduction in remaining ecosystem extent. An overview of additional criteria that are used to inform ETS are summarized below:

Criterion	Purpose
A Reduction in geographic distribution	Identifies ecosystems that are undergoing declines in area, most commonly due to threats resulting in ecosystem loss and fragmentation.
B Restricted geographic distribution	Identifies ecosystems with small distributions that are susceptible to spatially explicit threats and catastrophes.
C Environmental degradation	Identifies ecosystems that are undergoing environmental degradation.
D Disruption of biotic processes or interactions	Identifies ecosystems that are undergoing loss or disruption of key biotic processes or interactions.
E Quantitative analysis that estimates the probability of ecosystem collapse	Allows for an integrated evaluation of multiple threats, symptoms, and their interactions.

⁵¹ Published under Government Notice No. 2747 in Government Gazette 47526 of 18 November 2022.

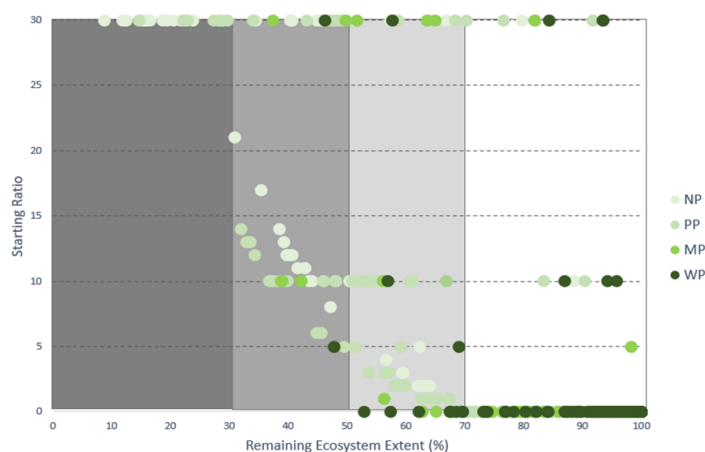
In order to account for additional criteria that may be used to elevate the importance of an ecosystem for conservation, separate ETS ratios were applied for all ecosystems. For the sake of simplicity, the following ratios applied:

- Critically Endangered: 30:1
- Endangered: 10:1
- Vulnerable: 5:1

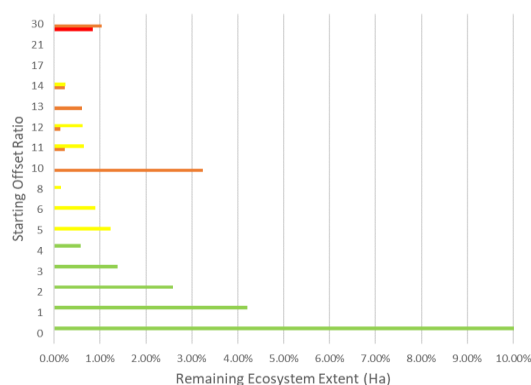
The ratios were determined by experts based on their assessment of what is reasonable but still applying the cautionary and risk averse approach as well as promoting the application of the mitigation hierarchy. The ratios were designed to prevent the threat status of threatened ecosystem types deteriorating over time.

(D) Setting a Starting Offset Ratio

A Starting Offset Ratio was calculated for each ecosystem by applying the cautionary and risk averse approach. This was done by simply selecting the higher of the ratios determined in (A), (B) and (C) above. The results of applying this approach are illustrated in the figure below:



Whilst this approach does suggest that quite a large number of ecosystems have a starting ratio of 30:1, this translates to <2% of remaining untransformed habitat. Indeed, for more than 80% of sites, offsets would typically not be required (Starting Offset Ratio = 0). The next graph provides an analysis of ratios applied across different ETS levels. Note however that the horizontal axis has been reduced so as to illustrate the relatively small proportion of sites with high starting offset ratios.

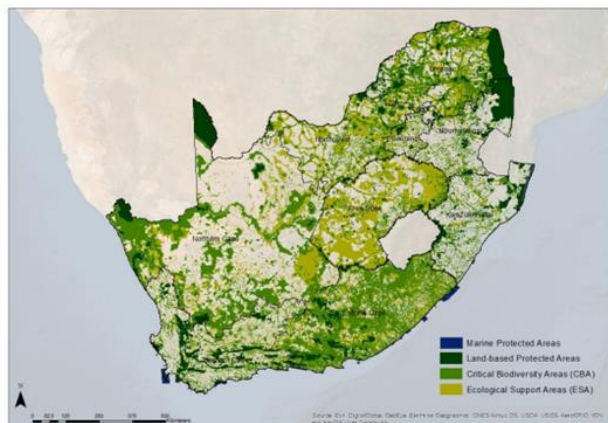


(E) Taking biodiversity spatial plans into consideration

As stated above, one of the factors influencing the standard approach was to consider biodiversity spatial plans. This was integrated so as to support the achievement of the biodiversity targets set in those plans. The biodiversity targets set in those plans are not based purely on Ecosystem Extent and Ecosystem Threat Status. Other factors also influence the identification of Critical Biodiversity Areas and Ecological Support Areas, such as the presence of species or important ecological infrastructure.

Biodiversity spatial plans in South Africa usually identify Critical Biodiversity Areas (CBAs) in their respective planning domains (they are ordinarily done at Provincial level). CBAs are areas that must stay in, or be rehabilitated to,⁵² a largely natural ecological condition to ensure that a viable representative sample of all ecosystem types and species can persist. In most biodiversity spatial plans, there are two sub-categories of CBAs: CBA 1 and CBA 2. In most of those spatial biodiversity plans,⁵³ **CBA 1** sites are selected because there are no other options in the relevant planning domain for the relevant target to be met. They are therefore sometimes called CBA: Irreplaceable. The selection of **CBA 2** sites is based on a range of factors, including spatial efficiency, complementarity, connectivity, avoidance of conflict with other land uses, and alignment with socio-economic opportunities for conservation if these are known. They are often known as CBA: Optimal.

A Consolidated Critical Biodiversity Area (CBA) Map for South Africa based on the most recent available CBA Maps at sub-national level is provided below. For more information on biodiversity spatial plans in South Africa, please consult SANBI's *Technical Guidelines for CBA Maps: Guidelines for developing a map of Critical Biodiversity Areas & Ecological Support Areas using systematic biodiversity planning* (2017).



It is recommended in the Guideline that significant negative impacts on biodiversity in CBA 1s are avoided because of the irreplaceability of those sites. For this reason, a punitive 30:1 ratio is applied to all CBA sites. For significant residual negative impacts on biodiversity in CBA 2s, it is recommended that the Starting Offset Ratio (D) is multiplied by a factor of 1.5. The rationale for the latter

⁵²Ideally, a site should only be selected as a CBA if it is currently in good ecological condition. However, in some circumstances it may be necessary to select a site in fair ecological condition as a CBA. Only in exceptional circumstances, when biodiversity targets for representation cannot otherwise be met, will a site that is severely modified be selected as a CBA. **It is therefore not always the case that only areas in good ecological condition are selected as CBAs.**

⁵³Please note that CBA 1 and CBA 2 mean different things in some biodiversity spatial plans. For example, in the Western Cape Biodiversity Spatial Plan (2017), CBA 1s are areas CBAs in good ecological condition and CBA 2s are CBAs in fair or modified ecological condition.

recommendation is that whilst CBA 2s represent the best locations to meet conservation targets, the sites are not irreplaceable and as such, the application of a punitive 30:1 ratio cannot be justified.

(F) Considering other factors

As stated above, one of the guiding principles for determining ratios is flexibility. The basic biodiversity offset ratio determined by considering (A) Thresholds of Potential Concern, (B) Remaining Ecosystem Extent and Ecosystem Protection Level, (C) Ecosystem Threat Status and (E) Biodiversity Spatial Plans as recommended above may have to be modified based on the unique circumstances of each case. As noted in the guideline, some factors may well justify a higher ratio than the proposed basic biodiversity offset ratios, such as when the extent of the impact on biodiversity is equal to large percentage of the size of the historical extent of the relevant ecosystem type. Other factors may justify smaller ratios, such as when the impact occurs in an urban setting where there are severe spatial constraints.

The law requires competent authorities to properly apply their minds to each case and not to apply the standard approach rigidly. While the standard approach may give a good indication of what ratio should be applied generally, the competent authority must consider all relevant factors when taking a decision on the applicable ratio. Competent authorities are therefore encouraged to critically evaluate Biodiversity Offset Reports and to consult with conservation authorities for advice on applicable ratios when considering which ratio to apply in a particular case.

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3570

23 June 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2004)****CONSULTATION ON THE INTENTION TO DECLARE CERTAIN AREAS TO BE THE GYS WIESE PROTECTED ENVIRONMENT, TO ASSIGN THE MANAGEMENT OF THE PROTECTED ENVIRONMENT TO THE MELKBOOMHOEK CLOSE CORPORATION AND TO RESTRICT AND REGULATE DEVELOPMENT AND OTHER ACTIVITIES IN THE GYS WIESE PROTECTED ENVIRONMENT IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby consult on my intention to declare privately owned areas situated in the Northern Cape Province as the Gys Wiese Protected Environment under sections 28(1)(a)(i) and 28(1)(b), read with sections 31 and 33, of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003); to assign the management of the Gys Wiese Protected Environment to the Melkboomhoek Close Corporation in terms of section 38(1)(b) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003); and to restrict or regulate, in the Gys Wiese Protected Environment, development that may be inappropriate for the area given the purpose for which the area was declared and the carrying out of other activities that may impede such purpose under section 51 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 60 days from the date of the publication of this Notice in the *Gazette*, written representations, or objections to the following address:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment
Attention : Ms Sibongile Mampe
Private Bag X447
PRETORIA
0001

By hand to: Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083

By mail to: smampe@dfre.gov.za

Any enquiries in connection with the notice can be directed to Ms Sibongile Mampe at 012 399 9557.

Comments received after the closing date may be disregarded.



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE

1. THE FOLLOWING PRIVATELY OWNED AREAS SITUATED IN THE NAMAQUALAND REGISTRATION DIVISION, NORTHERN CAPE PROVINCE CONSTITUTE THE GYS WIESE PROTECTED ENVIRONMENT

- 1.1 Portion 5 of the Farm Doornfontein No. 464, Namaqualand Registration Division, Northern Cape Province, in extent 116.4728 hectares, held by Deed of Transfer No. T95283/2007;
- 1.2 Portion 10 of the Farm Grootberg No. 442, Namaqualand Registration Division, Northern Cape Province, in extent 785.1756 hectares, held by Deed of Transfer No. T95283/2007; and
- 1.3 Remainder of the Farm Melkboom Hoek No. 443, Namaqualand Registration Division, Northern Cape Province, in extent 142.5290 hectares, held by Deed of Transfer No. T95283/2007.

2. ASSIGNMENT OF A MANAGEMENT AUTHORITY

- 2.1 The management of the Gys Wiese Protected Environment is assigned to the Melkboomhoek Close Corporation.
- 2.2 The management authority of the Gys Wiese Protected Environment is required to manage this protected environment in terms of section 40(1) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).

3. PURPOSE OF DECLARATION OF GYS WIESE PROTECTED ENVIRONMENT

- 3.1 The purpose for which the Gys Wiese Protected Environment is declared, is to—
 - (a) serve as a buffer zone for the conservation and protection of the Namaqua National Park;
 - (b) enable the owner of the land to take action to conserve biodiversity and to provide legal recognition for the Gys Wiese Protected Environment; and
 - (c) protect the Namaqua National Park by restricting development and activities within the Gys Wiese Protected Environment.

4. RESTRICTION OF DEVELOPMENT AND OTHER ACTIVITIES IN THE GYS WIESE PROTECTED ENVIRONMENT

4.1. APPLICATION

- 4.1.1 Development and other activities in the Gys Wiese Protected Environment that may be inappropriate for the area and may impede the purpose for which this protected environment was declared, are restricted according to—
 - (a) The zonation plan set out in Appendix 1 and depicted in the management plan which can be accessed at <https://wildernessfoundation.co.za/spaces/>; and
 - (b) The Grazing Guidelines for the veld types of Gys Wiese Protected Environment depicted in the management plan and the Grazing Guidelines for Namaqualand which can be accessed at <https://wildernessfoundation.co.za/spaces/>.

4.2. RESTRICTION OF DEVELOPMENT AND OTHER ACTIVITIES IN THE CONSERVATION ZONE

4.2.1 Insofar as development and other activities in the Conservation Zone are restricted, activities or developments conducted therein must be undertaken in line with the management plan and may not result in a transition away from conservation, agricultural and ecotourism land uses.

4.2.2. Development or activities within the Conservation Zone are limited to:

- (a) Grazing of livestock and game according to the grazing guidelines;
- (b) Ecotourism related developments or activities;
- (c) Hunting of game for culling purposes;
- (d) Provision and maintenance of infrastructure to the extent necessary for agricultural and conservation related activities;
- (e) The rehabilitation of degraded areas; and
- (f) Construction of small scale infrastructure and related activities necessary to ensure the continued functioning and integrity of the natural ecosystems.

4.3. RESTRICTION OF DEVELOPMENT AND OTHER ACTIVITIES IN THE HIGH IMPACT ZONE

4.3.1 Insofar as development and other activities in the High Impact Zone are restricted, activities or developments conducted therein must be undertaken in line with the management plan and may not result in a transition away from agricultural and ecotourism land uses.

4.3.2. Developments or activities within the High Impact Zone are limited to the following:

4.3.2.1. Intensive agricultural activities and construction of related infrastructure such as:

- (a) Homesteads.
- (b) Staff accommodation;
- (c) Ancillary or related farm infrastructure (such as: barns, stores, sheds, administrative offices, intensive working kraals); and
- (d) Dams, access roads and fences.

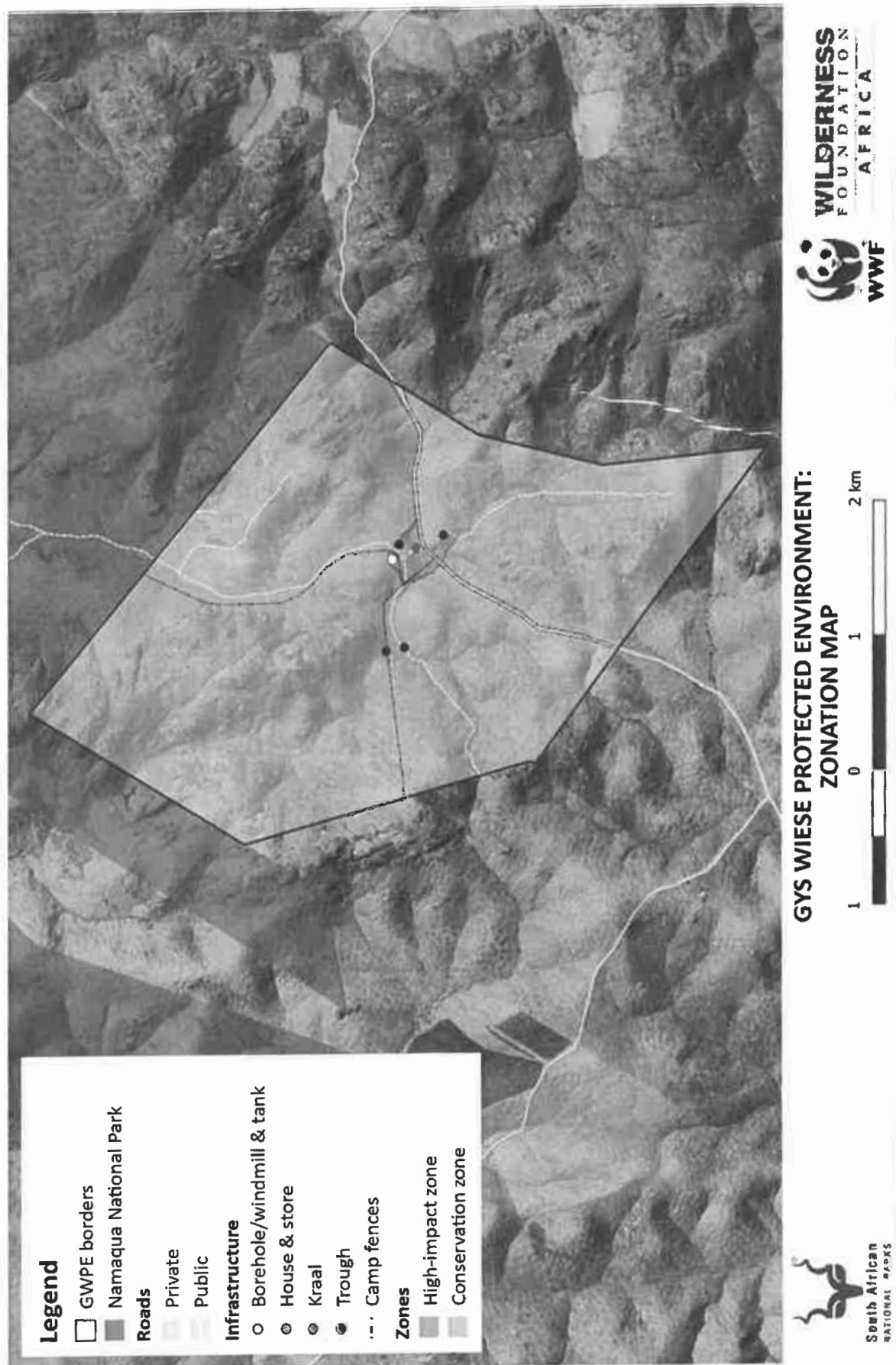
4.3.2.2. Ecotourism activities and construction of related infrastructure, such as:

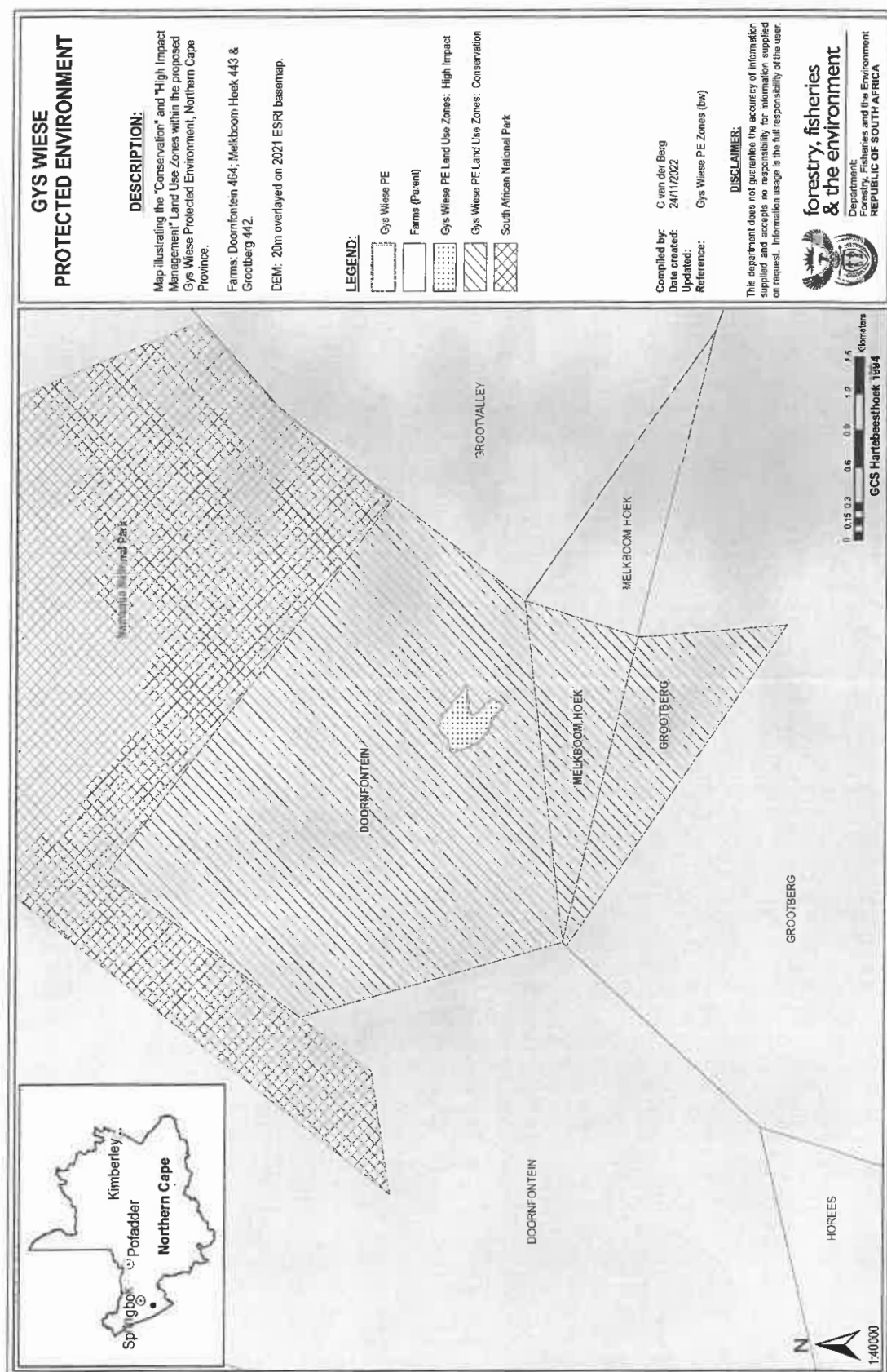
- (a) Lodges;
- (b) Ecotourism related facilities; and
- (c) Administrative facilities.

4.3.2.3. Provision of space for the construction of infrastructure essential for the management and sustainable use of the Gys Wiese Protected Environment; and

4.3.2.4. Activities permitted in the "Conservation Zone".

Appendix 1: Gys Wiese Protected Environment Zonation Plan (Map and Table) extracted from the Gys Wiese Protected Environment Management Plan





User Zone	Zone Description	Management Objectives
Conservation Zone	<p>This zone is managed for Biodiversity conservation and sustainable livestock grazing. Livestock grazing is practiced in four camps on a rotational basis and the stock are also rotated between farms on a seasonal basis.</p> <p>Recommended stocking rates described in the 'Grazing Guidelines for Namaqualand, 2018 (*) documents provided need to be implemented.</p> <p>Basic agricultural infrastructure (water troughs, water storage, bore holes, fences, roads) is also located in this zone.</p> <p>Degraded sites (including old, cultivated lands, erosion sites, and overgrazed/trampled areas) are to be identified for rehabilitation.</p>	<p>a.) Ensure ecosystem integrity and functioning.</p> <p>b.) Rehabilitation of degraded sites to counter the effects of erosion and alien invasive plant species.</p> <p>c.) Infrastructure maintenance</p> <p>d.) Monitoring and management of veld condition in line with the recommended</p> <p>*Grazing Guidelines for Namaqualand</p> <ul style="list-style-type: none"> ◦ Namaqualand Klipkoppe Shrubland (SKn1) : 10-13 ha / (Small Stock Unit); ◦ Namaqualand Heuweltjieveld: 12ha/SSU
High-Impact Zone	<p>High impact zone includes infrastructure associated with the administration, maintenance, management, tourism, and other Management Authority related purposes for the GWPE.</p> <p>Future high-impact infrastructure development will be in the high impact zone.</p> <p>A developed tourist and agricultural node with associated infrastructure.</p>	<p>a.) Maintenance of infrastructure for the management and sustainable utilisation of the GWPE.</p> <p>b.) Provision of space for possible future developments related to nature conservation, eco-tourism, and agriculture.</p>

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3571

23 June 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****CONSULTATION ON THE INTENTION TO DECLARE CERTAIN PROPERTIES SITUATED IN THE
EASTERN CAPE PROVINCE TO BE PART OF THE EXISTING ADDO ELEPHANT NATIONAL PARK
IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby under section 20(1)(a)(ii) read with sections 31 and 33 of the National Environmental Management: Protected Areas Act, 2003 (Act No.57 of 2003), give notice of my intention to declare certain properties situated in the Eastern Cape Province to be part of the existing Addo Elephant National Park, as set out in the schedule hereto.

Members of the public are invited to submit, within 60 days from date of publication of this Notice in the Gazette, or in the newspapers, whichever date is the last date, written comments to the following addresses:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment
Attention: Mr Sydney Nkosi
Private Bag X447
PRETORIA
0001

By hand to: 473 Steve Biko Street, Arcadia, **PRETORIA**, 0083

By mail to: smampe@environment.gov.za

Any enquiries in connection with the notice can be directed to Mr Sydney Nkosi at 012 399 9065

Comments received after the closing may be disregarded.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Administrative District of Somerset East

1. Portion 5 of the Farm Bouwers Fontein No 240, Administrative District of Somerset East, Eastern Cape and measuring 139.3138 hectares, held by the Deed of Transfer T79466/2004;
2. Portion 6 of Farm Bouwers Fontein No. 240, Administrative District of Somerset East, Eastern Cape and measuring 33.2615 hectares, held by the Deed of Transfer T79467/2004;
3. Remaining extent of Farm No 383, Administrative District of Somerset East, Eastern Cape and measuring 1652.0160 hectares, held by the Deed of Transfer T63742/2003;
4. Portion 3 of Farm Modderfontein No 338, Administrative District of Somerset East, Eastern Cape and measuring 146.8954 hectares, held by the Deed of Transfer T69158/2013;
5. Remaining Extent of Portion 2 of Farm Volkers Rivier No 244, Administrative District of Somerset East, Eastern Cape and measuring 893.3237 hectares, held by the Deed of Transfer T63742/2003;
6. Remaining Extent of Portion 3 of Farm Volkers Rivier No 244, Administrative District of Somerset East, Eastern Cape and measuring 639.7589 hectares, held by the Deed of Transfer T63742/2003;
7. Portion 2 of the Farm Paddasfontein No 279, Administrative District of Somerset East, Eastern Cape and measuring 78.8993 hectares, held by the Deed of Transfer T9178/2021;
8. Portion 5 of the Farm Klipfontein No 288, Administrative District of Somerset East, Eastern Cape and measuring 200.9726 hectares, held by the Deed of Transfer T9178/2021;
9. Portion 4 of the Farm Klipfontein No 288, Administrative District of Somerset East, Eastern Cape and measuring 100.8864 hectares, held by the Deed of Transfer T9178/2021;
10. Portion 2 of the Farm No 428, Administrative District of Somerset East, Eastern Cape and measuring 655.9712 hectares, held by the Deed of Transfer T9178/2021;

Administrative District of Uitenhage

11. Portion 3 of the Farm Break Neck No 24, Administrative District of Uitenhage, Eastern Cape and measuring 121.0180 hectares, held by the Deed of Transfer T40624/1975;
12. Remaining extent of the Farm Break Neck No 24, Administrative District of Uitenhage, Eastern Cape and measuring 1967.6592 hectares, held by the Deed of Transfer T87258/1994;
13. Portion 3 of the Farm Die Dorings No 21, Administrative District of Uitenhage, Eastern Cape and measuring 227.8490 hectares, held by the Deed of Transfer T87258/1994;
14. Portion 4 of the Farm Die Dorings No 21, Administrative District of Uitenhage, Eastern Cape and measuring 121.9997 hectares, held by the Deed of Transfer T87258/1994;
15. Portion 5 of the Farm Die Dorings No 21, Administrative District of Uitenhage, Eastern Cape and measuring 448.0846 hectares, held by the Deed of Transfer T87258/1994;
16. Portion 9 of the Farm Ingleside No 215, Administrative District of Uitenhage, Eastern Cape and measuring 293.4404 hectares, held by the Deed of Transfer T6741/2009;
17. Portion 10 of the Farm Ingleside No 215, Administrative District of Uitenhage, Eastern Cape and measuring 308.4044 hectares, held by the Deed of Transfer T6741/2009;
18. Portion 1 of the Farm Korhaanspoort No 577, Administrative District of Uitenhage, Eastern Cape and measuring 781.6838 hectares, held by the Deed of Transfer T12193/1973;
19. Portion 2 of the Farm Korhaanspoort No 577, Administrative District of Uitenhage, Eastern Cape and measuring 781.8520 hectares, held by the Deed of Transfer T101213/2005;
20. Portion 3 of the Farm Korhaanspoort No 577, Administrative District of Uitenhage, Eastern Cape and measuring 781.8520 hectares, held by the Deed of Transfer T101213/2005;

21. Portion 1 of the Farm Pietersens Kraal No 48, Administrative District of Uitenhage, Eastern Cape and measuring 86.8921 hectares, held by the Deed of Transfer T87258/1994;
22. Remaining Extent of Farm Pietersens Kraal No 48, Administrative District of Uitenhage, Eastern Cape and measuring 1455.6321 hectares, held by the Deed of Transfer T69158/2013;
23. Portion 3 of the Farm Riet Poort No 19, Administrative District of Uitenhage, Eastern Cape and measuring 142.4617 hectares, held by the Deed of Transfer T69158/2013;

Administrative District of Jansenville

24. Portion 3 of the Farm Groene Leegte No 164, Administrative District of Jansenville, Eastern Cape and measuring 41.7873 hectares, held by the Deed of Transfer T9994/2006;
25. Portion 4 of the Farm Groene Leegte No 164, Administrative District of Jansenville, Eastern Cape and measuring 266.8529 hectares, held by the Deed of Transfer T23048/2002;
26. Portion 10 of the Farm Groene Leegte No 164, Administrative District of Jansenville, Eastern Cape and measuring 166.1770 hectares, held by the Deed of Transfer T9994/2006;
27. Remaining Extent of portion 12 of the Farm Groene Leegte No 164, Administrative District of Jansenville, Eastern Cape and measuring 86.4977 hectares, held by the Deed of Transfer T9994/2006;
28. Remaining Extent of the Farm Request No 234, Administrative District of Jansenville, Eastern Cape and measuring 1186.2412 hectares, held by the Deed of Transfer T6973/2020;

Administrative District of Alexandria

29. Portion 8 of the Farm Leeuwen Kloof No 91, Administrative District of Alexandria, Eastern Cape and measuring 343.3629 hectares, held by the Deed of Transfer T44225/1996;
30. Remaining extent of portion 2 of the Farm Nieuw Jaars Kop No 300, Administrative District of Alexandria, Eastern Cape and measuring 184.4730 hectares, held by the Deed of Transfer T6236/2001;
31. Remaining extent of portion 7 of the Farm Nieuw Jaars Kop No 300, Administrative District of Alexandria, Eastern Cape and measuring 242.2463 hectares, held by the Deed of Transfer T6236/2001;

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3572

23 June 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****CONSULTATION ON THE INTENTION TO DECLARE CERTAIN PROPERTIES SITUATED IN THE
WESTERN CAPE PROVINCE TO BE PART OF THE EXISTING AGULHAS NATIONAL PARK IN
TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby under section 20(1)(a)(ii) read with sections 31 and 33 of the National Environmental Management: Protected Areas Act, 2003 (Act No.57 of 2003), give notice of my intention to declare the properties situated in the Western Cape Province to be part of the existing Agulhas National Park, as set out in the Schedule hereto.

Members of the public are invited to submit, within 60 days after the publication of the notice in the *Gazette*, or in the newspaper, whichever date is the last date, written comments to the following addresses:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment,
Attention: Mr Sydney Nkosi
Private Bag X447
PRETORIA
0001

By hand to: 473 Steve Biko Street, Arcadia, **PRETORIA**, 0083

By mail to: smampe@dfpe.gov.za

Any enquiries in connection with the notice can be directed to Mr Sydney Nkosi at 012 399 9065

Comments received after the closing may be disregarded.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE**BREDASDORP ADMINISTRATIVE DISTRICT DIVISION**

1. Portion 38 of the Farm Paapekuil Fontein No 281, Administrative District of Bredasdorp, Western Cape and measuring 169.6407 hectares, held by the Deed of Transfer T602/1951; and
2. Portion 4 of the Farm Zoetendals Vlei No. 280, Administrative District of Bredasdorp, Western Cape and measuring 375.7748, held by the Deed of Transfer T602/1952.

Total hectares: 545.4155

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3573

23 June 2023

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)

CONSULTATION ON THE INTENTION TO DECLARE CERTAIN PROPERTIES SITUATED IN THE LIMPOPO PROVINCE TO BE PART OF THE EXISTING MARAKELE NATIONAL PARK IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby under section 20(1)(a)(ii) read with sections 31 and 33 of the National Environmental Management: Protected Areas Act, 2003 (Act No.57 of 2003), give notice of my intention to declare certain properties situated in the Limpopo Province to be part of the existing Marakele National Park, as set out in the Schedule hereto.

Members of the public are invited to submit, within 60 days from date of publication of this Notice in the Gazette, or in the newspaper, whichever date is the last date, written comments to this Notice, to the following addresses:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment
Attention: Mr Sydney Nkosi
Private Bag X447
PRETORIA
0001

By hand to: 473 Steve Biko Street, Arcadia, **PRETORIA**, 0083

By mail to: smampe@dfre.gov.za

Any enquiries in connection with the notice can be directed to Mr Sydney Nkosi at 012 399 9065

Comments received after the closing may be disregarded.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE**KQ REGISTRATION DIVISION**

1. Portion 31 of the Farm Groothoek No 278, KQ Registration Division, Limpopo Province and measuring 140.1066, held by the Deed of Transfer T124087/2002;
2. Remaining extent of the Farm Duikerspan No 136, KQ Registration Division, Limpopo Province and measuring 468.8776 hectares, held by the Deed of Transfer T56007/1997;
3. Portion 9 of the Farm Hartebeestfontein No 281, KQ Registration Division, Limpopo Province and measuring 47.9658, held by the Deed of Transfer T124087/2002.

Total hectares: 656.95

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3574

23 June 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO.57 OF 2003)****CONSULTATION ON THE INTENTION TO DECLARE CERTAIN PROPERTIES SITUATED IN
NORTHERN CAPE PROVINCE AS PART OF EXISTING MOKALA NATIONAL PARK IN TERMS OF
THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.57
OF 2003).**

I Barbra Dallas Creecy, Minister of Forestry, Fisheries and Environment, hereby under section 20(1)(a)(ii) read with section 31 and 33 of the National Environmental Management: Protected Areas Act, 2003 (Act No.57 of 2003) consult of my intention to declare certain properties situated in the Northern Cape Province to be part of the existing Mokala National Park, as set out in the Schedule hereto.

Members of the public are invited to submit, within 60 calendar days from the date of publication of this notice in the Gazette, or in the newspaper, whichever date is the last date, written comments to this Notice, to the following addresses:

By post: The Director-General
Department of Forestry, Fisheries and the Environment
Attention: Mr. Sydney Nkosi
P.O Box X447
PRETORIA
0001

By hand to 473 Steve Biko Street, Arcadia, **PRETORIA** ,0083

By e-mail: smampe@dffe.gov.za

Any queries in connection with the notice can be directed to Mr. Sydney Nkosi at Tel: 012 399 9065

Comments received after the closing date may be disregarded



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE
HERBERT DISTRICT DIVISION

Title Deed No.	Description of Property, farm, portion	Ownership	District	Extent (ha)
T638/2015	Portion 15 of the Farm Wolve Pan No.138	NPTSA	Herbert	257.5803
T1533/2013	Portion 9 of the Farm Wolve Pan No.138	NPTSA	Herbert	586.6276

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3575

23 June 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****CONSULTATION ON THE INTENTION TO DECLARE CERTAIN PROPERTIES SITUATED IN
NORTHERN CAPE PROVINCE AS PART OF THE EXISTING NAMAQUA NATIONAL PARK IN
TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)**

I, Barbra Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, in terms of section 20(1)(a)(ii) read with sections 31 and 33 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) invite the public to comment on the proposal to declare the properties described in the Schedule hereto, situated in the Northern Cape Province, to be part of the existing Namaqua National Park.


Members of the public are invited to submit, within 60 days from the date of publication of this notice in the Gazette, or in the newspaper, whichever date is the last date, written comments on, or objections to, the proposed declaration, to the following addresses:

By post: The Director-General
 Department of Forestry, Fisheries and the Environment
 Attention: Mr. Sydney Nkosi
 P.O Box X447
 PRETORIA
 0001
By hand to 473 Steve Biko Street, Arcadia, PRETORIA ,0083

By e-mail: smampe@dfre.gov.za

Any queries in connection with the notice can be directed to Mr. Sydney Nkosi at Tel: 012 399 9065

Comments received after the closing date may not be considered.



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE

No. of properties	Title Deed No.	Description of Properties	Ownership	District	Extent (ha)
1.	T1913/2021	Portion 3 of the Farm Canariesfontein No.465	WWF-SA	Namaqualand	827.0340
2.	T95753/1999	Portion 10 of the Farm Canariesfontein No.465	SANParks	Namaqualand	148.9538
3.	T14717/2015	Portion 4 of the Farm Canariesfontein No.465	WWF-SA	Namaqualand	1,434.6469
4.	T13651/2002	Portion 3 of the Farm Doornfontein No.464	SANParks	Namaqualand	736.7788
5.	T8727/2017	Remaining extent of the Farm Kraaifontein No.312	WWF-SA	Namaqualand	3,765.4884
6.	T19046/2012	Remaining extent of the Farm Namaqualand Rd No.656	NPTSA	Namaqualand	5183.57983
7.	T19593/2014	Portion 2 of the Farm Nieuwe Plaats No.445	WWF-SA	Namaqualand	1709.080714
8.	T37992/2014	Portion 12 of the Farm Ouss No.463	WWF-SA	Namaqualand	428.5099
9.	T37992/2014	Portion 24 of the Farm Ouss No.463	WWF-SA	Namaqualand	648.4835
10.	T37992/2008	Portion 2 of the Farm Graskom No.483	SANParks	Namaqualand	1500.0837
11.	T94839/2001	Portion 10 of the Farm Soubatters Fontein No.467	SANParks	Namaqualand	13.0764
12.	T1608/2021	Portion 5 of the Farm Roode Kol No.336	WWF-SA	Namaqualand	275.6011
13.	T1913/2021	Portion 4 of the Farm Hunboom No.344	WWF-SA	Namaqualand	1612.7304

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3576

23 June 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****CONSULTATION ON THE INTENTION TO DECLARE CERTAIN PROPERTIES SITUATED IN THE
WESTERN CAPE PROVINCE TO BE PART OF THE EXISTING KAROO NATIONAL PARK IN TERMS
OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.
57 OF 2003)**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby under section 20(1)(a)(ii) read with sections 31 and 33 of the National Environmental Management: Protected Areas Act, 2003 (Act No.57 of 2003), give notice of my intention to declare the property situated in the Western Cape Province to be part of the existing Karoo National Park, as set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 60 days after the publication of the notice in the *Gazette* or in the newspaper, whichever date is the last date, written comments to this Notice, to the following addresses:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment
Attention: Mr Sydney Nkosi
Private Bag X447
PRETORIA
0001

By hand to: 473 Steve Biko Street, Arcadia, **PRETORIA**, 0083

By mail to: smampe@dfre.gov.za

Any enquiries in connection with the notice can be directed to Mr Sydney Nkosi at 012 399 9065

Comments received after the closing may be disregarded.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE**Beaufort West Administrative Division**

1. Remaining extent of the Farm Danster Fontein No 219, Beaufort West Administrative Division and measuring 397.2602 hectares, held by the Deed of Transfer T51882/2009.

Total hectares: 397.2602

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3577

23 June 2023

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)CONSULTATION ON THE DRAFT AMENDMENTS TO THE REGULATIONS FOR THE
MANAGEMENT OF THE ALIWAAL SHOAL MARINE PROTECTED AREA

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby publish for public comment, draft amendments to the Regulations for the Management of the Aliwal Shoal Marine Protected Area, published in Government Notice R. 781 in *Government Gazette* 42479 of 23 May 2019, and amended by Government Notice R. 1347 in *Government Gazette* 43999 of 15 December 2020 in terms of sections 48A(2)(a) and 86(1)(d)(i) and (ii) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the schedule to this notice.

The public's attention is drawn to the proposed amendment of the northern and southern boundaries of the Green Point Inshore Restricted Zone (GPIRZ). The proposed new location of GPS Point S (the northern boundary) and Point T (the southern boundary) is set out in the schedule.

The proposal is to move the current northern boundary of the GPIRZ 360 meters south and to move the southern boundary 50 meters north of the current GPS Point T. The proposal is therefore to slightly decrease the size of the GPIRZ and increase the zone for shore-angling and bait-collection within the Scottburgh Inshore Controlled Zone.

The public is invited to submit written representations on the draft amendments within 60 (sixty) days from the date of the publication of this notice in the *Gazette* or in newspapers, whichever is published last. Written representations received after this time may be disregarded. All representations and comments must be submitted in writing to the Deputy Director-General Branch: Oceans and Coasts of the Department of Forestry, Fisheries and the Environment:

By hand: The Deputy Director-General
Attention: Mr Siyabonga Dlulisa
Department of Forestry, Fisheries and
the Environment
1 East Pier Building, East Pier Road
V&A Waterfront, Cape Town
By email: sdlulisa@dffe.gov.za

By post to: The Deputy Director-General
Attention: Mr Siyabonga Dlulisa
Department of Forestry, Fisheries and the
Environment
P.O. Box / Private Bag x4390
Cape Town, 8002

Enquiries: Mr Siyabonga Dlulisa Tel: 021 493 7079



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions

Amendment of Annexure 1 in Government Notice R. 781 in *Government Gazette* 42479 of 23 May 2019

1. Annexure 1 in Government Notice R. 781 in *Government Gazette* 42479 of 23 May 2019, is hereby amended:

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

“ (1) Umkomaas Inshore Controlled Zone (UICZ) comprises the northern inshore portion of the Aliwal Shoal Marine Protected Area located north of the Green Point Inshore Restricted Zone and is defined as the area stretching 200 m seawards from the high-water mark and along the high-water mark, between point A, which lies on the northern boundary of the Aliwal Shoal Marine Protected Area, near the south bank of the Lovu Estuary to point S, which lies at the **[southern]**northern end of the **[rocky point just north of]**portion of the railway bridge which crosses over the Mahlongwana Estuary **[and includes the Mgababa and Umkomaas beach areas]**.”;

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

“ (2) Green Point Inshore Restricted Zone (GPIRZ) comprises an inshore portion of the Aliwal Shoal Marine Protected Area between Greenpoint and the northern bank of the Mahlongwana Estuary (including Clansthal Beach and Hayes Rock) and is defined as the section 200 m seawards from the high water mark and along the high-water mark, between point S, which lies at the **[southern]**northern end of the **[rocky point just north]**portion of the railway

bridge which crosses over [of] the Mahlongwana Estuary and point[s] T, which lies at the white beacon on [the] Green Point Rocks.”; and

(c) by the substitution of paragraph 3 for the following paragraph:

“(3) Scottburgh Inshore Controlled Zone (SICZ) comprises the southern inshore portion of the Aliwal Shoal Marine Protected Area located between the two Inshore Restricted Zones, and stretching 200 m seawards from the high-water mark and along the high-water mark, between point T, which lies at the white beacon on [the] Green Point Rocks, and point U, which lies at the start of the rocky point at the southern end of the Rocky Bay Caravan Park.”.

Amendment of the coordinates for Points S and T in Table 1 of Annexure 1 in Government Notice R. 781 in *Government Gazette* 42479 of 23 May 2019

2. Points S and T in Table 1 of Annexure 1 in Government Notice R. 781 in *Government Gazette* 42479 of 23 May 2019 is hereby amended by the substitution of the coordinates for points S and T of the following coordinates:

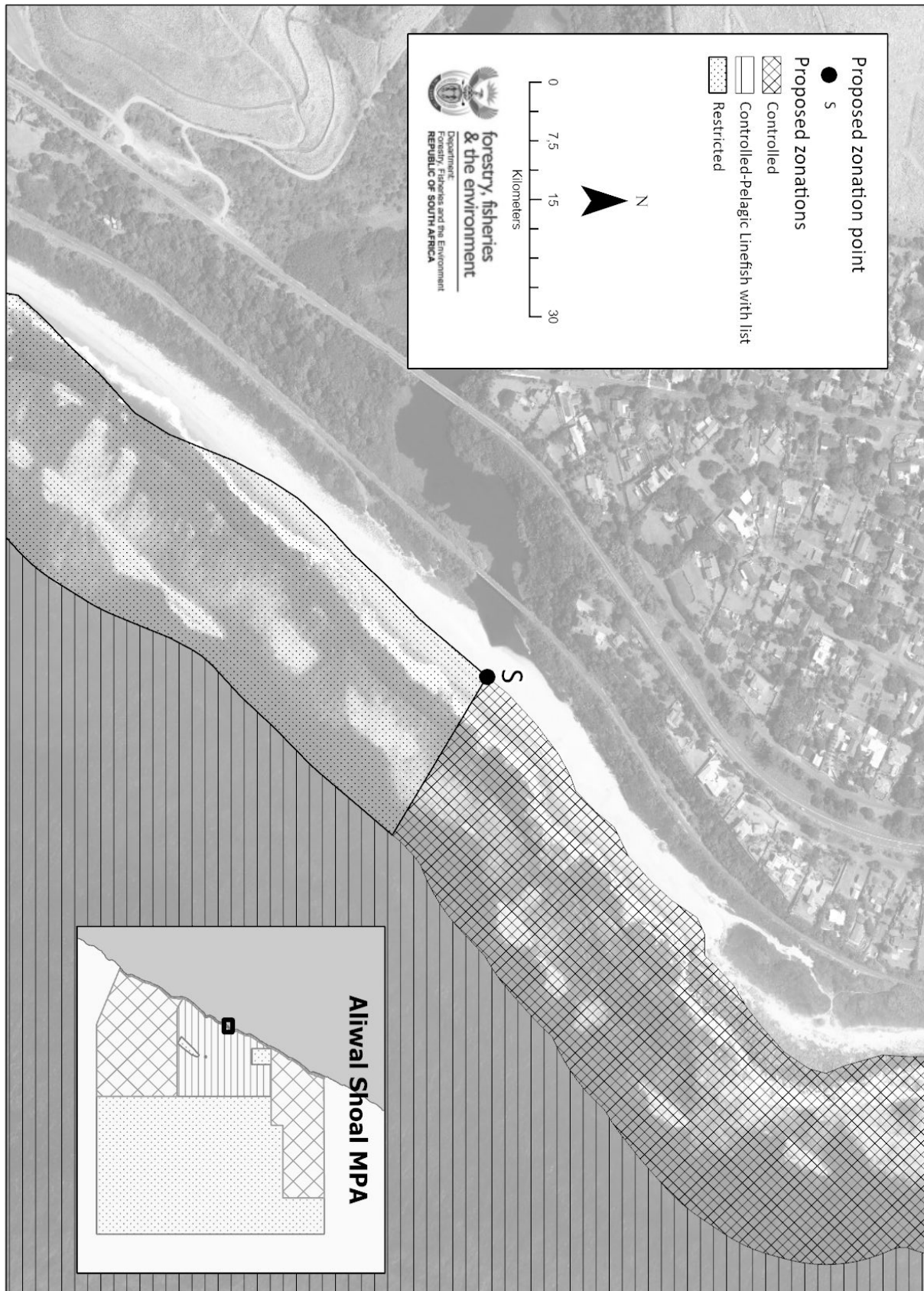
“

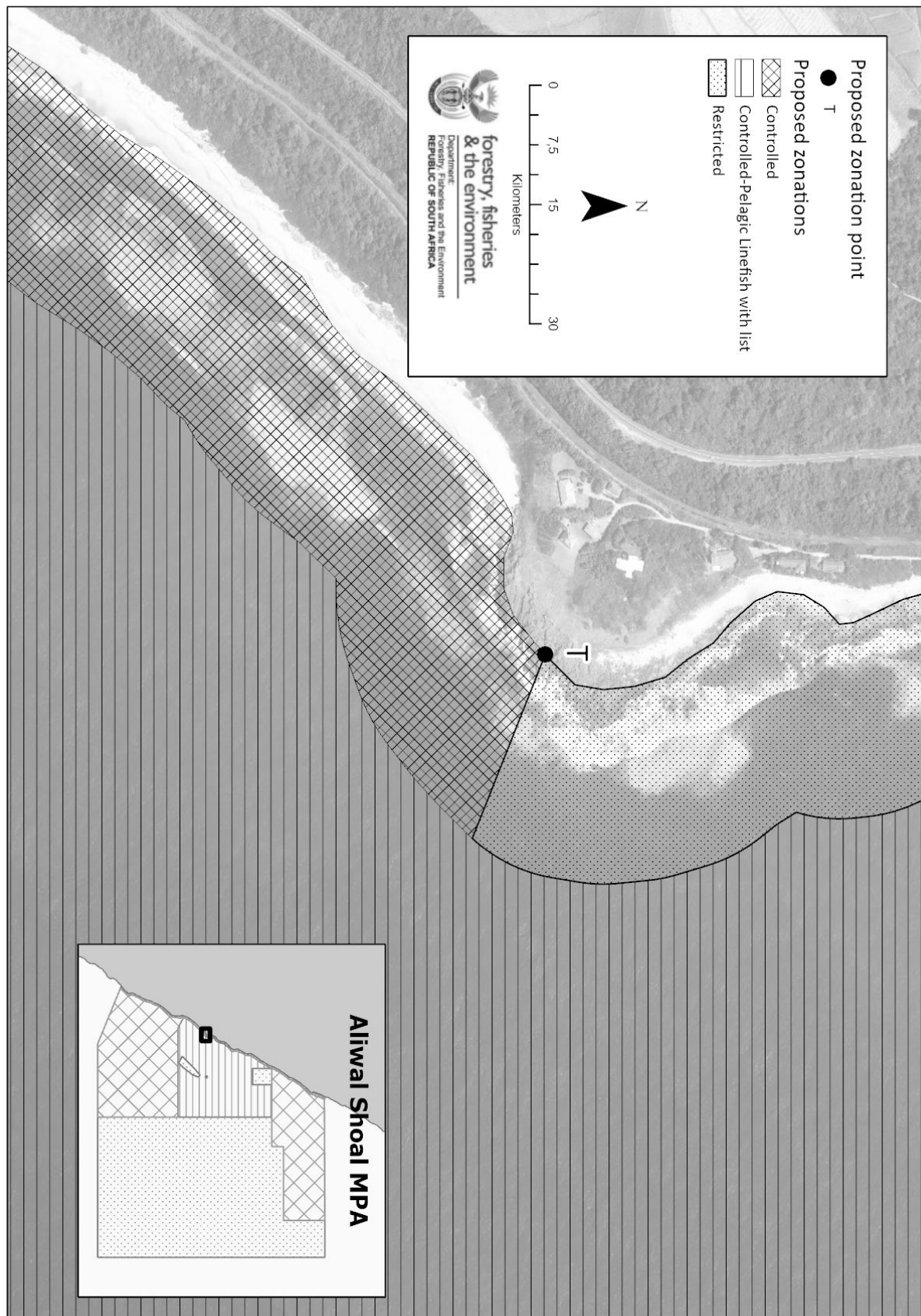
Aliwal Shoal MPA	S	[30.797104] <u>30.79435162</u>	[-30.222544] <u>-30.22484837</u>
Aliwal Shoal MPA	T	[30.781543] <u>30.78190617</u>	[-30.250856] <u>-30.25055644</u>

”.

Commencement

3. This notice take effect on the date of its publication in the *Gazette*.

Proposed new location of Point S

Proposed new location of Point T

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 3578

23 June 2023



**higher education
& training**

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

CALL FOR NOMINATIONS TO SERVE AS A MINISTERIAL APPOINTEE ON THE COUNCIL OF A TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING COLLEGE

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation, in terms of Section 10(10) (a) of the Continuing Education and Training Act No.16 of 2006 (as amended) (CET Act), invite nominations from the public for Ministerial appointees Section 10(4) (b), to forty-seven (47) TVET colleges, for a period of five (5) years. The forty-seven (47) colleges are:

Province	TVET College	Province	TVET College
Eastern Cape	Buffalo City	Limpopo	Capricorn
Eastern Cape	East Cape Midlands	Limpopo	Lephalale
Eastern Cape	Ikhala	Limpopo	Letaba
Eastern Cape	Ingwe	Limpopo	Mopani
Eastern Cape	King Hintsa	Limpopo	Sekhukhune
Eastern Cape	King Sabata Dalindyebo	Limpopo	Vhembe
Eastern Cape	Lovedale	Limpopo	Waterberg
Eastern Cape	Port Elizabeth	Mpumalanga	Ehlanzeni
Free State	Flavius Mareka	Mpumalanga	Gert Sibande
Free State	Goldfields	Mpumalanga	Nkangala
Free State	Maluti	Northern Cape	Northern Cape Rural
Free State	Motheo	Northern Cape	Northern Cape Urban
Gauteng	Ekurhuleni East	North West	Orbit
Gauteng	Ekurhuleni West	North West	Taletso
Gauteng	Sedibeng	North West	Vuselela
Gauteng	South West Gauteng	Western Cape	Boland
Gauteng	Tshwane North	Western Cape	College of Cape Town for TVET
Gauteng	Western	Western Cape	False Bay
KwaZulu Natal	Elangeni	Western Cape	Northlink
KwaZulu Natal	Esayidi	Western Cape	South Cape
KwaZulu Natal	Majuba	Western Cape	West Coast
KwaZulu Natal	Mnambithi		
KwaZulu Natal	Mthashana		
KwaZulu Natal	Thekwini		
KwaZulu Natal	Umfolosi		
KwaZulu Natal	Umgungundlovu		

In terms of section 10 (4) of the CET Act, a council of a Technical and Vocational Education and Training (TVET) college must consist of 16 members. Five (5) of the council members are appointed by the Minister in terms of section 10(4)(b) of the CET Act. They are external persons who are not employed by the Minister and are not students or support staff at a college. They are referred to as the Ministerial appointees.

To fulfil the requirements of section 10 (4)(b) of the CET Act, I invite the public to nominate suitably qualified persons for my consideration as Ministerial appointees on councils.

All nominations must be seconded by a witness.

I will take into account criteria relating to race, gender, disability and geographical location to represent the diversity of society, in considering nominations for appointment on Councils.

Section 10 (9)(a) of the CET Act stipulates that a member of the council must be persons with knowledge and experience relevant to the objects and governance of a college.

Nominees must be persons who:

- i) ensure that the functions of the council are performed according to the highest standard;
- ii) are broadly representative of the TVET sector and its related interests;
- iii) have a thorough knowledge and understanding of the TVET sector;
- iv) have a recognised qualification (diploma/degree), as well as verifiable experience accompanied by solid grounding in ethical practices with a level of accountability;
- v) appreciate the role of the s in reconstruction of the TVET sector and development and have a clear understanding of the Government trajectory with regard to the sector as contained in the National Development Plan: Vision for 2030;
- vi) ensure that members contribute to the strategic direction of the specific – by offering knowledge and experience in strategic planning, including the development and delivery of a college strategy for attainment of its short, medium- and long-term goals;
- vii) have experience to engage and establish partnerships and linkages with industry for the purposes of Work Integrated Learning and Work Based Education for both the students and lecturers;
- viii) reside within fifty (50) kilometers from the college they will serve, in order to reduce costs related to council and council committee meetings in terms of travel and accommodation.

It must be noted that Council members are expected to meet four (4) times a year and should they be elected to serve on a council committee, they are likely to meet an additional four times annually.

Nomination documents should consist of:

- Completed nomination form
- A comprehensive Curriculum Vitae of the nominee, including two referees
- Certified copies of the nominee's Identity Document, qualifications and training certificates

Nominations should be made on the nomination form provided on the website of the Department of Higher Education and Training (www.dhet.gov.za) or on request from Ms Keabetswe Seeletse at Email: Seeletse.K@dhet.gov.za

Nominations made in reply to this notice must be submitted within 21 days of this publication to:
The Director-General, Department of Higher Education and Training for Attention:

Mr SZ Zungu, Private Bag x 174, Pretoria, 0001 (by post) or hand-delivered to 123, Francis Baard Street, Pretoria, 0001.

A handwritten signature in black ink, appearing to be 'Dr BE Nzimande', written over a horizontal line.

Dr BE Nzimande, MP
Minister of Higher Education, Science and Innovation

Date: 26/05/2023

IMPORTANT INFORMATION FOR CONSIDERATION BY NOMINEES

1. Introduction

- a) Section 9(1) of the CET Act provides for the establishment of a council in all public colleges. The council governs the institution in accordance with the CET Act and respective college statutes.
- b) The council's role and responsibilities include providing strategic direction to the institution, governing the institution and ensuring sound, effective and efficient functioning of the college.
- c) Section 10(4)(b) of the CET Act requires the Minister **to appoint five (5) persons** to the council of a public college.

2. Criteria for Nomination

- a) In accordance with Section 9(a) of the Act, members of councils must be persons **with knowledge and experience** relevant to the objectives and governance of the public higher education institution concerned.
- b) Ideally a council should have members who have a mix of generic attributes, skills and experience that include:
 - i) Proven experience and commitment to foster collegial relationships;
 - ii) sound understanding of the TVET sector and higher education environment;
 - iii) demonstrated ability to exercise fiduciary responsibilities without any self-interest;
 - iv) a solid grasp of strategic and other forms of institutional planning;
 - v) an understanding of the funding environment of s;
 - vi) the ability to analyse and interpret budgets and financial statements;
 - vii) an ability to contribute to re-prioritisation of institutional goals and targets in light of changed circumstances;
 - viii) an understanding of the audit and risk context within which s function;
 - ix) a grasp of the legislative and regulatory environment and general legal processes within which s operate;
 - x) a sound understanding of human resource systems and processes;
 - xi) ability to interpret changing social situations impacting on the college;
 - xii) displaying a clear understanding of the distinction between governance and management in institutional setting;
 - xiii) a track record in advancing public accountability;
 - xiv) a commitment to the development of young people;
 - xv) a commitment to serve the institution and its well-being;

- xvi) a commitment to ethical governance,
 - xvii) an ability to contribute constructively and knowledgeably to council discussions and debates;
 - xviii) an ability to function constructively in a collective environment;
 - xix) appreciation of and commitment to democratic processes; and
 - xx) strong reasoning skills and an ability to actively engage with others in making decisions.
- c) These qualities should be demonstrated through some or all of the following:
- i) governance experience in significant organisations within either the private or public sector;
 - ii) experience at senior management level in organisations within either the private or public sector; and
 - iii) holding senior positions in relevant professional areas including, but not limited to, education, business, finance, law, marketing, information technology, human resource management and organized labour.
- d) While it is not expected that every member of council should have all the above relevant experience and skills, the nominee must demonstrate as many of the above attributes and/or skills.
- e) The nominated candidate must reside within reasonable distance from the college they will serve, in order to reduce costs related to the council and council committee meetings in-terms of travel and accommodation and reflect the knowledge and interests of the surrounding communities.
- f) Nominees must commit to participate in the deliberations of the council or the committee of the council or exercise any delegated function in the best interests of the college concerned, and to abide by the code of conduct of the particular council.
- g) In terms of section 10(9)(c) of the Act, nominees should disclose the nature and extent of any conflicts of interest that the person has at that time, or that to the best of their knowledge, may arise in the future, with the college concerned.

3. Role of Ministerial appointees

- a) Although council appointee may reflect the representation of relevant stakeholders, all members of council, must according to the CET Act represent the best interest of the whole college in fulfilling their fiduciary responsibilities, in order to maintain council's effectiveness as an objective, independent, deliberative body. In other words, all members should not see representing particular constituencies as a primary responsibility, but must come to the council with the aim of advancing the institution, bringing useful insights and perspectives to the council chamber, and voting according to their independent conscience and judgement.

- b) Section 10(9)(b) of the CET Act, stipulates that members must participate in the deliberations of the council in the best interests of the public higher education institution concerned. This requirement must be upheld by all council members including Ministerial appointees.

4. Remuneration

- a) Nominees must bear in mind that they are public institutions and serving as a council member should be motivated by public good service rather than self-interest and personal gain. There should be no expectation of remuneration, especially for employees of the state organs and the decision to participate in college council should not be motivated by any material interest.

**higher education
& training**Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

**NOMINATION AND APPLICATION FORM FOR SUITABLE CANDIDATES FOR
APPOINTMENT TO THE COUNCILS OF PUBLIC TECHNICAL AND VOCATIONAL
EDUCATION AND TRAINING**

This form is to ensure that prospective Ministerial appointees on council comply with the legislative requirements outlined in the Continuing Education and Training Act, Act No 16 of 2006 (CET Act), as amended and college statutes. Information obtained through this form is to ensure compliance with institutional statutes to advise the Minister on council appointments. The information will be kept strictly confidential.

This form comprises three sections.

Section 1: Nominee or Applicant's Information.

Section 2: Council Membership Qualifications.

Section 3: Consent and Declarations.

Please complete all sections (including signing and dating the consent and declarations in Section 3)

**SECTION 1. NOMINEE TEMPLATE FOR APPLICATION FOR COUNCIL MEMBERSHIP IN
TERMS OF SECTION 10(4)(B) OF THE CONTINUING EDUCATION AND TRAINING ACT**

Name of for which college the nomination is being made

Title (tick relevant)	Mr	Mrs	Ms	Prof	Dr	Adv.
Surname						
Name (s)						
Street Address & No			Mobile Phone			
Suburb			Work Telephone			
Town/city			Home Telephone			
Code			Primary Email			
Province			Secondary Email			
Date of Birth						
Gender						
Race						
Disability	Yes			No		
Profession						
Highest Academic Qualification						
Are you a south African citizen	Yes		No			
If not please state citizenship						
Have you ever served as a council member in a college(s) council before?						
If yes, please state the name (s) of and the college (s) and the period (s) of appointment						

Section 2: Council Membership Qualifications

The CET Act and college statutes contain grounds which disqualify persons from council membership. Please answer the following questions to determine whether you are eligible for appointment to a council of a public.

Have you been disqualified to act as a director in terms of the legislation regulating the governance of companies or removed from an office of trust by a court of law or similar tribunal or forum?
Yes / No
Have you ever been convicted of an offence for which the sentence was imprisonment without the option of a fine?
Yes / No
Have you ever been declared insolvent by a court of law?
Yes / No
Have you ever been declared unfit to attend to personal affairs by a court of law?
Yes / No
Have you in the past been involved in activities that could call into question your reputation?
Yes / No
Are you a Member of Parliament or Legislature?
Yes / No
Are there any real, perceived or potential conflicts of interest between your circumstances and any matters relating to any public? If yes, please specify the institution
Yes / No
Please also list any currently held board or council membership/directorship/trusteeship of any company, organization or trust. Include dates of commencement; if none held, please write, None
Have you, in terms of your current work and/or other commitments, the capacity to diligently discharge your duties to Council?

Yes / No
List any matters of which the Minister should be aware in considering your suitability for appointment.

Section 3: Consent and Declarations

I, **(please type your full name)**, hereby declare that:

- a) I give consent to the Department to recommend my name to the Minister of Higher Education, Science and Innovation for consideration and appointment to a council of a public.
- b) I disclosed all my interests in matters relating to any public s.
- c) The information provided in this form is accurate.
- d) I acknowledge that the information provided on this form will be used by the Department for the purpose of confirming my eligibility to serve as a council member.
- e) I acknowledge that the copies of the Identity Document, qualification and training certificates are certified copies.
- f) I note that all information I provide will be held securely and kept confidential, except as may be required to be disclosed by law.

Signed: **Date:**

Disclaimers

- Acknowledgement of the nomination does not mean acceptance as a candidate or appointment.
- The Minister reserves the right not to select any nominee as a candidate.
- Correspondence will be limited to short-listed candidates only.

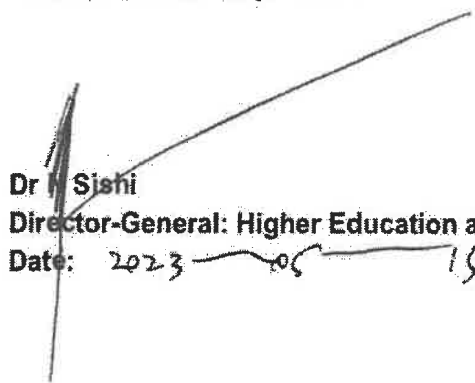
DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 3579

23 June 2023

HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)**NOTICE PUBLISHED IN TERMS OF REGULATION 18(1) OF THE REGULATIONS FOR THE REGISTRATION OF PRIVATE HIGHER EDUCATION INSTITUTIONS, 2016 READ WITH SECTIONS 62(1) AND 63(a) AND (b) OF THE HIGHER EDUCATION ACT, 1997: PUBLICATION OF CANCELLATION OF THE REGISTRATION OF OPTIMUM LEARNING TECHNOLOGIES (PTY) LTD AS A PRIVATE HIGHER EDUCATION INSTITUTION**

I, Dr Nkosinathi Sishi, Director-General of the Department of Higher Education and Training and the Registrar of Private Higher Education Institutions, in terms of Regulation 18 (1) of the Regulations for the Registration of Private Higher Education Institutions, 2016 (the Regulations) read with sections 62(1) and 63(a) and (b) of the Higher Education Act, 1997 (Act No. 101 of 1997) (the Act), hereby publish the decision to cancel the registration of Optimum Learning Technologies (Pty) Ltd as a private higher education institution, by Notice, since it has voluntarily ceased to provide higher education as contemplated in the Act read with the Regulations.


Dr N Sishi
Director-General: Higher Education and Training
Date: 2023-06-15

DEPARTMENT OF POLICE

NO. 3580

23 June 2023

**THE ESTABLISHMENT AND OPERATION OF A COMPLAINTS OFFICE DRAFT
REGULATIONS MADE UNDER THE PRIVATE SECURITY INDUSTRY
REGULATION ACT, 2001 (ACT NO 56. OF 2001)**

The Minister of Police, under section 35 of the Private Security Industry Regulation Act, 2001 (Act No 56 of 2001) read with section 4(r) hereby intend to make regulations in the Schedule.

Any interested or affected persons are invited to submit written comments or representations on the proposed draft Regulations to the office of the Director: Private Security Industry Regulatory Complaints Office within four weeks from the date of publication of this notice in the Gazette at the following address:

Postal address:

The Director
Private Security Industry Regulatory Authority
Private Bag X 817
PRETORIA
0001

Street address:

420 Witch-Hazel Avenue
Eco Glades 2 Office Park, Block B
Highveld Ext 70
Centurion

E-mail: Howard.THWANE@psira.co.za

B.H CELE, MP

Minister of Police

Date:

SCHEDULE

Chapter 1: Definitions, Purpose, interpretation and Application

1. Definitions and abbreviations
2. Purpose and interpretation
3. Application

Chapter 2:

4. Persons who may lodge a Complaint
5. Procedure for submission of Complaints
6. Preliminary Assessment of Complaints
7. Referral of Complaints to a Competent Authority
8. Conciliation of Complaints
9. Settlement of Complaints
10. Investigation and the use of Expert Assistance
11. Informing parties of developments regarding investigation
12. Minor Breaches
13. Decline to Investigate
14. Complaints where security service provider has failed or declined to take rectification action
15. Complaints Committee
16. Records of the Complaints Office

Chapter 3: General Provisions

17. Short title and commencement

PREAMBLE

WHEREAS the objects of the Private Security Industry Regulatory Authority are to regulate the private security industry and to exercise effective control over the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself, in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);

AND WHEREAS the Minister has prescribed a code of conduct that meets the requirements of section 28 of the Private Security Industry Regulations Act, 2001, and is legally binding on all security service providers, irrespective of whether they are registered with the Private Security Industry Regulatory Authority or not, as well as on certain other persons. The Authority has a responsibility to ensure that the code of conduct is complied with by ensuring that processes and procedures to receive, process, refer or deal with complaints regarding the conduct of security service providers are herein prescribed.

AND WHEREAS the Minister of Police deems it necessary to make regulations relating to any matter which in terms of the Act is required or permitted to be prescribed in or in connection with the rendering of security services.

Be it published, therefore, the draft regulations contained in this Schedule for comment by interested persons.

CHAPTER 1

PURPOSE, INTERPRETATION, APPLICATION AND DEFINITIONS

Definitions and abbreviations

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

“Act” means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);

“Authority” means the Private Security Industry Regulatory Authority established in terms of section 2 of the Act;

“Competent Authority” means any relevant statutory body having jurisdiction to investigate a complaint that does not fall within the jurisdiction of the Authority;

“Complaint” means any allegation of poor quality of security service rendered by a security service provider against a security service provider;

“Complainant” means any person who lodges a complaint with the Authority for investigation;

“Complaints Committee” means a committee established by the Director in terms of these regulations to adjudicate complaints and to make findings and/or recommendations for resolution of such complaints;

“Quality of Service” means a degree of skill, diligence and care as may be expected of a reasonable, competent and qualified security service provider;

"Security Service Provider" means a security service provider as defined in terms of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001);

Purpose and Interpretation

2. (1) The purpose of these regulations is to -
- (a) establish a complaints office;
 - (b) promote and enhance access to the Complaints Office to -
 - (i) protect the interest of users of security services as provided for in section 3(o) of the Act;
 - (ii) promote and encourage trustworthiness and quality of service by security service providers; and
 - (c) enhance the efficiency and effectiveness of investigations of complaints by clarifying procedures for -
 - (i) the lodging of complaints in terms of these regulations with the Authority;
 - (ii) mode of complaints to the Authority;
 - (iii) action on receipt of the complaint by the Authority;
 - (iv) time frames for the taking of actions provided for in these Regulations;
 - (v) time frames for complainants and security service providers to respond to the findings of the Authority;
 - (vi) the steps the Complaints Office may take if any person or security service provider fails to comply or adhere to stipulated time frames in the Compliance Notice; and
 - (d) provide for the steps the Complaints Office may take if any person fails to comply or adhere to the provisions of these regulations;
- (2) These regulations must be interpreted in accordance with their purpose and in a manner consistent with the Act, the Protection of Personal

Information Act, 2013, (Act No. 4 of 2013) and any other legislation regulating private security service providers.

Application

3. These regulations apply to –

- (1) All security service providers;
- (2) Every person using his or her own employees in connection with the rendering of private security services, to the extent provided for in the Act and these regulations; and
- (3) Every person who lodges a complaint with the Complaints Office regarding the quality of service of security service providers.

CHAPTER 2

Persons who may lodge a Complaint

4. (1) Any person may lodge a complaint, including –
- (a) clients of security service providers;
 - (b) service as defined in terms of the Act;
 - (c) organ of State
 - (d) members of the public and the security industry;
 - (e) any person acting in the public interest or acting on behalf of a person mention in par (a)–(d) of this sub-regulation.

Procedure for submission of Complaints

5. (1) Any person who lodges a complaint against a security service provider must –

- (a) submit a complaint in the prescribed **Form 1** to these Regulations, to the Authority's Complaints Office by e-mail, hand delivery or post;
 - (b) the complaints form, **Form 1** to the Regulations, shall be made available at the offices of the Authority and any office designated by the Authority during office hours;
 - (c) if submitting electronically online, complete online complaints form on the website of the Authority;
 - (d) if submitting electronically online, complete the online complaints form on the website of the Authority or the mobile application;
 - (e) submit a complaint in any format prescribed by the Authority from time to time; and
 - (f) submit any further information required by the Authority.
- (2) A complaint submitted in terms of sub-regulation (1) of this regulation must be accompanied by all the necessary supporting documents.
- (3) Where the complainant fails to submit supporting documents in terms of sub-regulation (2) of this regulation, the complainant must submit such supporting documents within seven (7) business day from date of receipt of request by the Authority to do so.
- (4) A complaint submitted on behalf of another person must be accompanied by a consent signed by the person on whose behalf a complaint is submitted.
- (5) A consent contemplated in sub-regulation (2) must contain -
- (a) details of the complainant;
 - (b) details of the security service provider;
 - (c) full name and signature of the complainant;
- (6) The Complaints Office will help any person who wishes to make a complaint, to put that complaint in writing.

- (7) Should the complainant require assistance in a language other than English, the Complaints Office will strive to provide a person competent in the language of the complainant in order to assist the complainant.

Preliminary Assessment of Complaints

6. (1) The Complaints Office will upon receipt of a complaint –
- (a) assess the complaint received to determine the action to be taken in processing the complaint; and
 - (b) where necessary request for further information or documents from the complainant regarding the complaint;
 - (c) inform the security service provider to whom the complaint relates of the complaint and must inform the security service provider of his/her right to submit a written response to the complaint or the subject matter of the complaint within fourteen (14) business days;
- (2) The Complaints Office must upon conclusion of the assessment process refer the complaint for an investigation in terms of these regulations within seven (7) business day of conclusion of the assessment process.

Referral of Complaints to a competent Authority

7. (1) Where it becomes apparent to the complaints office that the complaint may potentially involve matters that are outside its jurisdiction, the complaint officer must invite and advise the complainant to refer the matter to the relevant competent authority.
- (2) The complaint office will give the necessary support to ensure that the complaint is registered with the competent authority as contemplated in sub-regulation (1).

Conciliation of Complaints

8. (1) If during the preliminary assessment process of a complaint the Complaints Office decides to convene a conciliation meeting with the parties involved, the Complaints Office must, as soon as it is practically possible, inform the complainant and the security service provider implicated in the complaint of -
- a) the Authority's decision to proceed with the conciliation meeting;
 - b) details of the Conciliator in the matter; and
 - c) the date, time and place of the conciliation meeting.
- (2) The Complaints Office—
- a) may consolidate separate complaints, which relate to the same incidences by the same service provider, in order to deal with the complaints in the same conciliation proceedings.
 - b) must ensure that all persons entitled to attend the conciliation meeting are notified within a reasonable time, of the date, time and place of the meeting;
 - c) may request relevant documentation relating to the complaint from the complainant and the security service provider; and
 - d) may confer with the parties in person, by electronic communication means, or by any other means as is deems appropriate.
- (3) Where a conciliation meeting fails to take place, the Complaints office must arrange for an alternative date and notify the persons entitled to attend the conciliation meeting accordingly.
- (4) The Complaints Office must issue a conciliation report within thirty (30) business days after the date of the conclusion of the conciliation meeting.
- (5) If the complaint is not resolved, or either or both of the parties did not attend a conciliation meeting, the Complaints Office will process the complaint further in terms of these regulations and inform the complainant and the

security service provider of the course of action taken by the Complaints Office within fourteen (14) business days from the date on which the conciliation meeting was scheduled.

Settlement of complaints

9. (1) If it appears from a complaint or any written reply to the complaint under these regulations or during a conciliation meeting, that it may be possible to secure a settlement between the parties, the Complaints office may confer with the parties in person, by electronic communication , or by any other means as is deemed appropriate to endeavor to obtain a settlement.
- (2) If during the process referred to in sub-regulation (1) the Complaints Office decides to convene a settlement meeting, the Complaints Office must, as soon as it is practically possible, inform the complainant and the security service provider of the date, time and place of the settlement meeting.
- (3) The Complaints Office must issue a settlement agreement within a reasonable time after the date of the conclusion of the settlement meeting.
- (4) If no settlement is secured or if either or both of the parties did not wish to attend a settlement meeting, the Complaints Office must initiate an investigation into the matter and as soon as is reasonably practicable inform the complainant and the security service provider of the course of action that the procedures the Complaints Office proposes to adopt under this sub-regulation.

Investigation and the use of Expert Assistance

10. (1) Where the Complaints Office intends to investigate any matter contemplated in these Regulations, the Complaints Office must in line with rules of administrative justice, notify the parties to whom the investigation relates of such intention to conducting the investigation.

(2) The Complaints Office shall be sufficiently empowered to engage the services of a person or persons to assist with or performs services for the Office and the conduct of an investigation.

(2) The Complaints Office shall make a recommendation to the Director in terms of section 31(5) of the PSIR Act, in instances where it is necessary to utilize another person not employed by the Complaints Office but who is an expert in the subject matter of the complaint.

Informing the parties of developments regarding investigation

11. (1) During the course of an investigation, the Complaints Office must within twenty-one (21) business days from the date of a decision being made or action being taken, keep the complainant, and the security service provider informed of the developments of the investigation; and

(2) The notifications contemplated in sub-regulation (1) must be served at the designated addresses of the complainant and the security service provider advising-

- a) that following the investigation into the complaint, the Complaints Office has concluded that the complaint has no merit and as such, no order against the security service provider will be made;
- b) that the complaint has been referred to Competent Authority and the Complaints Committee;
- c) that a compliance notice has been served by the Complaints Office following the recommendations received from the Complaints Committee;
- d) that an appeal against a compliance notice has been allowed and that an Appeal Committee, as contemplated in section 30 of the Act, is considering the application.
- e) that an appeal has been concluded and the outcomes thereof.

Investigation outcomes**Minor Breach**

12. (1) Where the complaints office investigates a matter and finds –
- (a) that a security service provider acted inappropriately in the provision of security service;
 - (b) that in the investigator's opinion the action of the service provider as contemplated in paragraph (a) above is minor;
 - (c) the security service provider has made rectifications;
- the investigator shall prepare a report on his/her findings and recommendations for the matter to be closed for consideration by the head of the Complaints office.
- (2) If the recommendations of the investigator are supported and approved by the head of the Complaints office, the Complaints office shall within seven (7) business days advise parties in writing of the findings.

Decline to Investigate

13. (1) If the Complaints Office receives a complaint and upon assessment finds no evidence or insufficient evidence to substantiate the complaint, the Complaints Office shall decline to process or investigate the complaint any further.
- (2) The Complaints Office shall advise the security service provider and the complainant of the decision as contemplated in sub-regulation (1).

Complaints where a security service provider has failed or declined to take rectification action

14. (1) Where after investigating a complaint, the Complaints Office finds that the security service provider has not rendered quality services as required, and the security service provider has failed or refused to undertake the stipulated rectification action, the investigator shall report his or her findings and conclusions to Complaints Committee including recommendation as to the sanctions, if any that should be imposed.
- (3) The security service provider shall have a right to provide representations against the investigator's findings, conclusions and recommendations with the Complaints where they have been so reported to the Committee.

Complaints Committee

15. (1) The Complaints Committee is established by the Director for the purpose of adjudicating complaints where investigation was necessary;
- (2) The Complaints Committee will be constituted from different departments of the Authority as determined by the Director.
- (3) The Complaints Committee shall, after receiving the report from the investigator as well as representations from the security service provider -
- a) Consider the investigation report and make findings or recommendations, including appropriate sanctions or referral for adjudication in terms of the Improper Conduct Enquiries Regulations, 2003; and
 - b) Report its findings and recommendations, including appropriate sanctions to the Complaints Office for notification to the parties;
- (4) The findings and sanctions of the Complaints Committee shall be binding on all the parties.

Records of the Complaints Office

16. (1) The Complaints Office shall keep records of advises given, and the factual information on which it is based, complaints and investigations.
- (2) The records of the Complaints Office in this regard shall be kept in line with the Republic's prevailing privacy laws as well as those provisions of the PSIR Act that deals with record keeping and access.
- (3) Matters generally dealt with by the Office include -
- a) The number and types of complaints received;
 - b) The number of investigations undertaken;
 - c) The number of matters which the Office declined to investigate;
 - d) The number of matters dealt with through rectification and rectification procedures;
 - e) Number of matters where the security service provider failed or refused to undergo rectification process; and
 - f) The types of sanctions imposed.

CHAPTER 3

GENERAL PROVISIONS

Short title and commencement

17. These regulations are called the Establishment and Operation of Complaints Office Draft Regulations, 2023, and shall come into operation, unless otherwise specified, on the date of their publication in the *Gazette*.

**PRIVATE SECURITY INDUSTRY REGULATORY AUTHORITY (PSIRA)**

420 Witch-Hazel Avenue, Block B Eco Glades 2 Office Park, Highveld Ext 10

Tel. 086 10 (PSIRA) 77472

Int. +27 12 337 5500

Fax no.: 086 242 7180 / 086 246 7750

Email: info@psira.co.zaWebsite: www.psira.co.zaHow must we communicate with you? Email ☐ / Post ☐**COMPLAINT FORM1**

COMPLAINANT'S DETAILS			
Surname:			
Full Name/s:			
Identity Number:			
Postal Address:			
	Postal Code:		
Residential Address:			
(If not same as postal)			
	Postal Code:		
Contact Details:	Phone Number:		
	Alternative Number:		
	Email Address:		
	Fax Number:		

Please notify us immediately if there are any changes to your personal contact details.

DETAILS OF COMPLAINT		
A. SECURITY SERVICE PROVIDER'S DETAILS (please share the following details to help identify the security service provider that the complaint relates to)		
For complaints against businesses	Name:	
	Business Address:	
	Registration Number:	
For complaints against individuals	Name:	
	Work Address:	
	ID Number:	
Any other information to help identify security service provider:		
B. BACKGROUND INFORMATION (please attach a letter if space provided is not enough)		

Council Members: Dr Leah Mofomme (Chairperson), Mr Matome Solomon Ra'ebipi (Deputy Chairperson), Humphrey Nhlaniha Ngubane (Council Member), Dr Sithembile Nombali Mbete (Council Member), and Ms Thandeka Ntshangase (Council Member)

Page 1 of 3

[illegible]

SUPPORTING ATTACHMENTS/DOCUMENTS (E.g.: Videos, Images, Documents, etc.)	
Type of document or attachment	Description
E.g. ID of Complainant	E.g. Certified ID copy of the Complainant attached as annexure 1
E.g. Video 1	E.g. Video evidence of security service provider assaulting civilians

1. Have you instituted legal (court) proceedings in this matter? Yes ☐ No ☐

2. Has this complaint been sent to any other Tribunal/Regulator? Yes ☐ ☐

By lodging this complaint form with PSIRA, you confirm that you agree to or that you are aware of the following:

- ❑ You wish for PSiRA to investigate your complaint.**
- ❑ Information submitted by you to PSiRA will be processed for the purpose of investigating and adjudicating your complaint.**
- ❑ PSiRA will at all times seek to protect your personal information as far as may be reasonably practicable.**
- ❑ You give consent to PSiRA forwarding any information submitted by you to any department/authority/regulator with jurisdiction, if the complaint does not fall within PSiRA's jurisdiction.**
- ❑ Where your complaint does fall under PSiRA's jurisdiction, any personal information submitted by you may be shared with any of the relevant parties to the complaint to afford them an opportunity to respond to the complaint.**
- ❑ You may object to the sharing of your personal information with other parties. Should this be the case, then PSiRA will not investigate your complaint and your file will be closed.**

Page 2 of 3

- ☒ You confirm and declare that the information in this Complaint Form is complete, accurate and not misleading. Any changes to the information submitted, including your contact information, will be submitted to PSiRA without delay.

Complainant's signature

Authorised representative signature

Council Members: Dr Leah Mofomme (Chairperson), Mr Matome Solomon Ralebipi (Deputy Chairperson), Humphrey Nhlanhla Ngubane (Council Member), Dr Sithembile Nombali Mbete (Council Member), and Ms Thandeka Ntshangase (Council Member)

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DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3581

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **suspended** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Subject: Luxwood Wall Panel Building System

Certificate holder: Intelligent Building Systems (Pty) Ltd

Agrément certificate 2017/537, a notice of the granting of which was given under Gazette 41362 Notice 1494 dated 29 December 2017, has been suspended.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3582

23 June 2023

DEPARTMENT OF PUBLIC WORKS & INFRASTRUCTURE

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **suspended** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Subject: Goldflex 800 Seismic Building System

Certificate holder: Group Five Construction (Pty) Ltd

Agrément certificate 2005/316, has been suspended.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE**NO. 3583****23 June 2023****DEPARTMENT OF PUBLIC WORKS & INFRASTRUCTURE**

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **suspended** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Subject: Goldflex 800 Building System

Certificate holder: Group Five Construction (Pty) Ltd

Agrément certificate 1989/195 (Reassessment 2000), has been suspended.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE**NO. 3584****23 June 2023**

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **suspended** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Subject: Roller Compacted Concrete (RCC) Ready Mix

Certificate holder: Cosal Consultants cc

Agrément certificate 2017/552, has been suspended.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE**NO. 3585****23 June 2023**

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **suspended** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Subject: Essa Plastics Damp-Proof Membrane

Certificate holder: Essa Plastics

Agrément certificate 2021/622, has been suspended.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3586

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **suspended** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Subject: Goldflex 100 Building System
Certificate holder: Group Five Construction (Pty) Ltd

Agrément certificate 1990/201 (Reassessment 2000), has been suspended.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3587

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **suspended** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Subject: Essa Plastics Damp-Proof Course
Certificate holder: Essa Plastics

Agrément certificate 2021/627 has been suspended.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3588

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **suspended** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Subject: Boen EcoSolutions Building System
Certificate holder: EcoSolutions (Pty) Ltd

Agrément certificate 2015/483, a notice of the granting of which was given under Gazette 39825 Notice 300 dated 18 March 2016, has been suspended.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3589

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **withdrawn** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Certificate holder: Freyssinet Posten (Pty) Ltd
Subject: FPC-SA80 Single Element Bridge Deck Expansion Joint

Agrément certificate 2012/427, a notice of the granting of which was given under Gazette 37768 Notice 468 of 2014, dated 25 June 2014, has been withdrawn.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3590

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **withdrawn** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Certificate holder: Integrated Environmental Solutions (IES) Ltd
Subject: IES Virtual Environmental Software

Agrément certificate 2013/444, a notice of the granting of which was given under Gazette 37768 Notice 487 of 2014, dated 25 June 2014, has been withdrawn.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3591

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **withdrawn** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Certificate holder: Nano Water Technologies Africa (Pty) Ltd
Subject: SMARTSAN Recycle Digester Sanitation System

Agrément certificate 2014/466, a notice of the granting of which was given under Gazette 38504 Notice 156 of 2015, dated 26 February 2015, has been withdrawn.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3592

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **withdrawn** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Certificate holder: Circle Capital Development (Pty) Ltd
Subject: Frame-Tech Building System

Agrément certificate 2009/356, a notice of the granting of which was given under Gazette 32212 Notice 440 of 2009, dated 15 May 2009, has been withdrawn.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3593

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has **withdrawn** an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Certificate holder: ISOPAN (Pty) Ltd
Subject: Intastor Insulated Building System

Agrément certificate 2018/573, a notice of the granting of which was given under Gazette 42240 Notice 202 of 2019, dated 22 February 2019, has been withdrawn.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3594

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has, with effect from 28 January 2021, issued an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Agrément certificate 2015/475 (Amended December 2020): Ventilated Improved Pit and Urine Diversion Toilet System

Subject: Ventilated Improved Pit and Urine Diversion Toilet System

Certificate holder: EnviroSan Sanitation Solutions (Pty) Ltd

Description: Ventilated Improved Pit and Urine Diversion Toilet System comprise sanitation components for installation on site for the typical superstructure constructed over a vented pit. The sanitation components should be installed in a top structure/closet with a floor, walls and roof of material adequate for its purpose and the closet should be provided with a door to ensure privacy of occupants in accordance with the National Building Regulations, **SANS 10400-Part Q**.

The sanitation components are described below as follows:

Component 1: VIP 200 and 480 pedestals

The pedestals are designed to fit securely into a flange cast into the floor slab or bolted onto the floor of the latrine giving it stability and robustness. The pedestals are moulded from the virgin polypropylene material. The VIP 200 can be converted to a water-borne pedestal when required and the VIP 480 detachable urine separator may be converted to a urine diversion configuration. The VIP 200 includes the rim-flow grid into the seat for upgrading to a water flush system when required. It also includes a removable pedestal with incorporated infant seat lid.

Component 2: 10 litre water reservoir

This component is designed to be attached to the outside of the toilet structure for hand-washing after use. It is moulded from a clear plastic for easy monitoring of water level from the outside. The reservoir has a sliding moulded plastic lid to facilitate the filling of water. It is fitted with a spring-loaded push valve (tip-tap) to release water for hand-washing. The plastic valve has a stainless steel spring and rubber grommet for immediate closure after use. The valve is screwed onto the outlet of the reservoir with a screw thread that fits a standard 2 litre cool-drink bottle. A rainwater harvesting option could be considered to ensure the availability of water for hand washing.

Component 3: hand-washing basin

The basin is designed to be attached to the outside of the toilet structure below the reservoir. It consists of soap holder, a drying cloth hook and stainless steel grid. The outlet has an option to fit a 40 mm waste pipe connection or a 15 mm flexible hose. The basin is attached to the latrine wall with two M6 bolts. In applications where there is little or no incentive for people to exercise care when using the hand-washing basins, for example, in public and institutional installations additional supports are required.

Component 4: high density polymer door

High Density Polymer Envirodoor is a pivot hinge plastic door designed for sanitation top structures installed on site to provide privacy, protection from the elements and security for users. The door fits into lugs that can be attached to the floor and roof or

cast into the floor and roof for improved resilience. The door does not require a door frame.

The door latch is manufactured from nylon and will automatically engage when the door is closed allowing slam shutting, the latch locks from both the inside and outside, however, with the inside mechanism overrides the outside mechanism.

The door is cross braced for added strength and is manufactured of material that is of sturdy construction. The doors can be retro-fitted easily into the existing top structures where the existing wooden or steel doors have failed and need to be replaced.

The Agrément certificate contains detailed information on the product and can be accessed at <http://www.agrement.co.za>.

Copies are obtainable from: Chief Executive Officer (CEO)
Agrément South Africa, P O Box 72381, LYNNWOOD RIDGE, 0040

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3595

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has, with effect from 29 October 2021, issued an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Agrément certificate 2004/311 (Amended August 2021): Honel E80 Bridge Deck Expansion Joint

Subject: Honel E80 Bridge Deck Expansion Joint

Certificate holder: Honel Structural Products (Pty) Ltd

Description: The Honel E80 is a single gland and claw bridge deck expansion joint. The joint is manufactured in South Africa in accordance with the original designs by Glacier Bearings (Pty) Ltd. Where possible all materials are sourced locally.

The joint is assessed as being suitable for use in concrete bridge structures in all climatic regions of South Africa and in all types of corrosive environment.

The Honel E80 Bridge Deck Expansion Joint is suitable for use where:

- the movement range is not greater than 80 mm, and
- the skew angle of the joint is not greater than 45 degrees.

The Agrément certificate contains detailed information on the product and can be accessed at <http://www.agrement.co.za>.

Copies are obtainable from: Chief Executive Officer (CEO)
Agrément South Africa, P O Box 72381, LYNNWOOD RIDGE, 0040

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3596

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has, with effect from 29 October 2021, issued an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Agrément certificate 2011/398 (Amended June 2021): Sandbag Building System

Subject: Sandbag Building System

Certificate holder: Avranex (Pty) Ltd Trading as Ubuhle Bakha Ubuhle (UBU)

Description: Sandbag Building System is a timber frame structure consisting of timber lattice beams (Eco-Beam) as vertical and horizontal studs and wall plates with sandbags as in fills. The walls are finished by securing steel wire mesh on both sides of the frame structure and plastering with conventional cement-sand plaster 25 mm thick.

The Eco-beams are fabricated from two 38 mm square treated timber sections (**SANS 10005**) connected by continuous galvanised steel strap which zigzag between the timber to form a lattice beam 220 mm deep.

The foundation and ground floor slabs are conventional concrete strip footing and surface bed with screed finish which are always the responsibility of a professional engineer.

The walls are nominally 270 mm thick and constructed by fixing vertical Eco-beams (columns/studs) spaced at 900 mm centres to top and bottom Eco-beams (wall and sole plates). Bags made from UV protected non-woven polypropylene fabric and measuring 300 mm x 300 mm are filled with sand and packed in between the studwork up to the wall plate. Each layer is compacted slightly.

At the corners or junctions, the walls are Eco-beams reinforced with 6 mm diameter steel wire mesh at least 300 mm in length on both sides of the corner or junction. At window and door openings timber frames are built between Eco-beams with wire ties to restrain adjacent studs from buckling. Lintels are formed with welded steel wire mesh fixed to studs on both sides of the opening.

Electrical and plumbing services are positioned in place within the bags before the application of plaster.

The roof is constructed of eco-beams, timber rafters or conventional timber trusses and light- or heavy weight cladding. Window and door frames are incorporated as in timber frame structures and are conventional.

The Agrément certificate contains detailed information on the product and can be accessed at <http://www.agrement.co.za>.

Copies are obtainable from: Chief Executive Officer (CEO)
Agrément South Africa, P O Box 72381, LYNNWOOD RIDGE, 0040

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3597

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has, with effect from 28 January 2021, issued an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Agrément certificate 2015/476 (Amended December 2020): High Density Polymer Envirodoor

Subject: High Density Polymer Envirodoor

Certificate holder: EnviroSan Sanitation Solutions (Pty) Ltd

Description: High Density Polymer Envirodoor is a pivot hinge plastic door designed for sanitation top structures installed on site to provide privacy, protection from the elements and security for users. The door fits into lugs that can be attached to the floor and roof or cast into the floor and roof for improved resilience. The door does not require a door frame.

The door latch is manufactured from nylon and will automatically engage when the door is closed allowing slam shutting, the latch locks from both the inside and outside, however, with the inside mechanism overrides the outside mechanism.

The door is cross braced for added strength and is manufactured of material that is of sturdy construction. The doors can be retro-fitted easily into the existing top structures where the existing wooden or steel doors have failed and need to be replaced.

The Agrément certificate contains detailed information on the product and can be accessed at <http://www.agrement.co.za>.

Copies are obtainable from: Chief Executive Officer (CEO)
Agrément South Africa, P O Box 72381, LYNNWOOD RIDGE, 0040

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3598

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has, with effect from 29 October 2021, issued an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Agrément certificate 2004/312 (Amended August 2021): Honel GAM 80 – 480 Series Bridge Deck

Subject: Honel GAM 80 – 480 Series Bridge Deck

Certificate holder: Honel Structural Products (Pty) Ltd

Description: Honel GAM Series 80 – 480 are a series of multi-element gland-and-claw bridge-deck expansion joints. Joints consist of between two and six glands to accommodate movements up to 480 mm in units of 80 mm per installed gland. The joint is manufactured in South Africa in accordance with the original designs by Glacier Bearings (Pty) Ltd. As far as possible, all materials are sourced locally.

The joint is assessed as being suitable for use in concrete bridge structures in all climatic regions of South Africa and in all types of corrosive environment.

The Honel GAM Series 80 – 480 Bridge Deck Expansion joint is suitable for use where:

- the movement range is up to a maximum of 480 mm (up to five intermediate beams and six glands would be required to accommodate movements of 480 mm, that is 80 mm per gland), and
- the skew angle of the joint is not greater than 45 degrees.

The Agrément certificate contains detailed information on the product and can be accessed at <http://www.agrement.co.za>.

Copies are obtainable from: Chief Executive Officer (CEO)
Agrément South Africa, P O Box 72381, LYNNWOOD RIDGE, 0040

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3599

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has, with effect from 29 October 2021, issued an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Agrément certificate 2017/542 (Amended June 2021): Flomac Water and Liquid Storage Tanks

Subject: Flomac Water and Liquid Storage Tanks

Certificate holder: Flomac Industries (Pty) Ltd trading as Flomac Tanks

Description: Flomac Water and Liquid Storage Tanks are manufactured through a rotationally moulding process. The manufacturing thereof uses only locally produced raw material, viz HR 486 low linear density polyethylene from SASOL POLYMERS which is specified in the SASOL datasheet. The tanks can be manufactured in any colour requested by the client and they vary in size from 1000 litres to 5000 litres.

The tanks have a black inner lining as an algae prevention measure. The wall thickness varies from 3 mm to 6 mm depending on the size of the tank.

The tanks come with a high quality 50/40 mm overflow at the top and a 40 mm tank connector at the bottom. The fittings are also colour coded as per the colour of the tank. The lid is 480 mm in diameter and comes with 2 e-clips.

All liquid storage tanks are as per Sasol Polymers' chemical resistance data sheet requirements. Flomac Water and Liquid Storage Tanks were not assessed for underground installations.

The Agrément certificate contains detailed information on the product and can be accessed at <http://www.agrement.co.za>

Copies are obtainable from: Chief Executive Officer (CEO)
Agrément South Africa, P O Box 72381, LYNNWOOD RIDGE, 0040

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3600

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has, with effect from 28 January 2021, issued an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Agrément certificate 2018/589 (Amended December 2020): Eaziflush Sanitation Systems

Subject: Eaziflush Sanitation Systems

Certificate holder: EnviroSan Sanitation Solutions (Pty) Ltd

Description: The Eaziflush Sanitation Systems comprises Polymer or Ceramic Pedestals and Polymer P-traps that can be used with conventional cisterns of 6- 9 litres or with low-flushing cisterns of 2 litres. Alternatively, they can be used as pour-flush toilet systems using clean or grey water. The Polymer Pedestals and P-traps are made from virgin polypropylene material and the Ceramic Pedestals are made out of clay.

Both pedestals are of the same design and algorithms and preference holds sway. They have been designed to retro-fit into the EnviroSan VIP (Agrément Certificate 2015/475) outer pedestal frame (Annexure B). Both pedestals work in conjunction with a modified Polymer P-trap of 75 mm diameter which enables low and pour-flushing. The trap is designed to fit the 75 mm diameter pedestal outlets. The trap tapers outwards to fit into conventional 110 mm PVC drainage and soil pipes. The design of the trap restricts the water in the P-trap to 750 ml versus the 2 200 ml in conventional traps. The former facilitates full displacement of effluents with pour-flush or low flush action.

The pedestals are connected to various on-site or off-site sanitation systems, including leach pits, septic tanks and soak-aways, biogas digesters, solid free sewers, conventional sewers or other back-end systems. As with the VIP toilet systems, these pedestals can be adjusted/adapted to incorporate integrated child friendly seats when necessary.

The Agrément certificate contains detailed information on the product and can be accessed at <http://www.agrement.co.za>

Copies are obtainable from: Chief Executive Officer (CEO)
Agrément South Africa, P O Box 72381, LYNNWOOD RIDGE, 0040

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 3601

23 June 2023

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has, with effect from 31 January 2022, issued an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Agrément certificate 2012/413 (Amended December 2021): DesignBuilder (Version 4.0) Building Energy Analysis Software

Subject: DesignBuilder (Version 4.0) Building Energy Analysis Software

Certificate holder: Greenplan Consultants (Pty) Ltd

Description: *DesignBuilder* Energy Analysis Software is a user-friendly interface for the US Department of Energy software, *EnergyPlus*. *EnergyPlus* has been developed from both of the *BLAST* (Building Loads Analysis and System Thermodynamics) and the *DOE-2* programmes of the 1970's and 1980's.

DesignBuilder Energy Analysis Software may be used for the rational design air-conditioned buildings or naturally ventilated buildings of all occupancies in terms of the requirements of Regulation XA3 b) and c) of Part XA: *Energy usage in buildings* of the National Building Regulations.

The Agrément certificate contains detailed information on the product and can be accessed at <http://www.agrement.co.za>.

Copies are obtainable from: Chief Executive Officer (CEO)
Agrément South Africa, P O Box 72381, LYNNWOOD RIDGE, 0040

DEPARTMENT OF SOCIAL DEVELOPMENT

NO. 3602

23 June 2023

CHILD JUSTICE ACT 75, 2008

ACCREDITED DIVERSION SERVICE PROVIDERS AND DIVERSION PROGRAMMES

The Minister of Social Development in terms of Section 56 (3) (a) of the Child Justice Act, 2008 (Act No. 75 of 2008) publishes particulars of each accredited diversion service provider and diversion programme in the schedule.

This notice covers diversion programmes and diversion service providers that are granted an accredited status.

Diversion programmes and diversion service providers that have been granted candidacy status, have received certificates and are allowed to operate, based on condition(s) set by the accrediting committee. The Policy Framework on Accreditation of Diversion Services in South Africa defines candidacy status as a 'pre-accreditation status, awarded to an organization pursuing accreditation... Candidacy indicates that an organization or programme has achieved recognition and is progressing towards receiving full accreditation, and has the potential to achieve compliance with standards within two years'.

1

**NATIONAL DEPARTMENT OF SOCIAL DEVELOPMENT
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION PROGRAMMES:**

NAME OF ENTITY	REG. NUMBER/ ACCREDITATION CERTIFICATE NUMBER	OPERATIONAL SITE	PROGRAMME	STATUS AWARDED
PUBLIC ENTITY				
EASTERN CAPE ACCREDITED DIVERSION SERVICES				
ALIWAL NORTH Service Office 74 Somerset Street, Old Balmoral Building, Aliwal North, 9750	EC- 07-2021-P106 EC- 07-2021-P101 EC- 07-2021-P103 EC- 07-2021-P107 EC- 07-2021-P104 EC- 07-2021-P102 EC- 07-2021-P99 EC- 07-2021-P105 EC- 07-2021-P100	Aliwal North Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
BURGERSDORP Service Office 27 Church Street, Burgersdorp, 9744	EC- 07-2021-P97 EC- 07-2021-P92 EC- 07-2021-P94 EC- 07-2021-P98 EC- 07-2021-P95 EC- 07-2021-P93 EC- 07-2021-P90	Burgersdorp Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

EC- 07-2021-P96 EC- 07-2021-P91			<ul style="list-style-type: none"> • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	
FLAGSTAFF Service Office Comprehensive School – Hall, Lusikisiki, 4820	EC- 07-2021-P52 EC- 07-2021-P57 EC- 07-2021-P55 EC- 07-2021-P51 EC- 07-2021-P54 EC- 07-2021-P56 EC- 07-2021-P59 EC- 07-2021-P53 EC- 07-2021-P58	Flagstaff Service Office & Comprehensive School Hall	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
HANKEY Service Office 40 Phillip Street, Hankey 6350	EC- 07-2021-P08 EC- 07-2021-P01 EC- 07-2021-P05 EC- 07-2021-P09 EC- 07-2021-P06 EC- 07-2021-P04 EC- 07-2021-P02 EC- 07-2021-P07 EC- 07-2021-P03	Hankey Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

HUMANSDORP Service Office C/o Saffrey Street, Humansdorp 6306	EC- 07-2021-P17 EC- 07-2021-P12 EC- 07-2021-P14 EC- 07-2021-P18 EC- 07-2021-P15 EC- 07-2021-P13 EC- 07-2021-P10 EC- 07-2021-P16 EC- 07-2021-P11	Humansdorp Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
JAMESTOWN Service Office 8 Voortrekker Street, Jamestown 9742	EC- 07-2021-P118 EC- 07-2021-P123 EC- 07-2021-P121 EC- 07-2021-P117 EC- 07-2021-P120 EC- 07-2021-P122 EC- 07-2021-P125 EC- 07-2021-P119 EC- 07-2021-P124	Jamestown Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

JOUBERTINA Service Office 22 PJ Retief Street, Joubertina 6410	EC- 07-2021-P26 EC- 07-2021-P21 EC- 07-2021-P23 EC- 07-2021-P27 EC- 07-2021-P24 EC- 07-2021-P22 EC- 07-2021-P19 EC- 07-2021-P25 EC- 07-2021-P20	Joubertina Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
KAREEDOUW VICTIM SUPPORT CENTRE Eendrag Street, Kareedouw 6400	EC- 07-2021-P147 EC- 07-2021-P152 EC- 07-2021-P150 EC- 07-2021-P146 EC- 07-2021-P149 EC- 07-2021-P151 EC- 07-2021-P154 EC- 07-2021-P148 EC- 07-2021-P153	Kareedouw Victim Support Centre	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

LIBODE Service Office 177 Stanford Street, Libode 5160	EC- 07-2021-P69 EC- 07-2021-P74 EC- 07-2021-P72 EC- 07-2021-P68 EC- 07-2021-P71 EC- 07-2021-P73 EC- 07-2021-P76 EC- 07-2021-P70 EC- 07-2021-P75	Libode Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
LUSIKISIKI Service Office 402 Jacaranda Street, Mlonzi Square, Lusikisiki 4820	EC- 07-2021-P49 EC- 07-2021-P44 EC- 07-2021-P46 EC- 07-2021-P50 EC- 07-2021-P47 EC- 07-2021-P45 EC- 07-2021-P42 EC- 07-2021-P48 EC- 07-2021-P43	Lusikisiki Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

LULAMA FUTSHANE CHILD & YOUTH CARE CENTRE 3516 Tembisa Location, Burgersdorp 9744	EC- 07-2021-P87 EC- 07-2021-P89 EC- 07-2021-P88 EC- 07-2021-P85 EC- 07-2021-P86	LULAMA FUTSHANE CHILD & YOUTH CARE CENTRE	<ul style="list-style-type: none"> • In the Mirror • Mind the gap • Reverse your Thinking • Rhythm of life • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Mthatha Service Office Bosasa Building, Mthatha 5099	EC- 07-2021-P66 EC- 07-2021-P62 EC- 07-2021-P64 EC- 07-2021-P67 EC- 07-2021-P136 EC- 07-2021-P63 EC- 07-2021-P60 EC- 07-2021-P65 EC- 07-2021-P61	Mthatha Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
QUMBU CHILD & YOUTH CARE CENTRE Mvumelwano, Administrative Area, Qumbu 5180	EC- 07-2021-P39 EC- 07-2021-P41 EC- 07-2021-P40 EC- 07-2021-P37 EC- 07-2021-P38	QUMBU CHILD & YOUTH CARE CENTRE	<ul style="list-style-type: none"> • In the Mirror • Mind the gap • Reverse your Thinking • Rhythm of life • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

QUMBU Service Office Mvumelwano, Administrative Area, Qumbu 5180	EC- 07-2021-P29 EC- 07-2021-P34 EC- 07-2021-P32 EC- 07-2021-P28 EC- 07-2021-P31 EC- 07-2021-P135 EC- 07-2021-P36 EC- 07-2021-P30 EC- 07-2021-P35	Qumbu Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
STORMSRIVER Magistrate's Court Damell Street, Stormsrivier 6308	EC- 07-2021-P144 EC- 07-2021-P140 EC- 07-2021-P138 EC- 07-2021-P145 EC- 07-2021-P137 EC- 07-2021-P139 EC- 07-2021-P142 EC- 07-2021-P143 EC- 07-2021-P141	Stormsrivier Magistrate's Court	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

STEYNSBURG Service Office 4 Henning Street, Steynsburg 5920	EC- 07-2021-P133 EC- 07-2021-P128 EC- 07-2021-P130 EC- 07-2021-P134 EC- 07-2021-P131 EC- 07-2021-P129 EC- 07-2021-P126 EC- 07-2021-P132 EC- 07-2021-P127	Steynsburg Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
TARKASTAD Service Office 7 Van Reenen Street, Tarkastad 5370	EC- 07-2021-P83 EC- 07-2021-P79 EC- 07-2021-P80 EC- 07-2021-P84 EC- 07-2021-P81 EC- 07-2021-P80 EC- 07-2021-P77 EC- 07-2021-P82 EC- 07-2021-P78	Tarkastad Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

VENTERSTAD Service Office 38 Kruger Street, Venterstad 9798	EC- 07-2021-P115 EC- 07-2021-P110 EC- 07-2021-P112 EC- 07-2021-P116 EC- 07-2021-P113 EC- 07-2021-P111 EC- 07-2021-P108 EC- 07-2021-P114 EC- 07-2021-P109	Venterstad Service Office	<ul style="list-style-type: none"> • I am me • In the Mirror • Mind the gap • Planting hope • Playing through the forest • Reverse your Thinking • Rhythm of life • Stop to Start • Wake up call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
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**EASTERN CAPE PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION SERVICE PROVIDERS:**

NAME OF ENTITY	REG. NUMBER/ ACCREDITATION NUMBER	PHYSICAL ADDRESS	CONTACT DETAILS	CONTACT PERSON	STATUS AWARDED
PUBLIC ENTITY					
EASTERN CAPE DEPARTMENT OF SOCIAL DEVELOPMENT					
Aliwal North Service Office 74 Somerset Street, Old Balmoral	EC-07-2022-SP 01	9. Aliwal North Service Office - Boardroom, Social Development, 74	Mobile: 0729906088	Siliziwe Nquka	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four

Building, ALIWAL NORTH, 9750		Somerset Street, Old Balmoral Building, ALIWAL NORTH, 9750			years, from 30/07/2022 – 01/08/2026.
Burgersdorp Service Office 27 Church Street, BURGERSDORP, 9744	EC-07-2022-SP 02	Burgersdorp Service Office - Boardroom, Social Development, 27 Church Street, BURGERSDORP, 9744	Mobile: 0729902385	Nopasika Thafeni	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Flagstaff Service Office Comprehensive School – Hall, LUSIKISIKI, 4820	EC-07-2022-SP 03	Flagstaff Comprehensive School – Hall, LUSIKISIKI, 4820	Mobile: 0732157981	Nondumiso Mhlanjana	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Hankey Service Office 40 Phillip Street, HANKEY, 6350	EC-07-2022-SP 12	Hankey Service Office - Office, Social Development, 40 Phillip Street, HANKEY, 6350	Mobile: 0609132912	Elario Phillips	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Humansdorp Service Office Saffrey Street, HUMANSDORP	EC-07-2022-SP 13	Service office - Boardroom, C/o Saffrey Street, Humansdorp	Mobile: 0646061488	Lungiswa Kiet	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

Jamestown Service Office 8 Voortrekker Street, JAMESTOWN, 9742	EC-07-2022-SP 04	10. Jamestown Service Office - Boardroom, Social Development, 8 Voortrekker Street, JAMESTOWN, 9742	Mobile: 0660685097	Khanyisa Makalo	years, from 30/07/2022 – 01/08/2026. Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Joubertina Service Office 22 PJ Retief Street, JOUBERTINA, 6410	EC-07-2022-SP 14	Joubertina Service Office, Social Development - Boardroom, 22 PJ Retief Street, JOUBERTINA 6410	Mobile: 0609088120	Gerda Ferreira	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Libode Service Office 177 Stanford Street, LIBODE, 5160	EC-07-2022-SP 05	Libode Service Office - Boardroom, 177 Stanford Street Libode 5160 LIBODE	Mobile: 0636853759	Thokozile Mthembu	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Lulama Futshane Child and Youth Care Centre, ERF 3516, Tembisa Location,	EC-07-2022-SP 06	Lulama Futshane Child and Youth Care Centre - Hall, ERF 3516,	Mobile: 0664146523	Catharina Gouws	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four

BURGERSDORP, 9744		Tembisa Location, Burgersdorp			years, from 30/07/2022 – 01/08/2026.
Lusikisiki Service Office, 402 Jacaranda Street, Mlonzi Square, LUSIKISIKI, 4820	EC-07-2022-SP 17	Lusikisiki Service - Boardroom, Social Development, 402 Jacaranda Street, Mlonzi Square, LUSIKISIKI, 4820	Mobile: 0660685690	Nomahlubi Keswa	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Mthatha Service Office, Bosasa Building, MTHATHA 5099	EC-07-2022-SP 07	Mthatha Service Office, Bosasa Building (Boardroom), MTHATHA 5099	Mobile: 0664128768	Akhona Magwenstsu	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Qumbu CHILD & YOUTH CARE CENTRE Mvumelwano, Administrative Area, QUMBU, 5180	EC-07-2022-SP 16	Qumbu Child & Youth Care Centre, Social Development, Mvumelwano, Administrative Area, QUMBU	Mobile: 0475537500/ 0729820169	Zethu Magazi	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Qumbu Service Office, Mvumelwano, Administrative Area, QUMBU, 5180	EC-07-2022-SP 15	Qumbu Child & Youth Care Centre, Social Development, Mvumelwano,	Mobile: 0636857305	Bhekisisa Shekembuya	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

Steynsburg Service Office 4 Henning Street, STEYNSBURG, 5920	EC-07-2022-SP 08	Administrative Area, QUMBU Steynsburg Service Office - Boardroom, Social Development, 4 Henning Street, STEYNSBURG, 5920	Mobile: 0729912982	Ntombekhaya Ncana	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Stormsriver court Darnell Street, STORMSRIVER, 6308	EC-07-2022-SP 09	Stormsriver court, Darnell Street, Stormsriver, 6308	Mobile: 0609088120	Gerda Ferreira	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Takarstad Service Office 7 Van Reenen Street, TAKARSTAD, 5370	EC-07-2022-SP 10	Takarstad Service Office, Social Development, 7 Van Reenen Street, TAKARSTAD, 5370	Mobile: 0769203280	Tiny Msila	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
KAREEDOUW VICTIM SUPPORT CENTRE Darnell Street, KAREEDOUW, 6400	EC-07-2022-SP 18	Kareedouw Victim Support Centre	Mobile: 0609088120	Gerda Ferreira	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

		Damell Street, KAREEDOUW, 6400			years, from 30/07/2022 – 01/08/2026.
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**GAUTENG PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION SERVICE PROVIDERS:**

NAME OF ENTITY	REG. NUMBER/ ACCREDITATION NUMBER	PHYSICAL ADDRESS	CONTACT DETAILS	CONTACT PERSON	STATUS AWARDED
PUBLIC ENTITY					
JOHANNESBURG Region (JHB Central) GAUTENG DEPARTMENT OF SOCIAL DEVELOPMENT	GP-07-2022-SP 01	41 Fox Street, Edura Building, Johannesburg 2000	079 529 4556 011 355 9338	Yekela Masiba	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Sedibeng Region- Sebokeng Service Office GAUTENG DEPARTMENT OF SOCIAL DEVELOPMENT	GP-07-2022-SP 02	3 Moshoeshoe Street, Sebokeng 1983	082 469 8798 016 430 2560	Nomfundo Kamolane	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

Sedibeng Region: Vereeniging Service Office GAUTENG DEPARTMENT OF SOCIAL DEVELOPMENT	GP-07-2022-SP 03	18 Market Avenue, Vereeniging 1939	082 469 8798 011 430 2560	Nomfundo Kamolane	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
West Rand Region: Carletonville Service Office GAUTENG DEPARTMENT OF SOCIAL DEVELOPMENT	GP-07-2022-SP 04	33 Beryl Street, Carletonville 2499	079 883 7152 011 950 7790	Kgomotso Phofa	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
West Rand Region: St John the Divine Centre. GAUTENG DEPARTMENT OF SOCIAL DEVELOPMENT	GP-07-2022-SP 05	3418 Khama Street, Mohlakeng 1759	079 883 7152 011 950 7790	Kgomotso Phofa	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

**GAUTENG PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION PROGRAMMES:**

NAME OF ENTITY	REG. NUMBER/ ACCREDITATION CERTIFICATE NUMBER	OPERATIONAL SITE	PROGRAMME	STATUS AWARDED
PUBLIC ENTITY				
Sedibeng RegiOn-Vereeniging Service Office GAUTENG DEPARTMENT OF SOCIAL DEVELOPMENT	GP- 07-2021-P04	18 Market Avenue, Vereeniging 1939	RHYTHM OF LIFE	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
West Rand Region GAUTENG DEPARTMENT OF SOCIAL DEVELOPMENT	GP- 07-2021-P06	Westonaria Site Extension 5, Simunye Teacher's Training Centre	RHYTHM OF LIFE	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
West Rand Region: St John the Divine Centre GAUTENG DEPARTMENT OF SOCIAL DEVELOPMENT	GP- 07-2021-P07	3418 Khama Street, Mohlakeng 1759	RHYTHM OF LIFE	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

**KWAZULU-NATAL PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION SERVICE PROVIDERS:**

NAME OF ENTITY	REG. NUMBER/ ACCREDITATION NUMBER	PHYSICAL ADDRESS	CONTACT DETAILS	CONTACT PERSON	STATUS AWARDED
PUBLIC ENTITY					
Chatsworth Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN-07-2022-SP 01	06 Bhaktivedanta Swami Circle, Arena Park, CHATSWORTH 4092	Chatsworth Service Office 06 Bhaktivedanta Swami Circle, Arena Park, Chatsworth , 4092	Ms Z Suleman 072 033 3966	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Mahlabathini Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN-07-2022-SP 02	Mashona Village, MAHLAB ATHINI, 3865	0726406007 0358738200	Acting Service Office Manager Mr ZS Mthombo	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Mondlo Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN-07-2022-SP 03	Block B 855, MONDLO, 3105	0669989570 0349331126	Service Office Manager Mrs HPT Ndlozi	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

Nongoma Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN-07-2022-SP 04	Lot 62/63 Nongoma Main Road, NONGOMA, 3950	0829554090 0358313300	Service Office Manager Mr N Mtshali	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Paulpietersburg Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN-07-2022-SP 05	17210 Frischgewaad, Bilanyoni area, PAULPIETERSB URG, 3180	0609989672 0349967000	Service Office Manager Ms PL Manyanga	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Pongola Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN-07-2022-SP 06	Lot 665/20 Kliepearsol Street, PONGOLA, 3170	0609989711 0344131553	Service Office Manager Ms HJ Mthembu	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
uMlazi Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN-07-2022-SP 07	200 Zwe Madlala Dr, UMLAZI, 4066	031 918 8800 082 955 2605.	Ms S P Tansi Service Office Manager	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

KWAZULU-NATAL PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION PROGRAMMES:

NAME OF ENTITY	REG. NUMBER/ ACCREDITATION CERTIFICATE NUMBER	OPERATIONAL SITE	PROGRAMME	STATUS AWARDED
PUBLIC ENTITY				
Chatsworth Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN- 07-2021-P01 KZN- 07-2021-P02	06 Bhaktivedanta Swami Circle, Arena Park, CHATSWORTH, 4092	RHYTHM OF LIFE WAKE UP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Mahlabathini Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN- 07-2021-P03 KZN- 07-2021-P04 KZN- 07-2021-P05 KZN- 07-2021-P06 KZN- 07-2021-P07	Mashona Village, Mahlabathini 3865	IN THE MIRROR MIND THE GAP REVERSE YOUR THINKING RHYTHM OF LIFE WAKE UP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Mondlo Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN- 07-2021-P08 KZN- 07-2021-P09 KZN- 07-2021-P10	Block B 855, MONDLO, 3105	IN THE MIRROR RHYTHM OF LIFE WAKE UP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

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Nongoma Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN- 07-2021-P11 KZN- 07-2021-P12 KZN- 07-2021-P13	Lot 62/63 Nongoma Main Road, NONGOMA, 3950	MIND THE GAP RHYTHM OF LIFE WAKE UP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Paulpietersburg Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN- 07-2021-P14 KZN- 07-2021-P15	17210 Frischgewaad, Bilanyoni area, PAULPIETERSBURG, 3180	RHYTHM OF LIFE WAKE UP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
Pongola Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN- 07-2021-P16	Lot 665/20 Kliepearsol Street, PONGOLA, 3170	RHYTHM OF LIFE	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
uMlazi Service Office KWA ZULU-NATAL DEPARTMENT OF SOCIAL DEVELOPMENT	KZN- 07-2021-P17 KZN- 07-2021-P18	200 Zwe Madlala Dr, UMLAZI W, 4066	RHYTHM OF LIFE WAKE UP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

**NORTHWEST PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION PROGRAMMES:**

NAME OF ENTITY	REG. NUMBER/ ACCREDITATION CERTIFICATE NUMBER	OPERATIONAL SITE	PROGRAMME	STATUS AWARDED
PUBLIC ENTITY				
DITSOBOTLA SERVICE OFFICE NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW- 07-2022-P01	38 Corner Republic & Scholtz Street, Lichtenburg 2740	IN THE MIRROR	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
GANYESA TRIBAL HALL SERVICE OFFICE NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW- 07-2022-P02	Barolong Boo Tlou le Tau Tribal Authority, Ganyesa Village 8613	WAKEUP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
KAGISANO -MOLOPO MOROKWENG SERVICE POINT NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW- 07-2022-P03	Barolong Boo Tlou le Tau Tribal Authority, Morokweng 3613	WAKEUP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

MAQUASSI HILLS – LEBALENG COMMUNITY LIBRARY NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW- 07-2022-P04 NW- 07-2022-P05 NW- 07-2022-P06	458 Kalane Street, Maquassi 2650	RHYTHM OF LIFE IN THE MIRROR WAKE UP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
LEKWA-TEEMANE SERVICE POINT NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW- 07-2022-P07 NW- 07-2022-P08 NW- 07-2022-P09	145 Kerkstraat, Bloenhof 2660	PLAYING THROUGH THE FOREST RHYTHM OF LIFE STOP TO START	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
MAQUASSI HILLS – ONE STOP CHILD JUSTICE CENTRE NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW- 07-2022-P10 NW- 07-2022-P11 NW- 07-2022-P12	445 Borwa Street, Kgakala Township 2640	IN THE MIRROR RHYTHM OF LIFE WAKE UP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
MATLOSANA ONE STOP CHILD JUSTICE CENTRE NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW- 07-2022-P13 NW- 07-2022-P14	3 Benjing Oliphant Road, Urania Village, Klerksdorp 2517	IN THE MIRROR WAKE UP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

NALEDI SERVICE POINT NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW- 07-2022-P15 NW- 07-2022-P16	130 Vry Street, Vryburg 8600	MIND THE GAP RHYTHM OF LIFE	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
TLAKGAMENG TRIBAL HALL (KAGISANO-MOLOPO SERVICE POINT) NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW- 07-2022-P17	arolong Boo Tlou le Tau Tribal Authority, Tlaskgameng 8613	WAKE UP CALL	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

NORTHWEST PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION SERVICE PROVIDERS:

NAME OF ENTITY	REG. NUMBER/ ACCREDITATION NUMBER	PHYSICAL ADDRESS	CONTACT DETAILS	CONTACT PERSON	STATUS AWARDED
PUBLIC ENTITY					
DITSOBOTLA SERVICE OFFICE NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW-07-2022-SP 01	38 Corner Republic & Scholtz Street, Lichtenburg 2740	Tel: 018 632 1010 Mobile: 082 580 0205 Mobile: 071 605 7378 Email: Omakokoe@nwpg.gov.za	Ms Ouma Makokoe Ms Ineeleng Sephiri	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

GANYESA TRIBAL HALL SERVICE OFFICE NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW-07-2022-SP 02	Barolong Boo Tlou le Tau Tribal Authority, Ganyesa Village 8613	Tel: 053 993 4821 Mobile: 082 044 6921 Mobile: 079 889 3245 Email: zolilem@nwpg.gov.za glekotoko@nwpg.gov.za	Mr Zolile Mxobongo Ms Gloria Motshedi	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
JB MARKS VENTERSDORP SERVICE POINT NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW-07-2022-SP 03	04 Van Riebeeck Road, Ventersdorp 2710	Tel: 018 297 0132 Mobile: 082 808 8863 Mobile: 082 047 6093 Email: jsteenkamp@nwpg.gov.za rselebal@nwpg.gov.za	Ms Johline Steenkamp Ms Rebone Seane	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
KAGISANO - MOLOPO MOROKWENG SERVICE POINT NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW-07-2022-SP 04	Barolong Boo Tlou le Tau Tribal Authority, Morokweng 3613	Tel: 053 998 4821 Mobile: 082 044 6921 Mobile: 079 889 3245 Email: zolilem@nwpg.gov.za	Mr Zolile Mxobongo Ms Gloria Motshedi	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

			glekotoko@nwpg.gov.za			
MAQUASSI HILLS – LEBALENG COMMUNITY LIBRARY NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW-07-2022-SP 05	458 Kalane Street, Maquassi 2650	Mobile: 082 329 4117 Mobile: 082 042 7967 Email: gaddafi@nwpg.gov.za msebanda@nwpg.gov.za	Mr Gaddafi Tabile Ms Mankazana Mabe	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.	
LEKWA-TEEMANE SERVICE POINT NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW-07-2022-SP 06	145 Kerkstraat, Bloemhof 2660	Tel: 053 433 9200 Mobile: 082 045 1295	Ms Maggy Tshabile Ms Mapontsho Mogale	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.	
MADIBENG SERVICE POINT NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW-07-2022-SP 07	Alpha Building, Pendoring Street, Brits 0250	Tel: 012 252 2521 Mobile: 076 302 6866 Mobile: 082 042 2896	Ms Hendrietta Poo Ms Mamikie Moubane	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.	
MAMUSA SERVICE POINT NORTH WEST DEPARTMENT OF	NW - 07-2022-SP 08	Indian Shopping Centre, Corner Eybers & Cordell Streets,	Mobile: 083 626 0932 Mobile: 082 046 6304	Ms Segametsi Seape Mr Andries Sechogo	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four	

SOCIAL DEVELOPMENT		Schweizer Reneke 2780			years, from 30/07/2022 – 01/08/2026.
MATLOSANA SERVICE POINT - ONESTOP CHILD JUSTICE CENTRE NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW-07-2022-SP 09	3 Benjing Oliphant Road, Urania Village, Klerksdorp 2517	Tel: 018 406 9401 Mobile: 071 683 7443 Mobile: 082 324 3070 Email: modisenyanem@nwpg.gov.za ebrewer@nwpg.gov.za	Ms Matshidiso Modisenyane Ms Elaine Bruwer	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
TLAKGAMENG TRIBAL HALL (KAGISANO- MOLOPO SERVICE POINT) NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT	NW - 07-2022-SP 10	Barolong Boo Tiou le Tau Tribal Authority, Tlaskgameng 8613	Tel: 053 998 4821 Mobile: 082 044 6921 Mobile: 079 889 3245 Email: zolilem@nwpg.gov.za glekotoko@nwpg.gov.za	Mr Zolile Mxobongo Ms Gloria Motshedi	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

**WESTERN CAPE PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION SERVICE PROVIDERS:**

NAME OF ENTITY	REG. NUMBER/ ACCREDITATION NUMBER	PHYSICAL ADDRESS	CONTACT DETAILS	CONTACT PERSON	STATUS AWARDED
PUBLIC ENTITY					
HORIZON CHILD & YOUTH CARE CENTRE Western Cape Department of Social Development	WC-07-2020-SP 01	Corner Old Faure & Eeste Rivier Way, Eeste Rivier 6135	Tel: 021 8347170 Cell: 073-300 6510	Facility Manager: Mornay Johnson	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
CLANWILLIAM CHILD & YOUTH CARE CENTRE Western Cape Department of Social Development	WC-07-2020-SP 02	01 Park Street, Clanwilliam 8135	Tel: 027 482 1900 Cell: 072 159 2858	Ubenicia Siebritz: Facility Manager	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
VREDELUS CHILD & YOUTH CARE CENTRE Western Cape Department of Social Development	WC-07-2020-SP 03	Corner 16th & Festus Street, Leonsdale 7490	Tel: 021 913 0233 Cell: 0634269387	Facility Manager: Mr Marowaan Benting	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

VREDENBURG SERVICE OFFICE Western Cape Department of Social Development	WC-07-2020-SP 04	Corner Mark & Rose Streets, Vredenburg 7390	Tel: 022-7132272 Cell: 083 357 4644	Regional Director: Dr Willem Du Toit	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
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**WESTERN CAPE PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION PROGRAMMES:**

NAME OF ENTITY	REG. NUMBER/ ACCREDITATION CERTIFICATE NUMBER	OPERATIONAL SITE	PROGRAMME	STATUS AWARDED
PUBLIC ENTITY				
VREDELUS CHILD & YOUTH CARE CENTRE Western Cape Department of Social Development	WC- 07-2022-P01 WC- 07-2022-P02 WC- 07-2022-P03 WC- 07-2022-P04	Corner 16th & Festus Street, Leonsdale 7490	WAKE UP CALL RHYTHM OF LIFE STOP TO START I AM ME	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
VREDENBURG SERVICE OFFICE Western Cape Department of Social Development	WC- 07-2022-P05 WC- 07-2022-P06 WC- 07-2022-P07 WC- 07-2022-P08	Corner Mark & Rose Streets, Vredenburg 7390	I AM ME STOP TO START WAKE UP CALL RHYTHM OF LIFE	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
CLANWILLIAM CHILD & YOUTH CARE CENTRE	WC- 07-2022-P09 WC- 07-2022-P10	01 Park Street, Clanwilliam 8135	I AM ME STOP TO START	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008

Western Cape Department of Social Development				(Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.
HORIZON CHILD & YOUTH CARE CENTRE Western Cape Department of Social Development	WC- 07-2022-P11 WC- 07-2022-P12 WC- 07-2022-P13 WC- 07-2022-P14	Corner Old Faure & Eeste Rivier Way, Eeste Rivier 6135	STOP TO START WAKE UP CALL RHYTHM OF LIFE I AM ME	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years, from 30/07/2022 – 01/08/2026.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRANSPORT

GENERAL NOTICE 1872 OF 2023

STAKEHOLDERS' CONSULTATION: RATIFICATION OF THE CONVENTION ON THE INTERNATIONAL ORGANIZATION FOR MARINE AIDS TO NAVIGATION

ANNOUNCEMENT AND INVITATION FOR STAKEHOLDERS TO SUBMIT WRITTEN COMMENTS ON THE RATIFICATION OF THE CONVENTION ON THE INTERNATIONAL ORGANIZATION FOR MARINE AIDS TO NAVIGATION

The purpose of the introduction of the Convention on the International Organization for Marine Aids to Navigation (the Convention) is to facilitate the transition from being the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA), a non-governmental body to an inter-governmental body under international law. The new name would be the International Organization for Marine Aids to Navigation (which will also be known as IALA).

The IALA, office in France, has been considering becoming an inter-governmental organisation to be on par with other International Maritime Organization. In 2014 the IALA's General Assembly adopted a resolution to change the status of IALA to become an intergovernmental body. Convention on the International Organization for Marine Aids to Navigation has been negotiated and was agreed upon at a Diplomatic Conference in Kuala Lumpur in February 2020. It was opened for signature by the Government of the Republic of France, as the depositary state, in January 2021.

The Department of Transport intends to ratify the said Convention for South Africa to actively participate in the regulation, provision, maintenance or operation of Marine Aids to Navigation. The main objective of this Convention is to foster safe and efficient movement of vessels through the improvement and harmonization of Marine Aids to Navigation.

Therefore, interested stakeholders are requested to submit written comments on whether or not the intended initiative is supported, within 30 days from the date of publication of this notice to the Department of Transport, for the attention of the Chief Directorate Maritime Policy and Legislation, Private Bag X193, PRETORIA, 0001 OR be emailed to: mpahlwaC@dot.gov.za and Matlalatm@dot.gov.za.

Convention on the International Organization for Marine Aids to Navigation

Preamble

The States Parties to this Convention:

RECALLING that the International Association of Lighthouse Authorities was established on 1st July 1957 and was renamed the International Association of Marine Aids to Navigation and Lighthouse Authorities in 1998;

RECOGNIZING the role of the International Association of Marine Aids to Navigation and Lighthouse Authorities in the improvement and continued harmonization of Marine Aids to Navigation for the safe, economic and efficient movement of vessels for the benefit of the maritime community and the protection of the environment;

CONSIDERING the provisions of the United Nations Convention on the Law of the Sea, 1982 and the International Convention for the Safety of Life at Sea, 1974, as amended; and **CONSIDERING FURTHER** that developing, improving and harmonizing Marine Aids to Navigation for the benefit of the maritime community and the protection of the environment is best coordinated by international organizations;

HAVE AGREED as follows:

Article 1 Establishment

1. The International Organization for Marine Aids to Navigation (hereinafter the "Organization") is hereby established under international law as an intergovernmental organization.
2. The Organization shall have a consultative and technical nature.
3. The Organization shall have its seat in France, unless otherwise decided by the General Assembly.
4. The functioning of the Organization shall be set forth in detail in the General Regulations, which are subject to the provisions of this Convention but do not form an integral part thereof. In the event of any inconsistency between this Convention and the General Regulations or any other basic documents covering the governance of the Organization, this Convention shall prevail.

Article 2 Definitions

For the purposes of this Convention:

1. **Marine Aid to Navigation** means a device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of individual vessels and vessel traffic. For the purpose of the Organization this definition includes Vessel Traffic Services.
2. **Member State** means a State that has consented to be bound by this Convention and for which this Convention is in force.

3. **Associate Member** means a territory or group of territories for which a Member State has responsibility for its international relations and for which it has requested membership which has been approved by the General Assembly, and national members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States, in accordance with paragraph 5 of the Annex.
4. **Affiliate Member** means a manufacturer or distributor of Marine Aids to Navigation equipment for sale, or an organization providing Marine Aids to Navigation services or technical advice under contract and any other organization or scientific agency concerned with Marine Aids to Navigation which has applied for membership, and which has been approved by the Council.

Article 3 **Aim and Objectives**

The aim of the Organization is to bring together governments and organizations concerned with the regulation, provision, maintenance or operation of Marine Aids to Navigation in order to further the objectives of:

- (a) Fostering the safe and efficient movement of vessels through the improvement and harmonization of Marine Aids to Navigation worldwide for the benefit of the maritime community and the protection of the marine environment;
- (b) Promoting access to technical cooperation and capacity building on all matters related to the development and transfer of expertise, science and technology in relation to Marine Aids to Navigation;
- (c) Encouraging and facilitating the general adoption of the highest practicable standards in matters concerning Marine Aids to Navigation; and
- (d) Providing for the exchange of information on matters under consideration by the Organization.

Article 4 **Functions**

In order to achieve the aim and objectives set out in Article 3, the functions of the Organization shall be:

- (a) To develop and communicate non-mandatory standards, recommendations, guidelines, manuals and other appropriate documents;
- (b) To consider and make recommendations on standards, recommendations, guidelines, manuals and other appropriate documents that may be remitted to it by Member States, Associate Members and Affiliate Members, by any organ or specialized agency of the United Nations or by any other intergovernmental organization;
- (c) To provide mechanisms for consultation and the exchange of information covering inter alia, recent developments and the activities of Member States, Associate Members and Affiliate Members;

- (d) To develop international cooperation by promoting close working relationships and assistance between Member States, Associate Members and Affiliate Members;
- (e) To facilitate assistance, whether technical, organizational or training, to governments, services and other organizations requesting help with Marine Aids to Navigation;
- (f) To organize conferences, symposia, seminars, workshops and other events; and
- (g) To liaise and cooperate with relevant international and other organizations, offering specialized advice, where appropriate.

Article 5 Membership

1. The Organization shall be comprised of Member States, Associate Members and Affiliate Members.
2. Any Member State having responsibility for the international relations of a territory or group of territories may request Associate membership for such territory or group of territories, by notification in writing to the Secretary-General.
3. The Council may require or a Member State may request that aspects of an application for Affiliate membership be reviewed by the Member State or Member States where the applicant carries out its activities or has its principal place of business or registered office. The Council shall take into consideration the views of the requesting and reviewing Member States when deciding on Affiliate membership.

Article 6 Organs

1. The Organization shall have as its organs:
 - (a) The General Assembly;
 - (b) The Council;
 - (c) Committees and subsidiary bodies necessary to support the Organization's activities; and
 - (d) The Secretariat.
2. There shall be a President and a Vice President of the Organization. The President, or in case of the President's absence, the Vice President shall chair the General Assembly and the Council.
3. The General Regulations and Financial Regulations shall detail the Rules of Procedure that shall apply for each organ and govern the day-to-day management of the Organization.

Article 7 The General Assembly

1. The General Assembly is the principal decision-making organ of the Organization and shall have all the powers of the Organization, unless otherwise provided by this Convention.

2. The General Assembly shall consist only of Member States. Attendance shall also be open to Associate Members and Affiliate Members.
3. Each Member State shall designate one of its delegates as its principal delegate at the General Assembly.
4. Regular sessions of the General Assembly shall take place once every three years.
5. Extraordinary sessions of the General Assembly shall be convened whenever one-third of Member States give notice to the Secretary-General that they desire a session to be convened, or at any time if deemed necessary by the Council, after a notice of ninety days.
6. A majority of Member States shall constitute a quorum for the sessions of the General Assembly.
7. The General Assembly shall:
 - (a) Elect the President and the Vice President from amongst the Member States in accordance with the General Regulations;
 - (b) Decide the overall policy and the strategic vision of the Organization;
 - (c) Review and approve the General Regulations and the Financial Regulations of the Organization;
 - (d) Elect, in accordance with Article 8, the Council from amongst the Member States other than the Member States holding the Presidency or Vice Presidency;
 - (e) Elect the Secretary-General from amongst nationals of the Member States in accordance with the General Regulations;
 - (f) Establish and terminate Committees and subsidiary bodies and review and approve their Terms of Reference;
 - (g) Review and approve the financial arrangements of the Organization, including the outline budget for the following three years and the rate of contributions for Member States and fees for Associate Members and Affiliate Members;
 - (h) Consider the reports and proposals put to it by any Member State, the Council or the Secretary-General;
 - (i) Approve standards;
 - (j) Decide on Associate membership;
 - (k) Rule on Affiliate membership upon the request of one or more Member States;
 - (l) Make recommendations to Member States, Associate Members and Affiliate Members on matters within the aim and objectives of the Organization;
 - (m) Approve agreements with States and international organizations; and
 - (n) Decide on any other matters within the aim and objectives of the Organization.

Article 8

The Council

1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.
2. The Council shall consist of the President and the Vice President and twenty-three other Member States.
3. Council members shall be elected by ballot at each regular session of the General Assembly in accordance with the General Regulations. Council members should, in principle, be drawn from different parts of the world, with a view to achieving a worldwide representation.

4. At the Council, Member States shall preferably be represented by a delegate from a national authority responsible for the regulation, provision, maintenance or operation of Marine Aids to Navigation of that Member State.
5. Seventeen members of the Council, at least one of which must be the President or Vice President, shall constitute a quorum for the sessions of the Council.
6. The Council shall meet at least once a year.
7. Any Member State not represented on the Council may participate in the Council meetings, but will not be entitled to vote.
8. The Council shall:
 - (a) Exercise such responsibilities as may be delegated to it by the General Assembly;
 - (b) Coordinate the activities of the Organization within the framework of the overall policy, the strategic vision and the outline budget, as decided by the General Assembly;
 - (c) Review and approve the financial statements, including the annual budget;
 - (d) Decide on Affiliate membership;
 - (e) Convene the General Assembly;
 - (f) Report to the General Assembly on the work of the Organization;
 - (g) Review papers submitted to it in accordance with the General Regulations;
 - (h) Refer to the General Assembly all matters requiring decision by the General Assembly;
 - (i) Approve recommendations, guidelines, manuals and other appropriate documents;
 - (j) Approve submissions to other organizations;
 - (k) Appoint Chairs and Vice Chairs of Committees and subsidiary bodies and review and approve their work programmes;
 - (l) Decide the venue and the year of the Organization's conferences and symposia as described in the General Regulations; and
 - (m) Approve the Staff Rules.
9. Council members may, after having informed the President and the Secretary-General, invite Affiliate Members to participate as technical advisors at Council meetings to provide advice and support on operational and technical matters.

Article 9 **Committees and Subsidiary Bodies**

1. Committees and subsidiary bodies shall support the aim and objectives of the Organization.
2. The Committees shall:
 - (a) Prepare and review standards, recommendations, guidelines, manuals and other appropriate documents identified in the work programmes;
 - (b) Monitor developments in the area of Marine Aids to Navigation;
 - (c) Facilitate the sharing of expertise and experience amongst Member States, Associate Members and Affiliate Members; and
 - (d) Conduct any other tasks as decided by the Council.

Article 10

The Secretariat

1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such staff as may be required for the work of the Organization within the approved budgetary framework.
2. The term of the Secretary-General shall be three years. The Secretary-General may be re-elected for up to two additional consecutive terms of three years each.
3. The Secretary-General shall be responsible for the day-to-day management of the Organization, subject to any guidance issued by the General Assembly or the Council.
4. The Secretary-General shall be responsible for the conclusion of agreements with States and international organizations subject to the approval of the General Assembly in accordance with Article 7.7 (m).
5. The staff of the Secretariat shall be appointed in accordance with the Staff Rules by the Secretary General on such terms and to perform such duties as the Secretary-General may determine.
6. The Secretariat shall:
 - (a) Maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required;
 - (b) Administer the Organization's finances under the direction of the Council, in accordance with the General Regulations;
 - (c) Prepare the financial arrangements and the financial statements;
 - (d) Keep Member States, Associate Members and Affiliate Members and other organizations informed with respect to the activities of the Organization;
 - (e) Organize and support meetings of the General Assembly, the Council, Committees and subsidiary bodies;
 - (f) Organize and support conferences and symposia as approved by the Council;
 - (g) Organize and support seminars, workshops and other events; and
 - (h) Perform such other functions as may be assigned by this Convention, the General Regulations, the General Assembly or the Council.
7. In the performance of their duties, the Secretary-General and the staff shall not seek or receive instructions from any government or from any other source external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization. Each Member State on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 11

Voting

1. All efforts shall be made for the General Assembly and the Council to adopt decisions by consensus amongst Member States.

2. Where decisions of the General Assembly or Council cannot be adopted by consensus, they shall be adopted by a two-thirds majority of Member States present and voting through a secret ballot.
3. Only Member States shall have voting rights. Each Member State shall have one vote, except as specified in Article 13.4.
4. The election of the President, Vice President and Secretary-General shall be made by secret ballot with a simple majority of Member States present and voting in accordance with the General Regulations.
5. The election of the Council shall be made with the highest number of votes of the Member States present and voting through a secret ballot, in accordance with the General Regulations.

Article 12 **Languages**

The official languages of the Organization shall be Arabic, Chinese, English, French, Russian and Spanish.

Article 13 **Finance**

1. The expenditure for the functioning of the Organization shall be met by the financial resources provided by:
 - (a) Member State contributions;
 - (b) Associate Member and Affiliate Member fees; and
 - (c) Donations, bequests, grants, gifts and other sources approved by the Council upon recommendation by the Secretary-General.
2. Each Member State shall pay a contribution and each Associate Member and Affiliate Member shall pay a fee to the Organization on an annual basis in the amount determined in accordance with Article 7.7 (g). The contribution shall be set at the same rate for each Member State.
3. Member State contributions and Associate Member and Affiliate Member fees shall be due and payable in accordance with the Financial Regulations.
4. Any Member State which is two years in arrears in making contributions shall, after written notification by the Secretary-General, be denied voting rights and the right to be elected to the Council until such time as the outstanding contributions have been paid, in accordance with the Financial Regulations, unless the General Assembly waives this provision.
5. Following the Council's approval of the Organization's audited financial statements, these statements shall be distributed to all Member States, Associate Members and Affiliate Members in the Annual Report.

Article 14
Legal Personality, Privileges and Immunities

1. The Organization has international legal personality and has the capacity to:
 - (a) Contract and conclude agreements with governments, organizations and other bodies;
 - (b) Acquire and dispose of immovable and movable property; and
 - (c) Institute legal proceedings.
2. In the territory of each of its Member States, the Organization shall enjoy, to the extent provided for in an agreement with the Member State concerned, such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its aim and objectives.
3. No Member State, Associate Member or Affiliate Member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.

Article 15
Amendments

1. Any Member State may propose an amendment to this Convention, in writing, to the Secretary General.
2. The Secretary-General shall circulate the proposed amendment in the official languages to all Member States at least six months in advance of its consideration by the General Assembly.
3. The proposed amendment shall be adopted by vote of the General Assembly.
4. Any amendment adopted in accordance with paragraph 3 shall be sent by the Secretary-General to the Depositary. The latter shall notify all Member States of the adoption of the amendment.
5. The amendment shall enter into force for all Member States six months after written notifications of acceptance by two-thirds of the Member States have been received by the Depositary, except for a Member State which has notified the Depositary, prior to the entry into force of such amendment, that the amendment shall enter into force for that Member State only after a subsequent notification of its acceptance.
6. Notwithstanding paragraph 5, the General Assembly may decide by consensus that the amendment shall come into force for all Member States six months after written notifications of acceptance by two-thirds of the Member States have been received by the Depositary. If within this period of six months a Member State gives notification of withdrawal from the Organization on account of an amendment, the withdrawal shall, notwithstanding Article 21, take effect on the date on which such amendment comes into force.
7. The Depositary shall inform the Member States and the Secretary-General of the entry into force of the amendment, specifying the date of its entry into force.

Article 16
Reservations

No reservations shall be made to this Convention.

Article 17
Interpretation and Disputes

Member States shall make every effort to prevent disputes on the interpretation or application of this Convention, and shall use their best efforts to resolve any disputes by peaceful means which may include consultation and negotiation with each other and any other means as agreed to by the parties to the dispute.

Article 18
Signature, Ratification, Acceptance, Approval and Accession

1. This Convention shall be open for signature by any State that is a member of the United Nations at Paris from 27 January 2021 and remain open until 26 January 2022.
2. This Convention is subject to ratification, acceptance or approval by the signatory States.
3. This Convention shall be open for accession by any State that is a member of the United Nations which has not signed this Convention from the day after the date on which this Convention closes for signature.
4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary, who shall then notify all States having deposited such instruments with the Depositary and the Secretary-General thereof.

Article 19
The Depositary

The French Republic shall serve as the Depositary for this Convention. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Article 20
Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.
2. For each State ratifying, accepting, approving or acceding to this Convention after its entry into force this Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.
3. The transitional arrangements that shall apply upon entry into force of this Convention are set out in the Annex.

Article 21 Withdrawal

1. Any Member State may withdraw from this Convention by giving at least twelve months' written notice to the Depositary, who shall immediately inform all Member States and the Secretary-general of such notification.
2. Notification of withdrawal may be deposited at any time after the expiration of six months from the date on which this Convention has entered into force.
3. The withdrawal shall take effect on 31st December of the year following that during which the notice of withdrawal was deposited.

Article 22 Termination

1. This Convention may be terminated by a vote of the General Assembly following at least six months' notice of such a vote.
2. The date of termination shall be twelve months after the date of the above decision, and in the intervening period the Council shall be responsible for the winding up of the Organization, in accordance with the General Regulations.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective governments, have signed the present Convention.

DONE at Paris on 27 January 2021 in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic, an original of which shall be deposited in the archives of the Depositary. The Depositary shall transmit certified copies thereof to all the signatory and acceding governments and to the Secretary-General of the Organization.

Annex

Transitional Arrangements

At the XIth General Assembly held in A Coruña from 25th to 31st May 2014, the International Association of Marine Aids to Navigation and Lighthouse Authorities adopted a Resolution affirming that the status of an International Organization would best serve its objectives and determining that such status should be achieved as soon as possible by the means of the adoption of an international convention.

As a consequence, Article 13 of the Constitution of the International Association of Marine Aids to Navigation and Lighthouse Authorities was amended to facilitate the winding up of the association and the transition of its assets to the Organization.

The purpose of the transitional arrangements is to ensure the uninterrupted international efforts to develop, improve and harmonize Marine Aids to Navigation and to facilitate the transition from the International Association of Marine Aids to Navigation and Lighthouse Authorities to the Organization.

1. Upon the entry into force of this Convention, the President, Vice President and the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall be invited to become the President, Vice President and Council of the Organization and will operate as such until the first General Assembly convened under this Convention has elected a President, Vice President and Council, which must be within a period not exceeding six months.
2. The Committees of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall operate until Committees are established under this Convention.
3. Until such time as the Secretariat of the Organization has been established, the Secretariat of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall be invited to serve as, and perform the functions of, the Secretariat. The Secretary-General of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall serve as the Secretary-General of the Organization until the General Assembly elects the Secretary-General in accordance with this Convention.
4. Until such time as the Organization has adopted General Regulations, it shall function in accordance with the General Regulations of the International Association of Marine Aids to Navigation and Lighthouse Authorities *mutatis mutandis*.
5. All national members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States shall, subject to their formal request, become Associate Members of the Organization for a duration of up to ten years from the date of entry into force of this Convention, unless the General Assembly decides to extend that period.
6. In the event that a State which has a former national member with Associate membership in accordance with paragraph 5 becomes a Member State, the Associate membership shall cease on the date on which this Convention enters into force for that State.

7. All Associate and Industrial Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities up to date with their fees shall, subject to their formal request, become Affiliate Members of the Organization.
8. The transfer of rights, interests, assets and liabilities from the International Association of Marine Aids to Navigation and Lighthouse Authorities to the Organization will take place pursuant to French law.

MERCHANT SHIPPING ACT, 1951 (ACT NO. 57 OF 1951)**THE DRAFT CONSTRUCTION AMENDMENT REGULATIONS, 2023**

The Minister of Transport hereby in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), publishes for comments the draft Construction Amendment Regulations, 2023 as indicated in the Schedule.

Interested persons are invited to submit written comments on this draft Regulations 2023, within 30 days from the date of publication of this notice in the Government Gazette.

All comments should be posted or emailed to the Director-General Department of Transport for the attention of Mr TM Matlala at:

Department of Transport
Private Bag x 193
Pretoria
0001

E-mail: matlalatm@dot.gov.za

Tel: 012 309 3799

SCHEDULE

Contents

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Amendment of Part I of the Regulations

1. Part I of the Regulations is hereby amended by the substitution in the Arrangement of Regulations (table of contents) of the following:

"[PART I

(Passenger Ships)

CHAPTER I-GENERAL]

GENERAL

2. **[Interpretation.] Definitions**

2A. General Exemption.

PART I

(Passenger Ships)

CHAPTER I – GENERAL

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- 4A. Compliance with the Safety Convention.**
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14. Openings in watertight bulkheads [, etc].
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25. Application of Chapter II (A).

26. Openings in the sides of the ship.]

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- 29. Number and type of bilge pumps: **[ships of] Classes I and II ships.**
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- 58. Protection of stairways.
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- 104. Exemption in respect of means of escape."

Amendment of Part I of the Regulations

- 1. Part I of the Regulations is hereby amended by the substitution for the heading of Part I of the Regulations of the following:

"[PART I

(Passenger Ships.)

CHAPTER I-GENERAL]

GENERAL.**Amendment of regulation 2 of the Regulations**

2. Regulation 2 of the Regulations is hereby amended by the—

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

"In ~~[this part]these Regulations~~, the expression "the Act" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and unless the context otherwise indicates, any expression used in ~~[this part o]these Regulations~~, to which a meaning has been assigned in the Act, bears the meaning so assigned, and—";

(b) substitution for the definition of "**A** Class division" of the following definition:

"A" Class division means ~~[a bulkhead or part of a deck, in either case complying with such of the requirements of regulation 51 as are expressed to apply to "A" Class divisions]~~a division that has undergone the Authority-required test of a prototype bulkhead or deck in accordance with the Fire Test Procedures Code to ensure that it meets the above requirements for integrity and temperature rise and is formed by bulkheads and decks which—

(a) are constructed of steel or other equivalent material;

(b) are suitably stiffened;

(c) are insulated with approved non-combustible materials such that the average temperature of the unexposed side will not rise more than 140° C. above the original temperature, nor will the temperature, at any one point, including any joint, rise more than 180° C. above the original temperature, within the time listed below:

(i) class "A-60" 60 min;

(ii) class "A-30" 30 min;

(iii) class "A-15" 15 min; and

- (iv) class "A-0" 0 min: and
- (d) are constructed as to be capable of preventing the passage of smoke and flame to the end of the one-hour standard fire test;";
- (c) substitution for the definition of "accommodation space" of the following definition:
- "["accommodation space" includes—**
- (a) **passenger spaces,**
 - (b) **crew spaces,**
 - (c) **offices,**
 - (d) **pantries, and**
 - (e) **space similar to any of the foregoing, not being service spaces or open spaces on deck,]**

"accommodation spaces" are those spaces used for public spaces, corridors, lavatories, cabins, offices, hospitals, cinemas, game and hobby rooms, barber shops, pantries containing no cooking appliances and similar spaces;"

(d) insertion after the definition of "accommodation space" of the following definition:

"approved" means approved by the Authority;"

(e) substitution for the definition of "Authority" of the following definition:

"Authority" means the [Minister in respect of a ship of Class I or II and the Secretary in respect of a ship of Class IIA, V or VI]South African Maritime Safety Authority established by section 2 of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998);"

(f) insertion after the definition of "auxiliary stairway" of the following definition:

“**Auxiliary steering gear**” means the equipment other than any part of the main steering gear necessary to steer the ship in the event of failure of the main steering gear but not including the tiller, quadrant or components serving the same purpose;”

- (g) substitution for the definition of “B” Class division” of the following definition:

“**[“B” Class division**” means a **[bulkhead complying with such of the requirements of regulation 51 as are expressed to apply to “B” Class divisions]**division that has undergone Authority-required test of a prototype division in accordance with the Fire Test Procedures Code to ensure that it meets the above requirements for integrity and temperature rise and is formed by bulkheads, decks, ceilings or linings which—

- (a) are constructed of approved non-combustible materials and all materials used in the construction and erection of “B” class divisions are non-combustible, with the exception that combustible veneers may be permitted provided they meet other appropriate requirements of these Regulations;
- (b) are constructed as to be capable of preventing the passage of flame to the end of the first half hour of the standard fire test; and
- (c) have an insulation value such that the average temperature of the unexposed side will not rise more than 140⁰ C. above the original temperature, nor will the temperature at any one point, including any joint, rise more than 225⁰ C. above the original temperature, within the time listed below:
 - (i) class “B-15” 15 min; and
 - (ii) class “B-0” 0 min;”

- (h) substitution for the definition of “cargo space” of the following definition:

“‘cargo space’ means [~~spaces appropriated~~] a space used for cargo, cargo oil tanks, tanks for other [than mail and bullion,] liquid cargo and [trunks] any trunk leading to such [spaces]a space;”;

- (i) deletion of the definition of “constructed before or after any date”;
- (j) insertion after the definition of “constructed before or after any date” of the following definition:

“‘continuous rating’ means the brake horse power and speed stated by the manufacturer of the engine to be the highest at which the engine will give satisfactory service when operated continuously for not less than 24 hours;”;

- (k) substitution for the definition of “control station” of the following definition:

“‘control station’ [includes—

- (a) radiotelegraph room;**
- (b) other enclosed space which houses—**
 - (i) a compass, direction-finder, radar equipment, a steering wheel, or other similar equipment used in navigation;**
 - (ii) a central indicator connected with a system for the detection of fire or smoke; or**
 - (iii) an emergency generator] means any space in which the ship’s radio or main navigating equipment or the emergency source of power is located or where the fire recording or fire control equipment is centralised;”;**

- (l) substitution for the definition of “criterion numeral” of the following definition:

“‘criterion numeral’ in relation to any ship means the criterion numeral of the ship determined in accordance with [~~such of the provisions of Annex 2] the~~

applicable requirements of Chapter II-1 regulation 5, 6, 7 or 8 of the Safety Convention as [apply]it applies to that ship[.]”;

- (m) insertion after the definition of “criterion numeral” of the following definition:

“**dead ship condition**” means the condition under which the main propulsion plant, boilers and auxiliaries are not in operation due to the absence of power;”;

- (n) insertion after the definition of “draught” of the following definitions:

“**emergency condition**” means a condition under which any services needed for normal operational and habitable conditions are not in working order due to failure of the main source of electrical power;”;

“**emergency source of electrical power**” means a source of electrical power, intended to supply the emergency switchboard in the event of a failure of the supply from the main source of electrical power;” and

“**emergency switchboard**” means a switchboard which in the event of failure of the main electrical power supply system is directly supplied by the emergency source of electrical power or the transitional source of emergency power and is intended to distribute electrical energy to the emergency services;”;

- (o) substitution for the definition of “factor of subdivision” of the following definition:

“**factor of subdivision**” in relation to any ship or portion thereof means the factor of subdivision [determined in accordance with such of the provisions of Annex 2 as apply]applicable to that ship or portion as the case may be;”;

- (p) insertion after the definition of “floodable length” of the following definitions:

“**FSS Code**” means the International Fire Safety Systems Code issued under the Safety Convention for fire safety systems that are designed to reduce the risk of fire, and aid in emergency response aboard ships;”;

“**FTP Code**” means the International Fire Test Procedures Code, 2010 for application of fire test procedures, as adopted by the Maritime Safety Committee under the Safety Convention;”;

“**gross tonnage**” in the case of a ship having dual tonnage, means the larger of the two gross tonnage figures;”; and

“**IGC Code**” means the International Gas Carrier Code for the construction and equipment of ships carrying liquified gases in bulk;”;

- (q) substitution for the definition of “incombustible material” of the following definition:

“incombustible material” means material which [when heated to a temperature of 1382° F. (750° C.)] neither burns nor gives off inflammable vapours in sufficient quantity [to ignite at a pilot-flame nor raises the temperature of the test furnace 90° F. (50°C.) or more above 382° F. (750° C.) when tested in accordance with British Standard Specification 476: Part 1: 1953]for self-ignition when heated to approximately 750° C, this being determined in accordance with the Fire Test Procedures Code and the expression “combustible material” shall be construed accordingly[.,.];

- (r) insertion after the definition of “independent power pump” of the following definition:

“**international voyage**” means a voyage from a country to which the present Convention applies to a port outside such country, or conversely;”;

- (s) substitution for the definition of "length" of the following definition:

"length" [in relation to a ship, means the length of a ship measured between perpendiculars taken at the extremities of the deepest subdivision load water line] means 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or the length from the fore-side of the stem to the axis of the rudder stock on that waterline, if that be greater: Provided in a ship designed with a rake of keel the waterline on which this is measured shall be parallel to the designed waterline:"

- (t) insertion after the definition of "length" of the following definition:

"machinery control room" means a room from which the propelling machinery and boilers serving the needs of propulsion may be controlled;"

- (u) substitution for the definitions of "machinery space" of the following definition:

"machinery space" [in every Chapter, other than Chapters V, V (A) and V (B), means any space extending from the moulded baseline of the ship to the margin line and between the extreme transverse watertight bulkheads bounding the spaces containing the main and auxiliary propelling machinery, boilers serving the need; of propulsion, when installed, and the permanent coal bunkers, if any;

"machinery space" in Chapters V, V (A) and V (B), means any space used for propelling, auxiliary or refrigerating machinery, boilers, pumps, engineers' workshops, generators, ventilation or air conditioning machinery, oil filling stations and similar spaces and trunkways to such spaces] means any machinery space of category A and any other space containing propelling machinery, a boiler, oil fuel unit, steam and internal combustion engine, generator and major electrical machinery, oil filling station,

refrigerating, stabilising, ventilation and air conditioning machinery, and a similar space, and any trunk to such a space;";

- (v) insertion after the definition of "machinery space" of the following definition:

"machinery space of category A" means a space and trunk to such a space which contains:

- (a) internal combustion machinery used for main propulsion;
- (b) internal combustion machinery used for purposes other than main propulsion where such machinery has in the aggregate a total power output of not less than 375 kW; or
- (c) any oil-fired boiler or oil fuel unit;";

- (w) insertion after the definition of "main circulation pump" of the following definitions:

"main generating station" means the space in which the main source of electrical power is situated;";

"main steering gear" means the machinery, rudder actuators, steering gear, power units, if any, and ancillary equipment and the means of applying torque to the rudder stock (e.g. tiller or quadrant) necessary for effecting movement of the rudder for the purpose of steering the ship under normal service conditions;";

"main switchboard" means a switchboard which is directly supplied by the main source of electrical power and is intended to distribute electrical energy to the ship's services;" and

"main source of electrical power" means a source intended to supply electrical power to the main switchboard for distribution to all services necessary for maintaining the ship in normal operational and habitable conditions;";

- (x) substitution for the definition of "main vertical zones" of the following definition:

"main vertical zones" means ~~[the main vertical zones]~~ those sections into which the hull, superstructure and deckhouses ~~[of a ship]~~ are divided ~~[in accordance with regulation 50 (1)]~~ by "A" class divisions, the mean length and width of which on any deck does not in general exceed 40 m;

- (y) substitution for the definition of "margin line" of the following definition:

"margin line" means a line drawn at least ~~[3 inches]~~ 76 millimetres below the upper surface of the bulkhead deck at the side of ship and assumed for the purpose of determining the floodable length of the ship;"

- (z) substitution for the definition of "mile" of the following definition:

"mile" means a nautical mile of ~~[6,080 feet,]~~ 1.852 meters;

- (aa) substitution for the definition of "oil fuel unit" of the following definition:

"oil fuel unit" means the equipment used for the preparation of oil fuel for delivery to ~~[the oil burners of]~~ an oil-fired boiler, or equipment used for the preparation for delivery of heated oil to an internal combustion engine, and includes ~~[the]~~ any associated oil pressure ~~[pumps, filters]~~ pump, filter and ~~[heaters]~~ heater dealing with oil at a pressure of more than 0.18 N/mm²;

- (bb) substitution for the definition of "passenger space" of the following definition:

"passenger space" means any space provided for the use of a passenger;"

- (cc) deletion of the definition of "public rooms";

- (dd) insertion after the definition of "permissible length" of the following definition:

“public space” means those portions of the accommodation which are used for halls, dining rooms, lounges and similar permanently enclosed spaces;”

- (ee) deletion of the definition of “radiotelegraph rooms”;
- (ff) substitution for the definition of “service space” of the following definition:

“service space” includes [galleys, main pantries, laundries, store rooms, paint rooms, baggage rooms, mail rooms, bullion rooms, carpenters’ and plumbers’ workshops, and trunkways] a galley, main pantry, laundry, store room, paint room, baggage room, mail room, carpenters’ and plumbers’ workshop, and trunkway leading to such [spaces]a space;”

- (gg) substitution for the definition of “settling tank” of the following definition:

“settling tank” means [an oil storage tank having a heating surface of not less than 2 square feet per ton of oil capacity]a deep tank in the engine room used for pre-cleaning of fuel oils by heat or gravity;”

- (hh) insertion after the definition of “settling tank” of the following definition:

“sister vessel” means a vessel exactly similar in design to one already dealt with under a particular Part of these Regulations;”

- (ii) substitution for the definition of “standard fire test” of the following definition:

“standard fire test” means a test in which specimens of the relevant bulkheads or decks [having a surface area of not less than [50 square feet]15.24 centimetres and a height of [8 feet]2.43 meters, resembling as closely as possible the intended construction and including where appropriate at

least one joint,] are exposed in a test furnace to [a series of time temperature relationships,] temperatures corresponding approximately [as follows:-

At the end of the first 5 minutes-1,000° F. (538° C.);

At the end of the first 10 minutes-1,300° F. (704° C.);

At the end of the first 30 minutes-1,550° F. (843° C.); and

At the end of the first 60 minutes-1,700° F. (927° C.)] to the standard time-temperature curve in accordance with the test method specified in the Fire Test Procedures Code;

- (jj) insertion after the definition of "standard fire test" of the following definition:

"steel or other equivalent material" means any non-combustible material which, by itself or due to insulation provided, has structural and integrity properties equivalent to steel at the end of the applicable exposure to the standard fire test;

- (kk) substitution for the definition of "steering gear power unit" of the following definition:

"steering gear power unit" means:-

- (a) in the case of electric steering gear, **[the]an** electric motor and its associated electrical equipment; **[or]**
- (b) in the case of electro-hydraulic steering gear, **[the]an** electric motor, its associated electrical equipment and connected pump~~[,]~~; or
- (c) in the case of **[steam-hydraulic or pneumatic]other** hydraulic steering gear, **[the]a** driving engine and connected pump;"

- (ll) substitution for the definition of "subdivision load water line" of the following definition:

“subdivision load water line” means the water line assumed in determining the subdivision of the ship in accordance with **[this] Part I of the regulations;**”;

(mm) substitution for the definition of “suitable” of the following definition:

“suitable” in relation to material means approved by the **[Secretary]Authority** as suitable for the purpose for which it is used;”;

(nn) substitution for the definition of “surface spread of flame” of the following definition:

“surface spread of flame” for the purpose of Chapter V, means the surface spread of flame classified as Class 1 **[o r]**or Class 2 within the meaning of Section 2 of British Standard Specification 476: Part I: 1953;”;

(oo) insertion after the definition of “surface spread of flame” of the following definitions:

“tanker” means a ship, other than a passenger ship, constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature;”;

“the Regulations” means the Construction Regulations, 1968 published in Government Gazette No. 1955 by Government Notice No. R. 79 dated 19 January 1968, as amended”;

(pp) substitution for the definition of “watertight” of the following definition:

“watertight” [in relation to a structure,] means [its capability]having scantlings and arrangements capable of preventing the passage of water [through the structure] in any direction under a head of water [up to the ship’s

margin line]likely to occur in intact and damaged conditions: Provided in the damaged condition, the head of water is to be considered in the worst situation at equilibrium, including intermediate stages of flooding;";

(qq) insertion after the definition of "watertight" of the following definition:

"“weather deck” is a deck which is completely exposed to the weather from above and from at least two sides: and"; and

(rr) substitution for the definition of "weathertight" of the following definition:

"“weathertight” [in relation to a structure means its capability of preventing the passage of sea water through the structure in ordinary sea conditions]means that in any sea conditions water will not penetrate into the ship:".

Insertion of regulations 2A of the Regulations

1. The following regulation is hereby inserted after regulation 2:

"2A. General Exemption

(1) A ship to which these Regulations apply, which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Authority from any of the requirements of the present Regulations provided that it complies with safety requirements which are adequate in the opinion of the Authority for the voyage which is to be undertaken by the ship.

(2) (a) The Authority may exempt any ship which embodies features of a novel kind, design and construction from any of the provisions of these Regulations the application of which might seriously impede research into

the development of such features and their incorporation in ships engaged on international voyages.

- (b) Any such ship shall, however, comply with safety requirements which, in the opinion of that Authority, are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship and which are acceptable to the Governments of the States to be visited by the ship."

Insertion of heading of Part I, Chapter I of the Regulations

2. The following heading is inserted in Part I, Chapter I of the Regulations after regulation 2A:

"PART I

(Passenger Ships)

CHAPTER I – GENERAL".

Substitution of regulation 3 of the Regulations

3. The following regulation is hereby substituted for regulation 3 of the Regulations:

"3. Application of this Part

This ~~[part]~~Part applies to ~~[every]~~a passenger ship of 25 gross tons or over, registered or licensed in the Republic or which is, in terms of the Act, required to be so registered or licensed, and to ~~[every]~~a passenger ship **[which is]** registered in a country other than the Republic."

Substitution of regulation 4 of the Regulations

4. The following regulation is hereby substituted for regulation 4 of the Regulations:

"4. Classification of ships

(1) The ships to which this Part applies are divided into the following classes: -

Class I- A passenger ship engaged on voyages any of which are international voyages other than short international voyages[.];

Class II- A passenger ship, other than a ship of Class I engaged [~~or~~on] voyages any of which are short international voyages[.];

Class IIA- A ship of [~~70 feet~~]21 meters in length or over, other than a ship of Class V or VI, engaged on voyages of any kind other than international voyages[.];

Class III- Not yet allocated[.];

Class IV- Not yet allocated[.];

Class V- A passenger ship of [~~50 feet in length~~]25 gross tons or over engaged only on voyages to sea in fine weather with not more than 40 persons on board, in the course of which voyages the ship is at no time more than 40 miles from the point of departure nor more than 15 miles from land[.]; and

Class VI- A passenger ship which operates at a port or is engaged on voyages to sea in fine weather with not more than 250 persons on board, in the course of which voyages the ship is at no time more than 15 miles [~~fro m~~]from the point of departure nor more than 5 miles from land.

(2) For the purposes of [~~paragraph~~]subregulation (1), "voyage" includes an excursion."

Insertion of regulations 4A of the Regulations

5. The following regulation is inserted in Part I, Chapter I of the Regulations after regulation 4:

"4A. Compliance with the Safety Convention

A Class I, II and IIA of over 500 gross tons, shall be constructed in compliance with the applicable requirements of, Chapter II-1 of the Safety Convention and the applicable Codes."

Substitution of regulation 5 of the Regulations

6. The following regulation is hereby substituted for regulation 5 of the Regulations:

"5. Structural Strength

The structural strength of **[every]**a ship shall be sufficient for the service for which the ship is intended."

Substitution of regulation 6 of the Regulations

7. The following regulation is hereby substituted for regulation 6 of the Regulations:

"6. Submission of Plans

Before the construction or modification of **[any]**a ship is commenced, **[or at an any stage thereafter, the]**a builder or owner thereof shall submit in duplicate to the Authority the plans particular set forth in Annex 1 for approval."

Substitution of regulation 7 of the Regulations

8. The following regulation is hereby substituted for regulation 7 of the Regulations:

"7. Application of Chapter II

Unless otherwise indicated in this Chapter, this Chapter applies to **[every ship of Class I, II, IIA, V or VI]**a Class I and II or a Class IIA, V and VI ship of less than 500 gross tons except an open or partially decked ship of Class V or a ship of Class VI **[carrying fewer than 151 passengers, and a "Chapter I ship" means a ship to which this Chapter applies]**."

Substitution of regulation 8 of the Regulations

9. The following regulation is hereby substituted for regulation 8 of the Regulations:

"8. Watertight subdivisions

[Every Chapter II ship shall be subdivided by bulkheads, which shall be watertight up to the bulkhead deck, into compartments the maximum length of which shall be calculated in accordance with such of the provisions of Annex 2 as apply to the ship. Every other portion of the internal structure which affects the efficiency of the subdivision of the ship shall be watertight and shall be of a design which will maintain the integrity of the subdivision]

A Class IIA, V and VI ship shall be subdivided by bulkheads, which shall be watertight up to the bulkhead deck, into compartments the maximum length of which shall be calculated in accordance with the requirements of Chapter II-1 regulation 6 and 13 of the Safety Convention."

Amendment of regulation 9 of the Regulations

10. Regulation 9 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 9 of the following heading:

"9. Peak and machinery space bulkheads, shaft tunnels[, etc.]";

- (b) by the substitution for subregulation (1) of the following:

"[(1) Every Chapter II ship shall be provided with a collision bulkhead which shall be watertight up to the bulkhead deck and shall be fitted at a distance from the ship's forward perpendicular of not less than 5 per cent of the length of the ship and not more than 10 feet plus 5 per

cent of such length. If the ship has a forward superstructure, the collision bulkhead shall be extended weathertight to the deck next above the bulkhead deck. The extension shall not be required to be fitted directly over the bulkhead below, provided that it is at least 5 per cent of the length of the ship from the forward perpendicular and the part of the bulkhead deck which forms the step is made effectively weathertight. The plating and stiffeners of such extension shall be constructed in accordance with the provisions of Annex 4 as if the extension formed part of a bulkhead immediately below the bulkhead deck.]

A Class IIA, V and VI ship shall be provided with peak and machinery space bulkheads, shaft tunnels which shall be in accordance with the requirements of Chapter II-1 regulation 12 of the Safety Convention.”; and

- (c) by the deletion of subregulations (2) and (3).

Amendment of regulation 10 of the Regulations

11. Regulation 10 of the Regulations is hereby amended—

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

“[(1) Subject to the provisions of this regulation, every ship of Class I, II or IIA shall be fitted with a watertight double bottom which shall be at least of the following extent-] A Class IIA, V and VI ship shall be fitted with a watertight double bottom which shall be in accordance with the requirements of Chapter II-1 regulation 12 of the Safety Convention.”;

- (b) by the deletion in subregulation (1) of paragraphs (a), (b) and (c); and
- (c) by the deletion of subregulations (2), (3), (4) and (5).

Amendment of regulation 11 of the Regulations

12. Regulation 11 of the Regulations is hereby amended—

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

"11. Stability in damaged condition

[(1) (a) Every Chapter II ship shall be so constructed as to provide sufficient intact stability in all service conditions to enable the ship to withstand the final flooding of any one of the main compartments into which the ship is subdivided in accordance with the provisions of regulation 8. If two of the main compartments, being adjacent to each other, are separated by a bulkhead which is stepped under the conditions of paragraph 6 (3) (a) of Annex 2, the intact stability shall be adequate to withstand the final flooding of those two adjacent main compartments.]

A Class IIA, V and VI ship shall be so constructed as to provide sufficient intact stability in all service conditions to enable the ship to withstand the final flooding of any one of the main compartments into which the ship is subdivided in accordance with the applicable requirements of Chapter II-1 regulation 5, 6, 7 or 8 of the Safety Convention."; and

- (b) by the deletion of paragraphs (b) and (c) in sub-regulation (1); and
- (c) by the deletion of subregulations (2), (3) and (4).

Substitution of regulation 12 of the Regulations

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

"12. Ballasting

In **[every Chapter II ship]**a Class IIA, V and VI ship shall, when ballasting with water is necessary, the water ballast shall not **[in general]** be carried in tanks intended for oil fuel. **[In a ship in which it is not practicable to avoid putting water in oil fuel tanks, oily-water separator equipment to the satisfaction of the Authority shall be fitted, or an alternative means acceptable to the Authority shall be provided for disposing of the oily-water ballast.]"**

Amendment of regulation 13 of the Regulations

14. Regulation 13 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 13 of the following heading:

"13. Construction of watertight bulkheads[, etc.];"

- (b) by the substitution for in regulation 13 for subregulation (1) of the following:

"[(1)] In **[every Chapter II ship]a Class IIA, V and VI ship shall**, every portion of the ship required by this Part to be watertight, shall be constructed in accordance with such of the requirements of Chapter II-1 regulation 10 of the Safety Convention."; and

- (c) by the deletion of subregulation (2).

Amendment of regulation 14 of the Regulations

15. Regulation 14 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 14 of the following heading:

"14. Openings in watertight bulkheads[, etc.]";

(b) by the deletion of subregulation (1);

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

"(2) In **[every ship of]**a Class [I, II or] IIA ship, [bulkheads]a bulkhead outside **[the spaces]**any space containing machinery which **[are]**is required by this Part to be watertight, shall not be pierced by openings which are capable of being closed only by portable bolted plates.";

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

"(3) In **[every Chapter II ship of]**a Class IIA, Class V or VI ship, [bulkheads]a bulkhead required by this Part to be watertight, shall not be pierced by **[doorways, ventilation trunks,]**a doorway, ventilation trunk or other similar **[openings]**opening shall be in accordance with the requirements prescribed in Chapter II-1 regulation 13 of the Safety Convention."; and

(e) by the deletion of subregulation (4).

Amendment of regulation 15 of the Regulations

16. Regulation 15 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 15 of the following heading:

"15. Means of closing openings in watertight bulkheads[, etc.];"

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) In [every slip of]a Class [I, II or] IIA ship, efficient means shall be provided for closing and making watertight [all openings]any opening in [bulkheads and]any bulkhead or other [structures]structure required by this Part to be watertight in accordance with Chapter II-1 regulation 13 of the Safety Convention."; and

- (c) by the deletion of subregulations (2), (3), (4), (5), (6) and (7).

Amendment of regulation 16 of the Regulations

17. Regulation 16 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 16 of the following heading:

"16. Means of operating a sliding watertight [doors]door";

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) In [any ship of]a Class [I, II or] IIA ship which is not required to be subdivided [in accordance with Part III of Annex 2,] any sliding watertight door fitted in a bulkhead is in a position which may require it to be opened at sea and the sill thereof is below the deepest subdivision load water line, the requirements of Chapter II-1 regulation 13 of the Safety Convention [following provisions] shall apply[-.

- (a) **when the number of such doors (excluding doors at entrances to shaft tunnels) exceeds five, all such and those at the entrances to shaft tunnels, ventilation, forced draught or similar ducts, shall be power operated and shall be capable of being simultaneously closed from a single position situated on the navigating bridge;**
 - (b) **when the number of such doors (excluding doors at entrances to shaft tunnels) is greater than one, but does not exceed five,**
 - (i) **where the ship has no passenger spaces below the bulkhead deck, all such doors may be hand operated;**
 - (ii) **where the ship has passenger spaces below the bulkhead deck, all such doors and those at the entrances to shaft tunnels, ventilation or forced draught or similar ducts, shall be power operated and shall be capable of being simultaneously closed from a single position situated on the navigating bridge;**
 - (c) **in any ship where there are only two such doors and they lead into or are within the space containing machinery, the Authority may permit them to be hand operated only]."; and**
- (c) by the deletion of subregulations (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13).

Amendment of regulation 17 of the Regulations

18. Regulation 17 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 17 of the following heading:

"17. Watertight [~~doors-signals~~]door-signals and communications";

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) **[Every]**~~A~~ sliding watertight door fitted in a **[ship of]** Class **[I, II or]** IIA ship, shall be connected with an indicator at each position from which the door may be closed, other than at the door itself, showing when the door is open and when it is closed in accordance with Chapter II-1 regulation 13 of the Safety Convention."; and

- (c) by the deletion of subregulation (2) and subregulation (3).

Amendment of regulation 18 of the Regulations

19. Regulation 18 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 18 of the following heading:

"18. Construction and initial test of watertight [~~doors~~]closures";

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) **[Every]**~~A~~ closure required by this Part to be watertight shall **[be of such design, material and construction iron as will maintain the integrity of the watertight bulkhead in which it is fitted. Any such door giving direct access to any space which may contain bunker coal shall, together with its frame, be made of cast or mild steel. Any such door in any other position shall, together with its frame, be made of cast or mild steel or cast iron.]**be in accordance with the requirements prescribed in Chapter II-1 regulation 16 of the Safety Convention."; and

- (c) by the deletion of subregulations (2), (3), (4), (5), (6), (7) and (8).

Amendment of regulation 19 of the Regulations

20. Regulation 19 of the Regulations is hereby amended—

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

"[(1)]In [every Chapter II]a Class IIA, V or VI ship, the number of side scuttles, scupper, sanitary discharges and other openings in the shell plating below the margin line, shall be the minimum compatible with the design and proper working of the ship shall be in accordance with the requirements prescribed in Chapter II-1 regulation 15 of the Safety Convention."; and

- (b) by the deletion of subregulation (2), (3), (4), (5), (6), (7) and (8).

Substitution of regulation 20 of the Regulations

21. The following regulation is hereby substituted for regulation 20 of the Regulations:

"20. Side and other openings above the margin line

[(1)] In [every Chapter II]a Class IIA, V or VI ship, [side scuttles, windows, gangway doors, cargo ports, bunkering ports, and other openings]a side scuttle, window, gangway door, cargo port, bunkering port, or any other opening in the shell plating above the margin line and [their]its means of closing, shall be of efficient design and construction and of sufficient strength having regard to the [spaces it]space in which [they are]it is fitted and [their positions]its position relative to the deepest subdivision load

water line and to the intended service of the ship in accordance with the requirements of Chapter II-1 regulation 17 of the Safety Convention.

[(2) In every Chapter II ship, efficient inside deadlights, which can be easily closed and secured watertight, shall be provided for all side scuttles to spaces below the first deck above the bulkhead deck.]".

Substitution of regulation 21 of the Regulations

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

"21. Weather deck

(1) In [every Chapter II] a Class IIA, V or VI ship[,] —

(a) the bulkhead deck or a deck above the bulkhead deck shall be weathertight[.];

(b) [All openings] an opening in an exposed weathertight deck shall have coamings of adequate height and strength and shall be provided with efficient and rapid means of closing so as to make [them] such opening weathertight[.]; and

(c) [Freeing ports, open rails and scuppers] a freeing port, open rail or scupper, shall be fitted as necessary for rapidly clearing the weather deck of water under all weather conditions,

in accordance with the requirements prescribed in Chapter II-1 regulation 17 of the Safety Convention."

Repeal of regulation 22 of the Regulations

23. Regulation 22 of the Regulations is hereby repealed.

Amendment of regulation 23 of the Regulations

24. Regulation 23 of the Regulations is hereby amended—

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

"23. Subdivision load lines

(1) **[Every Chapter II]A Class IIA, V or VI** ship shall be marked on its sides amidships with the subdivision load lines assigned to it by the **[Minister in the case of an international load line ship or the Secretary in the case of a local load line ship. The marks shall consist of horizontal lines one inch in breadth, and nine inches in length in the case of a ship which is a load line ship for the purposes of the Act and 12 inches in length in the case of any other ship. The marks shall be painted white or yellow on a dark ground or in black on a light ground, and shall also be cut in or centre punched or indicated by welded bead on iron or steel ships, and cut into the planking on wood ships.]**~~Authority shall be in accordance with the requirements prescribed in Chapter II-1 regulation 18 of the Safety Convention.~~"; and

(b) by the deletion of subregulation (2).

Amendment of regulation 24 of the Regulations

25. Regulation 24 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 24 of the following heading:

"24. [Exhibition of damage]Damage control [plans]information"; and

(b) by the substitution for regulation 24 of the following:

"(1) In **[every Chapter II]**a Class IIA, V or VI ship, there shall be permanently exhibited for the information of the officer in charge of the ship, information and plans showing clearly for each deck and hold the boundaries of the watertight compartments, the openings therein, that means of closing such openings, the position of the controls and the arrangements for the correction of any list due to flooding in accordance with Chapter II-1 regulation 19 of the Safety Convention.

(2) In addition to the plans referred to in subregulation (1), booklets containing such information shall be available for the use of the officers of the ship."

Repeal of Chapter II(A) in Part I of the Regulations

26. Chapter II(A) in Part I of the Regulations is hereby repealed.

Substitution of regulation 27 of the Regulations

27. The following regulation is hereby substituted for regulation 27 of the Regulations:

"27. Application of Chapter III

Unless otherwise indicated in this Chapter, this Chapter applies to **[every ship of Class I, II, IIA, V or VI]** and a "Chapter III ship" means a ship to which **this Chapter applies**a Class I and II or a Class IIA, V and VI ship of less than 500 gross tons."

Substitution of regulation 28 of the Regulations

28. The following regulation is hereby substituted for regulation 28 of the Regulations:

"28. General

(1) **[Except in the case of an open ship of Class VI not exceeding 40 feet in length, and not proceeding on voyages to a point more than 5 miles from the starting point, every Chapter III]A Class II, A, V or VI ship shall be provided with—**

(a) **an efficient pumping plant capable of pumping from and draining any watertight compartment in the ship, other than a space permanently appropriated for the carriage of fresh water, water ballast or oil and for which other efficient means of pumping or drainage is provided under all conditions likely to arise in practice after a casualty, whether or not the ship remains upright[.];**

(b) **[Wing]wing** **suctions [shall be provided] if necessary, for [that purpose.]the purposes of paragraph (a);**

(c) **[Efficient]efficient** **arrangements [shall be provided] whereby water in any watertight compartment may find its way to the suction pipes[.];**

(d) **[Efficient]efficient** **means [shall be provided] for draining water from all insulated hulls and insulated between decks in the ship[.]; Provided that the Authority may allow the provision for drainage to be omitted in a particular compartment if [he]the Authority is satisfied[:]=**

[(a)] (i) **that having regard to the calculations made [in accordance with the conditions set out in Annex 3]for stability in damaged condition, the safety of the ship will not thereby be impaired; and**

[(b)] (ii) **that the provision of drainage would otherwise be undesirable."**

Amendment of regulation 29 of the Regulations

29. Regulation 29 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 29 of the following heading:

"29. Number and type of bilge pumps: [ships of] Classes I and II ships";

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

"(1) [Every Ship of] A Class I or II ship shall be provided with [pumps connected to the bilge main] the required number and type of bilge pumps in accordance with the [following table—] requirements of Chapter II-1 regulation 35-1 of the Safety Convention.";

(c) by the deletion of the table in subregulation (1); and

(d) by the deletion of subregulation (2).

Amendment of regulation 30 of the Regulations

30. Regulation 30 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 30 of the following heading:

"30. Number and type of bilge pumps: [ships of Class II (A)] Class IIA ships";

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

“(1) Every ship of ~~A~~ **Class IIA ship** shall be provided with bilge pumps in accordance with item ~~[(c), (d) or (e)](b)~~, whichever is appropriate, of the following table-”;

(c) by the substitution for the table in subregulation (1) of the following table:

[

Length of Ship in feet	Number of Pumps		
	Main Engine Pump*	Independent Power Pumps	Hand Pumps†
(a) Under 50	1	-	One of the lever type for each watertight compartment, or one of the crank type.
(b) 50 feet and under 70	1	1	One of the lever type for each watertight compartment, or one of the crank type
(c) 70 and under 100	1	1	One of the lever type for each watertight compartment, or one of the crank type.
(d) 100 and under 250	1	1	One of the crank type
(e) 250 and over	1	2	--

]

<u>Ship</u>	<u>Number of Pumps</u>
-------------	------------------------

	<u>Main engine pump*</u>	<u>Independent power pumps</u>	<u>Hand pumps†</u>
<u>(a) Under 14 meters</u>	<u>1</u>	<u>=</u>	<u>One of the lever type for each watertight compartment, or one of the crank type for each watertight compartment.</u>
<u>(b) 14 meters and under 500 gross tons</u>	<u>1</u>	<u>1</u>	<u>=</u>
<u>(c) above 500 gross tons</u>	<u>requirements of Chapter II-1 regulation 35-1 of the Safety Convention.</u>		

* The main engine pump may be replaced by one independent power pump.

† The handpumps specified in this column may be replaced by one independent power pump."; and

(d) by the deletion of subregulation (2).

Amendment of regulation 31 of the Regulations

31. Regulation 31 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 31 of the following heading:

"31. Number and type of bilge pumps[, etc.: ships of] Classes V and VI ships";

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

"(1) **[Every ship of]**~~A~~ Class V ship shall be provided with bilge pumps in accordance with item (b), or (c), ~~[(d) or (e),]~~ whichever is appropriate, of the table set forth in regulation ~~[30(1)]~~30."; and

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

"(2) **[Every ship of]**~~A~~ Class VI ship shall be provided with bilge pumps ~~[m]~~in accordance with the appropriate item of the table set forth in regulation ~~[30(1)]~~30."

Amendment of regulation 32 of the Regulations

32. Regulation 32 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 31 of the following heading:

"32. ~~[Requirements for bilge pumps and bilge suction]~~Bilge pump requirements and arrangements";

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

"[(1) Power bilge pumps fitted in any Chapter III ship, shall, where practicable, be placed in separate watertight compartments so arranged or situated as not to be readily flooded by the same damage, and if the ship's engines and boilers are in two or more watertight compartments, the bilge pumps there available shall be distributed through such compartments as far as possible]

In a Class I, II, IIA, V and VI ship, the following bilge pump requirements and arrangements shall be in accordance with the requirements of Chapter II-1 regulation 35-1 of the Safety Convention:

- (a) Arrangement of bilge pipes;
- (b) Diameter of bilge suction pipes;
- (c) Precautions against flooding through bilge pipes; and
- (d) Bilge valves, cocks."; and

(c) by the deletion of subregulations (2), (3), (4), (5) and (6).

Repeal of regulations 33, 34, 35 and 36 of the Regulations

33. Regulations 33, 34, 35 and 36 of the Regulations are hereby repealed.

Substitution of regulation 37 of the Regulations

34. The following regulation is hereby substituted for regulation 37 of the Regulations:

"37. Bilge mud boxes and strum boxes

- (1) **[Bilge suctions]**~~A bilge suction~~ in the machinery space of **[every Chapter III]a Class I, II, IIA, V or VI** ship shall be led from readily accessible mud boxes placed wherever practicable above the level of the working floor of such a space.
- (2) The boxes in subregulation (1) shall have straight tailpipes of the bilges and covers secured in such a manner as will permit **[them]**~~the boxes~~ to be readily opened and closed.
- (3) The suction ends in hold spaces and tunnel wells shall be enclosed in strum boxes having perforations approximately **[3/8 inch]**~~10 millimetres~~ in diameter, and the combined area of such perforations shall be not less than twice that of the end of the suction pipe.

- (4) ~~[Strum boxes]~~A strum box shall be so constructed that ~~[they]~~it can be cleared without breaking any joint of the suction pipe.”.

Substitution of regulation 38 of the Regulations

35. The following regulation is hereby substituted for regulation 38 of the Regulations:

“38. Sounding pipes

- (1) ~~In [every ship to which Chapter II applies,]~~a Class I,II, IIA, V or VI ship—
- (a) ~~all tanks forming part of the structure of the ship and all watertight compartments, not being part of the machinery space, shall be provided with efficient sounding arrangements which shall be protected where necessary against damage[.];~~
- (b) ~~[Where such]~~where the arrangements ~~in paragraph (a)~~ consist of sounding pipes, a thick steel doubling plate shall be securely fixed below each sounding pipe for the sounding rod to strike upon[.];
- (c) ~~[All such]~~a sounding ~~[pipes]~~pipe shall extend to ~~[positions]~~a position above the ship's bulkhead deck which shall at all times be readily accessible[.];
- (d) ~~[Sounding pipes for bilges, cofferdams and double bottom tanks, being bilges, cofferdams and tanks]~~a sounding pipe for a bilge, cofferdam or double bottom tank, being a bilge, cofferdam or tank situated in the machinery space, shall so extend ~~as prescribed in paragraph (c).~~unless the upper ~~[ends]~~end of the ~~[pipes are]~~pipe is accessible in ordinary circumstances and ~~[are]~~is furnished with ~~[cocks]~~a cock having parallel plugs with permanently secured handles so loaded that on being released, ~~[they]~~the plugs automatically ~~[close]~~closes the cocks[.]; and

~~(e) [Sounding pipes]~~a sounding pipe for the bilges of insulated holds shall be insulated and not less than ~~[2½ inches]~~65 millimetres in diameter.”.

Substitution of regulation 39 of the Regulations

36. The following regulation is hereby substituted for regulation 39 of the Regulations:

“39. Application of Chapter IV

Unless otherwise indicated in this Chapter, this Chapter applies to ~~[every ship of Class I, II, IIA, V or VI]~~and a “Chapter IV ship” means a ship to which this Chapter applies]a Class I and II or a Class IIA, V and VI ship of less than 500 gross tons.”.

Substitution of regulation 40 of the Regulations

37. The following regulation is hereby substituted for regulation 40 of the Regulations:

“40. General

- (1) In ~~[every Chapter IV]~~a Class IIA, V or VI ship, the electrical equipment and installations, other than the electrical means of propulsion, if any, shall be such that the electrically operated services essential for the safety of the ship and of persons on board can be maintained under emergency conditions in accordance with Chapter II-1 regulation 40 of the Safety Convention.
- (2) In ~~[every Chapter IV]~~a Class IIA, V or VI ship, the electrical equipment and installations, including electrical means of propulsion if any, shall be such that the ship and all persons on board are protected against electrical

hazards in accordance with Chapter II-1 regulation 40 of the Safety Convention."

Amendment of regulation 41 of the Regulations

38. Regulations 41 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 41 of the following heading:

"41. Main generating sets: [Ships of Classes I, II and IIA]Class I, II and IIA ships";

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

"(1) (a) ~~[Every ship of]~~ a Class I, II or IIA ship, being a ship in which electrical power is the only power for maintaining the auxiliary services essential for the propulsion or safety of the ship, shall be provided with two or more main generating sets of such power that the aforesaid services can be operated when any one of the sets is out of service.

(b) Arrangements shall be made which will safeguard ~~[such]~~ the generating sets referred to in paragraph (a) from being rendered inoperative in the event of the partial flooding of the ship's machinery space through leakage from a damaged compartment or otherwise in accordance with Chapter II-1 regulation 41 of the Safety Convention.";
and

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

"(2) In ~~[every ship of]~~ a Class I, II or IIA ship—

- (a) where there is only one main generating station, such main generating station and the main switchboard shall be situated in the same main fire zone[.]; and
- (b) [Where]where there is more than one main generating station, and only one main switchboard, such switchboard shall be situated in the same main fire zone as one of the generating stations in accordance with Chapter II-1 regulation 41 of the Safety Convention.".

Amendment of regulation 42 of the Regulations

39. Regulation 42 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 42 of the following heading:

"42. Emergency source of electric power: [Ships of Classes]Class I, II and IIA ships";

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) In [every ship of]a Class I, II or IIA ship—

- (a) there shall be provided in a position above the bulkhead deck not forward of the collision bulkhead and outside the machinery casings, a self-contained emergency source of electric power[.]; and
- (b) [The]the location of [this]the self-contained emergency source referred to in paragraph (a), in relation to the main source or sources of electric power, shall be such as to ensure that a fire or other casualty to the machinery space will not interfere with the supply or distribution of emergency power and in accordance with Chapter II-1 regulation 42 of the Safety Convention.";

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

“(e) all communication equipment, fire detecting systems and signals which may be required in an emergency, if they are electrically operated from the ship’s main generating sets~~[.]~~”;

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

“(3) The emergency source of electric power shall be either an accumulator ~~[(storage)]~~or storage battery capable of complying with subregulation (2) without being recharged or suffering an excessive voltage drop, or a generator driven by internal combustion type machinery with an independent fuel supply and with efficient starting arrangements, and the fuel provided for such machinery shall have a flash point of not less than ~~[110° F. (43° C.)]~~43° C.”;

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

“(5) (a) If ~~[he]~~the emergency source of electric power is an accumulator ~~[(storage)]~~or storage battery, the arrangements shall be such that the ship’s emergency lighting system will come into operation automatically in the event of the failure of the main source of power for the ship’s main lighting system.”;

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

“(b) If the emergency source of electric power is a generator, an accumulator ~~[(storage)]~~or storage battery shall be provided as a

temporary source of electric power, so arranged as to come into operation automatically in the event of a failure of the main or emergency source of electric power, and of sufficient capacity to operate the ship's emergency lighting system continuously for half an hour and with such lighting system is in operation[:] —"; and

- (g) by the substitution in subregulation (5) for paragraph (d) of the following paragraph:

"(d) An indicator shall be provided in the machinery space, on the main switchboard or at some other suitable position, to show when an accumulator **[(storage)]**or storage battery fitted in accordance with this regulation, is being discharged."

Substitution of regulation 43 of the Regulations

40. The following regulation is hereby substituted for regulation 43 of the Regulations:

"43. Emergency switchboards

In **[every ship of]**a Class I, II or IIA ship in which the provision of an emergency source of electric power is required by this Part—

- (a) the emergency switchboard shall be situated as near as practicable to the emergency source of power;
- (b) if the emergency source of power is a generator, the emergency switchboard shall be situated in the same space as the generator, unless the operation of the switchboard would thereby be impaired;
- (c) if the emergency source of power is a generator, an interconnecting feeder, adequately protected at each end, connecting the main and emergency switchboards shall be fitted;

- (d) no accumulator ~~[(storage)]~~or storage battery fitted in accordance with regulation 42, shall be situated in the same space as the emergency switchboard[.],

in accordance with Chapter II-1 regulation 42 of the Safety Convention."

Amendment of regulation 44 of the Regulations

41. Regulation 44 of the Regulations is hereby amended—

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

"(1) In ~~[every Chapter IV]~~a Class I, II, IIA, V and VI ship[.]—

(a) every main and emergency switchboard shall be in accordance with Chapter II-1 regulation 45 of the Safety Convention and so arranged as to give easy access to the back and the front thereof without danger to any person, and shall be suitably guarded[.];

(b) [A] a non-conducting mat or grating shall be provided at the back and front where necessary[.]; and

(c) [No] an exposed [parts]part which may have a voltage between conductors or to earth exceeding ~~[250]~~55 volts direct current or ~~[55]~~250 volts alternating current, shall not be installed on the face of any switchboard or control panel.";

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

"(2) Hull return shall not be used in any ~~[Chapter IV]~~a Class I, II, IIA, V and VI ship for the power, heat and light distribution systems thereof.";

- (c) by the substitution for subregulation (3) of the following subregulation:

"(3) If in any ~~[Chapter IV]~~a Class I, II, IIA, V and VI ship, two or more generating sets maybe in operation at the same time for maintaining the auxiliary

services essential for the propulsion or safety of the ship, provision shall and shall be provided to trip automatically sufficient non-essential load when the total current exceeds the connected generator capacity.”;

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

“(4) (a) In **[every Chapter IV]**~~a Class I, II, IIA, V and VI~~ ship~~[.]—~~

~~(i) electric and electro-hydraulic steering gear shall be served by two circuits fed from the main switchboard, one of which may pass through the emergency switchboard, if one is provided[.];~~

~~(ii) [Each]each circuit shall have adequate capacity for supplying all the motors which are normally connected to it and which operate simultaneously, and if transfer arrangements are provided in the steering gear room to permit either circuit to supply any motor or combination of motors, the capacity of each circuit shall be adequate for the most severe load condition[.]; and~~

~~(iii) [The]the circuits in subparagraph (ii) shall be separated as widely as is practicable throughout their length.~~

(b) Short circuit protection **[only shall be provided for such circuits and motors]**~~and an overload alarm shall-~~

~~(i) be provided for such circuits and motors;~~

~~(ii) have protection against excess current, including starting current, if provided, which shall be for not less than twice the full load current of the motor or circuit so protected, and shall be arranged to permit the passage of the appropriate starting currents; and~~

~~(iii) where a three-phase supply is used, be provided with an alarm that will indicate failure of any one of the supply~~

phases and shall be both audible and visual and situated in a conspicuous position in the main machinery space or control room from which the main machinery is operated.

- (c) **[Every Chapter IV]** A Class I, II, IIA, V and VI ship which is fitted with electric or electro-hydraulic steering gear, shall be provided with indicators which—

(i) will show when the power units of such steering gear are running[.]; and

(ii) [These indicators]shall be situated in suitable positions on the navigating bridge and in the machinery space or the machinery control room[.].

in accordance with Chapter II-1 regulation 30 of the Safety Convention.”;

- (e) by the substitution for subregulation (5) of the following subregulation:

“(5) (a) There shall be not less than two sources of power supply for the sea water pump and automatic alarm and detection system which shall be in accordance with the requirements of Chapter VIII section 2.4 of the FSS Code: Provided where one of the sources of power for the pump is an internal combustion engine it shall, in addition to complying with the provisions of this regulation, be so situated that a fire in any protected space will not affect the air supply to the machinery.

(b) If, in [any Chapter IV]a Class I, II, IIA, V and VI ship the power supply for an automatic sprinkler system, requiring not less than two sources of power supply for sea-water pumps, air compressors and automatic alarms, is electrical[.]=

(i) such power supplies shall be taken from the main generating sets and from an emergency source of electric power[.];

- (ii) ~~[One]~~one supply shall be taken from the main switchboard and another from the emergency switchboard, by separate feeders reserved solely for that purpose~~[.]~~;
- (iii) ~~[Such]~~the feeders referred to in subparagraph (ii) shall be [run to a change-over switch situated near to the sprinkler unit, and the switch shall normally be kept closed to the feeder from the emergency switchboard.]so arranged as to avoid galleys, machinery spaces and other enclosed spaces of high fire risk except in so far as it is necessary to reach the appropriate switchboards, and shall be run to an automatic changeover switch situated near the sprinkler pump; and
- (iv) ~~[The changeover]~~the change-over switch in subparagraph (iii) shall-
 - (aa) be clearly labelled and normally kept closed, and no other switch shall be permitted in these feeders~~[.]~~;
 - (bb) permit the supply of power from the main switchboard so long as a supply is available therefrom; and
 - (cc) be so designed that upon failure of that supply it will automatically change over to the supply from the emergency switchboard.”;

(f) by the substitution for subregulation (6) of the following subregulation:

“(6) Where fire protection in accordance with regulation ~~[49 (3)]~~49(1)(b) is provided in any ~~[Chapter IV]~~Class I, II, IIA, V and VI ship, the superstructure of which is constructed in aluminium alloy, and where in such a ship the feeders from the emergency generator to the sprinkler unit pass through any space constituting a fire risk, the cables shall be of a fireproof type.”;

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

"(7) In **[every Chapter IV]**a Class I, II, IIA, V and VI ship[.]—

(a) distribution systems shall be so arranged that a fire in any main fire zone will not interfere with essential services in any other main fire zone[.]; and

(b) **[Main]**main and emergency feeders passing through any main fire zone, shall be separated as widely as is practicable both horizontally and vertically."; and

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

"(8) **[Wiring systems]**A wiring system for interior communications essential for safety and for emergency alarm systems shall be arranged to avoid
[galleys, machinery spaces and other enclosed spaces]any galley, machinery space or other enclosed space having a high risk of fire except in so far as it is necessary to provide communication or to give alarm within those spaces: Provided that in the case of a ship the construction and small size of which do not permit of compliance with this requirement, measures satisfactory to the Authority shall be taken to ensure efficient protection for
a wiring **[systems]**system where **[they pass]**such a wiring system passes through **[galleys, machinery spaces and other enclosed spaces]**a galley, machinery space or other enclosed space having a high risk of fire."

Amendment of regulation 45 of the Regulations

42. Regulation 45 of the Regulations is hereby amended—

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

"(1) (a) In **[every]**a **[Chapter IV]**a Class I, II, IIA, V and VI ship[.]—

(i) all electrical equipment shall be so constructed and installed that there will be no danger of injury to any person handling it in a proper manner[.]; and

(ii) [Subject]subject to the provisions of paragraph (b), where electrical equipment supplied as ship's equipment is to be operated at a voltage in excess of 55 volts, the exposed metal parts of such equipment which are not intended to have a voltage above that of earth, but, which may have such a voltage under fault conditions, shall be earthed[.]; and

(b) (i) [Exposed]any exposed metal [parts]part of portable electric [lamps, tools and]lamp, or similar apparatus, supplied as ship's equipment to be operated at a voltage in excess of 55 volts, shall be earthed through a conductor in the supply cable, unless by the use of double insulation or a suitable isolating transformer, protection at least as effective as earthing through a conductor is provided[.]; and

(ii) [When]when an electric [lamps, tools]lamp, tool or other apparatus [are]is used in a damp [spaces]space, provision shall be made, so far as practicable, to ensure that the danger of electric shock is reduced to a minimum."

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

"(2) [Every electric cable in]in a [Chapter IV]a Class I, II, IIA, V and VI ship[.];=

(a) an electric cable shall be of a flame retarding type[.];

(b) [All]a metal [sheaths and]sheath or metal armour of any electrical cable in use in the ship, shall be electrically continuous and shall be earthed[.]; and

~~(c) [Every]an~~ electric cable which is neither metal sheathed nor armoured shall, if installed where its failure might cause a fire or explosion, be otherwise effectively protected.”;

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

“(3) Wiring in ~~[every]a [Chapter IV]a Class I, II, IIA, V and VI~~ ship shall be supported in such a manner as to avoid chafing and other injury.”;

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

“(4) In ~~[every]a [Chapter IV]a Class I, II, IIA, V and VI~~ ship~~[,]—~~

~~(a) the joints in all electrical conductors shall be made only in junction or outlet boxes except in the case of low voltage communication circuits[.]; and~~

~~(b) [All such]the junctions or outlet boxes in paragraph (a) shall be so constructed as to prevent the spread of fire therefrom.”;~~

(e) by the substitution for subregulation (5) of the following subregulation:

“(5) In ~~[every]a [Chapter IV]a Class I, II, IIA, V and VI~~ ship, lighting fittings shall be arranged to prevent rises in temperature which would be injurious to the electrical wiring thereof or which would result in a risk of fire in surrounding material.”;

(f) by the substitution for subregulation (6) of the following subregulation:

“(6) ~~[Every]An~~ electric space-heater forming part of the equipment of a ~~[Chapter IV]a Class I, II, IIA, V and VI~~ ship, shall~~—~~

~~(a) be fixed in position and shall be so constructed as to reduce the risk of fire to a minimum[.]; and~~

(b) [No such heater shall]be constructed with an element so exposed that clothing, curtains, or other similar material, can be scorched or set on fire by heat from the element.”;

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

“(7) In **[every]a [Chapter IV]a Class I, II, IIA, V and VI ship[,]—**

(a) every separate electrical circuit, other than a circuit which operates the ship's steering gear, shall be protected against overload and short circuit~~[.]~~; **and**

(b) [There]there shall be clearly and permanently indicated on or near each over-load protective device, the current carrying capacity of the circuit which it protects and the rating or setting of the device.”;

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

“(8) In **[every Chapter IV]a Class I, II, IIA, V and VI ship, [all]an** accumulator **[(storage) batteries]or storage battery** shall be housed in **[boxes]a box** or **[compartments] compartment** which **[are]is** so constructed as to protect the **[batteries] battery** from damage and **[are]is** so ventilated as to **[minimize]minimise** the accumulation of explosive gas.”;

(i) by the substitution for subregulation (9) of the following subregulation:

“(9) **[In spaces where inflammable mixtures are liable to collect, no electrical]Electrical** equipment shall **not** be installed **in a space where inflammable mixtures are liable to collect,** unless **[it]the electrical equipment** is of a type which will not ignite the mixture concerned.”; and

(j) by the substitution for subregulation (10) of the following subregulation:

"(10) In **[every Chapter]**a Class I, II, IIA, V and VI ship, **[every]**a lighting circuit in a bunker or hold shall be provided with an isolating switch outside the space."

Substitution of regulation 46 of the Regulations

43. The following regulation is hereby substituted for regulation 46 of the Regulations:

"46. Spare parts and tools

[Every ship of]A Class I, II or IIA ship shall be provided with an adequate quantity of replacements for those parts of the ship's electrical equipment and installations which, having regard to the intended service of the ship, it would be essential for the safety of the ship and of persons on board to replace in the event of failure while the ship is at sea, together with such tools as are necessary for the fitting of those replacements."

Amendment of Chapter V of Part I of the Regulations

44. Chapter V of Part I of the Regulations is hereby amended by the substitution for the heading of Chapter V of the following heading:

"CHAPTER V - FIRE PROTECTION: [SHIPS OF CLASSES]CLASS I, II AND IIA SHIPS".

Substitution of regulation 47 of the Regulations

45. The following regulation is hereby substituted for regulation 47 of the Regulations:

"47. Application of Chapter V

This Chapter applies to **[every ship of]** a Class I, II or IIA **ship** carrying more than 36 passengers, and a "Chapter V ship" means a ship to which this Chapter applies."

Substitution of regulation 48 of the Regulations

46. The following regulation is hereby substituted for regulation 48 of the Regulations:

"48. Methods of fire protection

(1) **[The]** **An** accommodation **[spaces and]space or service [spaces]space** in **[every]a** Chapter V ship, shall be constructed in accordance with any one of the following methods of fire protection, or a combination thereof, and shall comply with such of the following requirements of this Chapter as are applicable to the method or methods adopted~~[-:]~~—

(a) **Method I:** The construction in **[the]an** accommodation **[spaces and]space or service [spaces]space** of a system of internal bulkheading consisting of "B" Class divisions, together with an automatic fire alarm and fire detection system in **[these spaces.]any such space;**

(b) **Method II:** The fitting of an automatic sprinkler, fire detection and fire alarm system in the accommodation **[spaces and]space or service [spaces.]space; or**

(c) **Method III:** The subdivision of **[the]an** accommodation **[spaces and]space or service [spaces]space** by "A" Class and "B" Class divisions, together with the fitting of an automatic fire alarm and fire detection system in **[all]any** accommodation **[spaces and]space or service [spaces]space** and a restriction of the provision of combustible material in **[these spaces]any such space."**

Substitution of regulation 49 of the Regulations

47. The following regulation is hereby substituted for regulation 49 of the Regulations:

"49. Methods I, II and III

(1) **[Every]**~~A~~ Chapter V ship shall be constructed in accordance with one of the following methods of fire protection or a combination of two or more of such methods~~[.]~~:

[(2)] (a) Method I:

[(a)] (i) ~~The hull, superstructure, structural [bulkheads decks and deckhouses]~~bulkhead deck or deckhouse shall be constructed of steel or other equivalent material~~[.]~~; and

[(b)] (ii) ~~[Crowns and casings]~~A crown or casing of a boiler ~~[and]~~or machinery ~~[spaces]~~space shall be of steel construction, adequately insulated, and ~~[the openings]~~any opening therein, ~~[if any,]~~ shall be suitably arranged and protected to prevent spread of fire.

[(3)] (b) Method II:

[(a)] (i) The hull, superstructure, structural ~~[bulkheads, decks and deckhouses]~~bulkhead deck or deckhouse shall be constructed of steel or other equivalent ~~[material. The]~~material and the use of combustible materials of all kinds shall be reduced as far as s reasonable and practicable~~[.]~~; and

[(b)] (ii) Where the superstructure is constructed of aluminium alloy—

[(i)] (aa) the temperature rise of the metallic cores of the "A" Class divisions, when exposed to a standard fire test of 60 minutes duration, shall have regard to the mechanical properties of the material~~[.,]~~;

[(ii)] (bb) an automatic sprinkler system complying with the requirements of regulation 57 (2) shall be installed;

~~[(iii)] (cc)~~ adequate provision shall be made to ensure that in the event of fire, arrangements for the stowage and launching of and the embarkation into survival craft remain as effective as if the superstructure were constructed of steel; and

~~[(iv)] (dd)~~ **[crowns and casings]** a crown or casing of a boiler [and] or machinery [spaces] space shall be of steel construction adequately insulated and **[the openings]** any opening therein, **[if any,]** shall be suitably arranged and protected to prevent spread of fire.

[(4)] (d) Method III:

[(a)] (i) The hull, superstructure, structural **[bulkheads, decks and deckhouses,]** bulkhead, deck or deckhouse shall be constructed of steel or other equivalent material~~[,] and~~

[(b)] (ii) Where the superstructure is constructed of aluminium alloy—

[(i)] (aa) the temperature rise of the metallic cores oil the "A" Class divisions, when exposed to a standard fire test of 60 minutes duration, shall have regard to the mechanical properties of the material;

[(ii)] (bb) ceilings shall be of incombustible material~~[,]~~;

[(iii)] (cc) adequate provision shall be made to ensure that in the event of fire, arrangements for the stowage and launching of and embarkation into survival craft remain as effective as if the superstructure were constructed of steel; and

[(iv)] (dd) **[crowns and casings]** a crown or casing of a boiler [and] or machinery [spaces] space shall be of steel construction adequately insulated and **[the openings]** any opening therein, if any, shall be suitably arranged and protected to prevent spread of fire.

[(5)] (2) Where **[the]an** accommodation **[and]or** service **[spaces]space** in the ship **[are]is** constructed in accordance with a combination of any of the foregoing methods, the requirements as to the structure of any part of the ship shall be those appropriate to the method of fire protection adopted in that part of the ship.”.

Amendment of regulation 50 of the Regulations

48. Regulation 50 of the Regulations is hereby amended—

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

“50. Main vertical zones

[(1)] In a Chapter V ship [The]the hull, superstructure **[and]and deckhouses]** deckhouse of every Chapter V ship shall be subdivided by bulkheads consisting of “A” Class divisions into main vertical zones**[. The mean length of each zone, above the bulkhead deck, shall not exceed 131 feet. Steps and recesses shall be kept to a minimum, but any which are necessary shall consist of “A” Class divisions. Provided that in the case of a ship in which Method III of fire protection has been adopted, additional “A” Class divisions shall be provided within the accommodation spaces in order to reduce in these spaces the mean length of the main vertical zones to about 65.5 feet] in accordance with Chapter II-2 regulation 9 of the Safety Convention.”; and**

(b) by the deletion of subregulation (2).

Repeal of regulations 51, 52, 53, 54 and 55 of the Regulations

49. Regulations 51, 52, 53, 54 and 55 of the Regulations are hereby repealed.

Amendment of regulation 56 of the Regulations

50. Regulation 56 of the Regulations is hereby amended—

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

"56. Automatic fire alarm and fire detection systems: Methods I and III

[(1)]In [every]a Chapter V ship in which Method I or Method III of fire protection has been adopted, a fire alarm and fire detection system shall be installed which will detect the presence or the signs of a fire and its location in any accommodation space or service space in accordance with Chapter II-2 regulation 7 of the Safety Convention."; and

(b) by the deletion of subregulations (2), (3) and (4).

Substitution of regulation 57 of the Regulations

51. The following regulation is hereby substituted for regulation 57 of the Regulations:

"57. Automatic sprinkler, fire alarm and fire detection systems: Method II

(1) In **[every]a** Chapter V ship in which Method II of fire protection has been adopted, an automatic sprinkler and fire alarm and fire detection system complying with the requirements specified in **[Annex 5] Chapter II-2 regulation 7 of the Safety Convention** shall be installed and so arranged as to protect all accommodation spaces and service spaces in the ship.

(2) In **[every]a** ship referred to in **[sub-regulation]subregulation** (1), the superstructure of which is wholly or partly constructed of aluminium alloy, the whole unit including the sprinkler pump, tank and air compressor shall

be situated to the satisfaction of the Authority in a position reasonably remote from the boiler and machinery spaces."

Substitution of regulation 58 of the Regulations

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

"58. Protection of stairways

(1) **[Method's]Methods I and III:**

- (a) In **[every]a** Chapter V ship in which Method I or III has been adopted, **[every]a** stairway within an accommodation space or service space shall be of steel frame construction in accordance with Chapter II-2 regulation 9 of the Safety Convention: Provided that the Authority may permit in lieu of steel, the use of other material considered equivalent to steel by virtue of insulation **[. Every]and** such stairway shall lie within an enclosure constructed of "A" Class divisions except that—
- (i) a stairway serving only two decks shall not be required to be enclosed by "A" Class divisions at more than one deck; **and**
- (ii) a stairway in a public room shall not be required to be so enclosed if it lies wholly within the room.
- (b) **[Every]An** opening in a stairway enclosure shall be provided with a means of closure which shall be permanently attached thereto**[. The means of closure]** which shall be, as far as practicable equivalent in resisting fire to the division in which it is fitted and shall, unless it is a watertight door, be self-closing.
- (c) **[Every]A** stairway enclosure in a ship referred to in paragraph (a), shall—
- (i)** communicate directly with the corridors adjacent thereto and shall be of sufficient area to prevent congestion, having regard

to the number of persons likely to use the stairway in an emergency[. **Every such enclosure**]; and

(ii) shall contain as little accommodation space or service space as is practicable in the circumstances.

(2) *Method II:*

- (a) In **[every]**a Chapter V ship in which Method II has been adopted, **[every]**a stairway within an accommodation space or service space shall be of steel frame construction: Provided that the Authority may permit in lieu of steel the use of other suitable material or condition that additional fire extinguishing or fire protection arrangements to the satisfaction of the Authority are provided[. **Every**] and such stairway shall lie within an enclosure constructed of "A" Class divisions except that—
 - (i) a stairway serving only two decks shall not be required to be enclosed by "A" Class divisions at more than one deck; and
 - (ii) a stairway in a public room shall not be required to be so enclosed if it lies wholly within the room.
- (b) **[Every]**An opening in a stairway enclosure shall be provided with a means of closure which shall be permanently attached thereto[. **The means of closure shall be,**]and as far as practicable, equivalent in resisting fire to the division in which it is fitted and shall, unless it is a watertight door, be self-closing.
- (c) **[Every]**A stairway enclosure in a ship referred to in paragraph (a), shall—
 - (i) communicate directly with the corridors adjacent thereto and shall be of sufficient area to prevent congestion, having regard to the number of persons likely to use the stairway in an emergency[. **Every such enclosure shall**]; and
 - (ii) contain as little accommodation space or service space as is practicable in the circumstances."

Substitution of regulation 59 of the Regulations

53. The following regulation is hereby substituted for regulation 59 of the Regulations:

"59. Separation of accommodation spaces from other enclosed spaces

In ~~[every]~~a Chapter V ship, ~~[the bulkheads and decks]~~a bulkhead or deck separating ~~an~~an accommodation ~~[spaces]~~space from ~~[other]~~another enclosed ~~[spaces]~~space shall consist of "A" Class divisions."

Amendment of regulation 60 of the Regulations

54. Regulation 60 of the Regulations is hereby amended—

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

"60. Protection of lifts and vertical trunks for light and air

~~[(1)]~~ In ~~[every]~~a Chapter V ship, ~~[every]~~a lift trunk, ~~[and every]~~ light-and-air ~~[and]~~or similar trunk in an accommodation space or service space, shall be constructed of "A" Class divisions: Provided that a lift trunk within a stairway enclosure shall not be required to be insulated~~[. Every]~~and any door in such a trunk shall be constructed of steel or other equivalent material and shall be as effective as the trunk in resisting fire in accordance with Chapter II-2 regulation 9 of the Safety Convention."; and

- (b) by the deletion of subregulations (2), (3) and subregulation (4).

Substitution of regulation 61 of the Regulations

55. The following regulation is hereby substituted for regulation 61 of the Regulations:

"61. Protection of control stations

- (1) **[Every]**~~A~~ control station in **[every]**~~a~~ Chapter V ship shall be in accordance with Chapter II-2 regulation 7 of the Safety Convention and separated from the rest of the ship by bulkheads and decks consisting of "A" Class divisions.
- (2) **[The]**~~A~~ radiotelegraph room in a Chapter V ship shall not be situated directly above any stairway."

Amendment of regulation 62 of the Regulations

56. Regulation 62 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 62 of the following heading:

"62. Protection of store rooms[, etc.]";

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) In **[every]**~~a~~ Chapter V ship, the boundary bulkheads separating a galley, baggage room, mail room, store room, paint room, lamp room, or any similar space from any other space, shall consist of "A" Class divisionsin accordance with Chapter II-2 regulation 7 of the Safety Convention."; and

- (c) by the substitution for subregulation (2) of the following subregulation:

"(2) **[Spaces]**~~A space~~ appropriated for the storage of highly inflammable stores shall be so constructed and situated as to **[minimize]**~~minimise~~ the danger to persons on board in the event of fire."

Amendment of regulation 63 of the Regulations

57. Regulation 63 of the Regulations is hereby amended—

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

"63. Ventilation systems

[(1)]The main inlets of **[every]an** air supply system and the main outlets of **[every]an** air exhaust system in **[every]an** Chapter V ship shall be capable of being closed from external positions~~[. Wherever]~~ and wherever practicable, the system of ducts leading from each ventilating fan shall be within one main vertical zone in accordance with the applicable provisions of Chapter II-2 regulation 5 and 9 of the Safety Convention."; and

(b) by the deletion of subregulations (2), (3) and subregulation (4).

Substitution of regulation 64 of the Regulations

58. The following regulation is hereby substituted for regulation 64 of the Regulations:

"64. Miscellaneous items of fire protection

(1) The following provisions shall apply to all parts of any Chapter V ship~~[-]~~:

- (a) paints, varnishes or similar preparations shall not be used if they contain a nitro-cellulose or other highly inflammable base, and fabrics containing nitro-cellulose shall not be fitted~~[,]~~;
- (b) **[any]a** pipe which penetrates an "A" Class or "B" Class division, shall be of suitable material and shall have regard to the temperature such divisions are required to withstand;
- (c) **[pipes]a pipe** intended for oil or other inflammable liquids, shall be of suitable material having regard to the risk of fire; and

- (d) ~~an overboard [scuppers]scupper~~, sanitary ~~[discharges]discharge~~ or other ~~[outlets]outlet~~ close to the waterline, shall not be of a material likely to fail in the event of fire and thereby give rise to a danger of flooding.
- (2) The following provisions shall apply to ~~[the]an~~ accommodation and ~~a~~ service ~~[spaces]space~~ of any Chapter V ship~~[-]~~:
- (a) ~~[every]an~~ air space enclosed behind a ceiling, panel or lining in ~~[the]an~~ accommodation ~~[spaces]space~~ or service ~~[spaces]space~~, shall be divided by close fitting draught-stops spaced not more than ~~[45 feet]14 meters~~ apart and which shall be closed at each deck;
- (b) ~~[every]a~~ ceiling, panel and lining referred to in paragraph (a), shall be so constructed as to enable a fire patrol to detect any smoke originating in a concealed or inaccessible space, without impairing the efficiency of the fire protection of the ship;
- (c) the concealed surfaces of ~~[every]a~~ bulkhead, lining, panel, stairway, wood ground and other structure in ~~an~~ accommodation ~~[spaces and]space or~~ service ~~[spaces]space~~, shall be such that the surface spread of flame is not exceeded;
- (d) the use of wood for the construction and equipment of ~~[galleys, bakeries and main pantries]a galley, bakery or main pantry~~ shall be ~~[restricted so far as is practicable]prohibited~~;
- (e) (i) ~~[every]a~~ window ~~[and]or~~ side scuttle in the ship's side in ~~[bulkheads]a bulkhead~~ protecting ~~an~~ accommodation ~~[spaces]space~~ from the weather, shall—
- ~~(aa)~~ be constructed with ~~[frames]a frame~~ of steel or other suitable material and the glass therein shall be retained by a metal glazing bead~~[. If]~~; and
- ~~(bb)~~ if the window or side scuttle ~~in item (aa)~~ is in a position in which the fusion of the frame, ring or bead may give rise to danger of flooding, the frame, ring or bead, as the case may

- be, shall consist of metal which is not likely to fuse in the event of fire; and
- (ii) **[every]**a window and side scuttle in **[bulkheads]**a bulkhead within an accommodation **[spaces]**space, shall be constructed so as to preserve the integrity requirements of the type of bulkhead in which it is fitted;
 - (f) **[any]**a permanent deck sheathing within an accommodation space, service space, control station, stairway or corridor, shall be of a type which will not readily ignite; and
 - (g) cellulose-nitrate-based film shall not be used in a cinematograph **[installations]**installations.
- (3) The following provisions shall apply to **[the]**a machinery **[spaces]**space of **[any]**a Chapter V ship~~[-]~~:
- (a) **[the skylights]**a skylight to **[spaces]**a space containing main propulsion machinery or an oil-fired **[boilers]**boiler or auxiliary internal combustion type machinery of a total horse power of 1,000 or over, shall be capable of being closed and opened from outside the space in the event of fire and, where they contain glass panels, such panels shall be of fire resisting construction fitted with wire reinforced glass and shall have external permanently attached shutters of steel or other equivalent material; and
 - (b) (i) **[windows]**a window shall not be fitted in an engine **[casings]**casing except where the Authority is satisfied that **[they are]**it is necessary and will not constitute a fire hazard.
 - (ii) **[Where]**where such **[windows are]**a window is fitted, **[they]**it shall be of a non-opening type and shall be of fire resisting construction fitted with wire reinforced glass and shall have external permanently attached shutters of steel or other equivalent material."

Amendment of Chapter V(A) of Part I of the Regulations

59. Chapter V(A) of Part I is hereby amended by the substitution for the heading of Chapter V(A) of the following heading:

**"CHAPTER V(A) - FIRE PROTECTION: [SHIPS OF CLASSES]CLASS I, II
AND IIA SHIPS".**

Substitution of regulation 65 of the Regulations

60. The following regulation is hereby substituted for regulation 65 of the Regulations:

"65. Application of Chapter V(A)

This Chapter applies to **[every ship of]**a Class I, II or IIA ship carrying **[not more]less** than 36 passengers, and a "Chapter V (A) ship" means a ship to which this Chapter applies."

Substitution of regulation 66 of the Regulations

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

"66. General

- (1) **[Every]A** Chapter V(A) ship, shall comply with regulations 49 to **[52]50** inclusive, regulations 59, 60 (1), 61, 62, 64 (1) (a), (b), (c) and (d) and regulation 64 (2) (c), (d), (e), (f) and (g).

- (2) In ~~[any]~~a Chapter V(A) ship, the Authority may permit smaller amounts of insulation to be fitted than are required ~~[by]~~in terms of regulation ~~[51 (1)]~~50, and the following additional provisions shall apply to such ship—
- (a) ~~[all stairways]~~a stairway and means of escape in an accommodation ~~[and]or a service [spaces]~~space shall be of steel or other equivalent material~~[..]~~;
 - (b) power ventilation of a machinery space shall be capable of being stopped from an easily accessible position outside the space; and
 - (c) except where all bulkheads in accommodation spaces conform with the requirements of regulation~~[, 54 (1) and 55 (1)]~~ 50, the ship shall be provided with an automatic fire detection system conforming with regulation 56, and in accommodation spaces the corridor bulkheads shall be of steel or shall be incombustible "B" Class divisions."

Amendment of Chapter V(B) of the Regulations

62. Chapter V(B) of Part I is hereby amended by the substitution for the heading of Chapter V(B) of the following heading:

"CHAPTER V(B): FIRE PROTECTION: ~~[SHIPS OF CLASSES]~~CLASS V AND VI SHIPS".

Substitution of regulation 67 of the Regulations

63. The following regulation is hereby substituted for regulation 67 of the Regulations:

"67. Application of Chapter V(B)

This Chapter applies to ~~[every ship of]~~a Class V or VI ship."

Substitution of regulation 68 of the Regulations

64. The following regulation is hereby substituted for regulation 68 of the Regulations:

"68. Structure of the ship

The hull, superstructure, structural ~~[bulkheads, decks and]~~bulkhead, deck or deck ~~[houses]~~house of ~~[every ship of]~~a Class V or VI ~~ship~~ shall be constructed of steel or any other equivalent material."

Substitution of regulation 69 of the Regulations

65. The following regulation is hereby substituted for regulation 69 of the Regulations:

"69. Divisions

In ~~[every ship of]~~a Class V or VI ~~ship~~ being a ship fitted with internal combustion propelling machinery or oil-fired boilers, the accommodation spaces shall be separated from machinery spaces by "A" Class divisions."

Substitution of regulation 70 of the Regulations

66. The following regulation is hereby substituted for regulation 70 of the Regulations:

"CHAPTER VI: BOILERS AND MACHINERY**70. Application of Chapter VI**

Unless otherwise indicated in this Chapter, this Chapter applies to **[every ship of] a Class I, II, IIA, V or VI ship**, and a “Chapter VI ship” means a ship to which this Chapter applies.”.

Amendment of regulation 71 of the Regulations

67. Regulation 71 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 71 of the following heading:

“71. General: Boilers, machinery, other pressure vessels, associated piping systems and fittings”;

(b) by the substitution for regulation 71 of the following:

“(1) In [every Chapter VI] a Class I, II, IIA, V or VI ship, the machinery, boilers and other pressure vessels, associated piping systems and fittings shall be of a design and construction adequate for the service for which they are intended and shall be so installed and protected as to [minimize] reduce to a minimum any danger to persons on board[. Without prejudice to the generality of the foregoing, means shall be provided which shall prevent overpressure in any part of such machinery boilers and other pressure vessels, and in particular every boiler and every unfired steam generator shall be provided with not less than two safety valves: Provided that the Authority may, having regard to the output or any other features of any boiler or unfired output or steam generator, permit only one safety valve to be fitted if he is satisfied that adequate protection against overpressure is thereby provided], with due regard being paid to moving parts, hot surfaces and other hazards.”; and

(c) by the addition after subregulation (1) of the following subregulations:

- "(2) The design referred to in subsection (1) shall have regard to materials used in construction, the purpose for which the equipment is intended, the working conditions to which it will be subjected and the environmental conditions on board, in accordance with Chapter II-1 regulation 26 of the Safety Convention.
- (3) The Authority shall give special consideration to the reliability of single essential propulsion components and may require a separate source of propulsion power sufficient to give the ship a navigable speed, especially in the case of unconventional arrangements.
- (4) Means shall be provided whereby normal operation of propulsion machinery can be sustained or restored even though one of the essential auxiliaries becomes inoperative: Provided, the Authority, having regard to overall safety considerations, may accept a partial reduction in propulsion capability from normal operation.
- (5) Means shall be provided to ensure that the machinery can be brought into operation from the dead ship condition without external aid.
- (6) All boilers, all parts of machinery, all steam, hydraulic, pneumatic and other systems and their associated fittings which are under internal pressure shall be subjected to appropriate tests including a pressure test before being put into service for the first time.
- (7) Main propulsion machinery and all auxiliary machinery essential to the propulsion and the safety of the ship shall, as fitted in the ship, be designed to operate when the ship is upright and when inclined at any angle of list up to and including 15° either way under static conditions and 22.5° under

dynamic conditions or rolling either way and simultaneously inclined dynamically or pitching 7.5° by bow or stern: Provided the Authority may permit deviation from these angles, taking into consideration the type, size and service conditions of the ship.

- (8) Provision shall be made to facilitate cleaning, inspection and maintenance of main propulsion and auxiliary machinery including boilers and pressure vessels.
- (9) Special consideration shall be given to the design, construction and installation of propulsion machinery systems so that any mode of their vibrations shall not cause undue stresses in this machinery in the normal operating ranges.
- (10) Non-metallic expansion joints in piping systems, if located in a system which penetrates the ship's side and both the penetration and the non-metallic expansion joint are located below the deepest load waterline, shall be inspected as part of the surveys prescribed in Chapter II-1 regulation 10 of the Safety Convention and replaced as necessary, or at an interval recommended by the manufacturer.
- (11) Operating and maintenance instructions and engineering drawings for ship machinery and equipment essential to the safe operation of the ship shall be written in a language understandable by those officers and crew members who are required to understand such information in the performance of their duties.
- (12) Location and arrangement of vent pipes for fuel oil service, settling and lubrication oil tanks shall—
(a) be such that in the event of a broken vent pipe this shall not directly lead to the risk of ingress of seawater splashes or rainwater; and

(b) be provided with two fuel oil service tanks for each type of fuel used on board necessary for propulsion and vital systems or equivalent arrangements on each new ship, with a capacity of at least 8 h at maximum continuous rating of the propulsion plant and normal operating load at sea of the generator plant."

Amendment of regulation 72 of the Regulations

68. Regulation 72 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 72 of the following heading:

"72. [Boilers and other pressure vessels]Steam Boilers and boiler feed systems";

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

"(1) [In every Chapter VI ship, every boiler or other pressure vessel and its respective mountings shall, before being put into service for the first time, be subjected to a hydraulic test to a pressure suitably in excess of the working pressure which will ensure that the boiler or other pressure vessel and its mountings are adequate in strength and design for the intended service, having regard to-

- (a) the design and material of which it is constructed,**
- (b) the purpose for which it is intended to be used; and**
- (c) the working conditions under which it is intended to be used,**

and every such boiler or other pressure vessel shall at any time thereafter be capable of withstanding such a test.] A steam boiler and every unfired steam generator shall be in accordance with Chapter II-1 regulation 32 of the Safety Convention."; and

- (c) by the substitution for subregulation (2) of the following subregulation:

"[(2) Provision shall be made which will facilitate the cleaning and inspection of every pressure vessel.]

- (2) (a) A feed check valve, fitting or pipe through which feed later passes from a pump to a boiler in a Chapter VI ship, shall be designed and constructed to withstand the maximum working stresses to which it may be subjected, with a factor of safety which is adequate having regard to the material of which it is constructed and the working conditions under which it will be used; and**
- (b) A valve, fitting or pipe referred to in paragraph (a) shall before being put into service for the first time, be subjected to a hydraulic test suitably in excess of the maximum working pressure of the boiler to which it is connected or of the maximum working pressure to which the feed line may be subjected, whichever shall be the greater, and shall at any time thereafter be capable of withstanding such a test.**"

Amendment of regulation 73 of the Regulations

69. Regulation 73 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 73 of the following heading:

"73. Machinery and machinery control";

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) In [every]~~a~~ Chapter VI ship, main and auxiliary machinery necessary for the propulsion and safety of the ship, shall be provided with effective means of control, [and the machinery shall be capable of being brought into

operation when initially no power is available in the ship] in accordance with Chapter II-1 regulation 27 and 31 of the Safety Convention.”; and

- (c) by the deletion of subregulations (2), (3) and (4).

Insertion of regulation 73A of the Regulations

70. The following regulation is inserted in Part I, Chapter VI of the Regulations after regulation 73:

“73A. Refrigeration systems

Full particulars of refrigeration installations, other than domestic refrigerators, shall be submitted to the Authority for approval.”.

Amendment of regulation 74 of the Regulations

71. Regulation 74 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 74 of the following heading:

“74. [Power for]Means of going astern

- (b) by the substitution for subregulation (1) of the following subregulation:

“(1) [Every]A Chapter VI ship shall have [sufficient power]means for going astern [to secure control of the ship in all normal circumstances] in accordance with Chapter II-1 regulation 28 of the Safety Convention.”; and

- (c) by the deletion of subregulation (2).

Substitution of regulation 75 of the Regulations

72. The following regulation is hereby substituted for regulation 75 of the Regulations:

"75. Shafts, gearing and coupling used for transmission

In **[every]a** Chapter VI ship, **[every]a** shaft, **gearing and coupling used for transmission**, shall be so designed and constructed that it will withstand the maximum working stresses to which it may be subjected, with a factor of safety which is adequate having regard to—

- (a) the material of which it is constructed;
- (b) the service for which it is intended~~[,];~~ and
- (c) the type of the engines by which it is driven or of which it forms a part, **in accordance with Chapter II-1 regulation 27 of the Safety Convention.**"

Repeal of regulation 76 of the Regulations

73. Regulation 76 of the Regulations is hereby repealed.

Amendment of regulation 77 of the Regulations

74. Regulation 77 of the Regulations is hereby amended—

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

"77. Steam pipe systems

- (1) In **[every]a** Chapter VI ship, **[every]** steam pipe **[and fitting connected thereto through which steam may pass,] systems** shall be **[so designed and constructed as to withstand the maximum working stresses to which it may be subjected, with a factor of safety which is adequate having regard to—]** **in accordance with Chapter II-1 regulation 33 of the Safety Convention.**";

- (b) by the deletion in subregulation (1) of paragraphs (a) and (b); and
- (c) by the deletion of subregulations (2), (3), (4), (5) and subregulation (6).

Substitution of regulation 78 of the Regulations

75. The following regulation is hereby substituted for regulation 78 of the Regulations:

"78. Air pressure systems

- (1) Air pressure systems shall be constructed in compliance with Chapter II-1 regulation 34 of the Safety Convention.
- (2) A ship in which machinery essential for the propulsion and safety of the ship or of persons on board is required to be started, operated or controlled solely by compressed shall be provided at least two air compressors each of which shall be of efficient design and of sufficient strength and capacity for the service for which it is intended: Provided that in a ship of Class V or VI only one such compressor shall be required.
- (3) If an air pressure pipe may receive air from any source at a higher pressure than it can withstand with an adequate factor of safety, an efficient reducing valve, relief valve and pressure gauge shall be fitted to such pipe.
- (4) Air pressure systems shall be inspected and tested to the satisfaction of the Authority.
- (5) The Authority, in its discretion, may allow a deviation from the requirements of subregulation (2) and (3)."

Amendment of regulation 79 of the Regulations

76. Regulation 79 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 79 of the following heading:

"79. Cooling water systems";

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

"(1) (a) In [every]a Chapter VI ship, where machinery essential for the propulsion or safety of the ship or of persons on board is dependent for its operation on an efficient cooling water system, there shall be provided at least one circulating pump and, except in the case of any emergency generator and in a ship of Class V or VI, provision shall be made so that in the event of the failure of such pump, an alternative pump is available for the same duty.

(b) [Such pumps]The pump referred to in paragraph (a) shall be capable of supplying adequate cooling water to such machinery, oil coolers, fresh water coolers or condensers fitted thereto, as required by original equipment manufacturer specifications, as the case may be.";

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

"(3) Means shall be provided for ascertaining whether [the]a cooling [systems are]system is working properly and for preventing overpressure in any part thereof."; and

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

- "(4) ~~[The]~~An exhaust ~~[pipes and silencers]~~pipe or silencer of ~~[every]~~an internal combustion engine provided in ~~[every]~~a Chapter VI ship, shall be efficiently cooled or lagged."

Substitution of regulation 80 of the Regulations

77. The following regulation is hereby substituted for regulation 80 of the Regulations:

"80. ~~[Oil]~~Lubricating oil systems ~~[for lubricating, cooling and control]~~

- (1) In ~~[every]~~a Chapter VI ship, being a ship in which oil is circulated under pressure for the lubrication or cooling or as the sole means of control of machinery essential for the propulsion or safety of the ship or persons on board, at least two pumps shall be provided each of which shall be adequate for circulating such oil: Provided that in a ship of Class V or VI and in the case of any emergency generator in any ship, only one such pump shall be required.
- (2) (a) In ~~[every ship of]~~a Class I, II or IIA ~~ship~~ propelled by turbine machinery, or having turbo-electric propelling machinery, the lubricating oil arrangements shall be such that an emergency supply of oil is available sufficient to maintain after a power failure an adequate supply of lubricating oil for at least three minutes or for such time as may be required for unloaded turbo-electric propelling machinery to come to rest from the maximum running speed.
- (b) ~~[Such]~~The emergency supply referred to in paragraph (a) shall automatically come into use on failure of the pressure supply of lubricating oil from the pump or pumps.

- (3) Strainers shall be provided for straining the lubricating oil, and, except in a **[ship of]** Class V or VI ship, where lubricating oil shall be capable of being cleaned without interrupting the supply of such oil.
- (4) Means shall be provided for ascertaining whether the lubricating system is working properly and for preventing overpressure in any part of the system[. If] and if the means of preventing overpressure is a relief valve, it shall be in close circuit.".

Amendment of regulation 81 of the Regulations

78. Regulation 81 of the Regulations is hereby amended—

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

"81. Oil fuel installations (boilers and machinery)

- (1) (a) For the purposes of this regulation, the expression "oil fuel tank" includes an oil fuel storage tank, an oil fuel settling tank, an oil fuel service tank and an oil fuel overflow tank.
- (b) In [every]a Chapter VI ship, [any] oil fuel [used in boilers or machinery] installations shall, except as allowed by regulation 42(3), have a flash point of not less than [150° F. or 65° C. (Closed test.)]60° C. and be in accordance with the applicable provisions of Chapter II-1 regulations 11, 56 and 57 and Chapter II-2 regulation 4 of the Safety Convention."

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

"(2) [In every Chapter VI ship, being a ship propelled by means of oil-fired boilers or internal combustion machinery, every double bottom

compartment appropriated for the storage of oil fuel, not being a compartment situated at the extreme forward or after end of the ship, shall be fitted with a watertight centre division,]In a ship being a ship in which oil or gaseous fuel is used, the arrangements for the storage, distribution and utilisation of the fuel shall be such that, having regard to the hazards of fire and explosion which the use of such fuel may entail, the safety of the ship and of persons on board is preserved.";

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

"(3) [Every oil fuel tank in a Chapter VI ship shall be properly constructed and shall, where necessary, be provided with save-alls or gutters which will catch any oil which may leak from the tank. No such tank shall be situated directly above boilers or other heated surfaces. Without prejudice to the generality of the foregoing, every such tank shall before being put into service for the first time, be subjected to a test by hydraulic pressure in the case of ea storage tank, settling tank or service tank, equal to that of a head of water one foot greater than the greatest head to which the tank may be subject when in service, but in the case of a settling tank, to not less than 15 lb. per square inch, and such tank shall at any time thereafter be capable of withstanding such a test] In a ship being a ship in which oil or gaseous fuel is used in engines or boilers for the propulsion or safety of the ship, the arrangements for the storage, distribution and utilisation of the fuel, shall be such that the effective use of the engines can be maintained under all conditions likely to be met by the ship in service.";

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

"(4) [The oil fuel carried in a Chapter VI ship, shall be effectively isolated from water ballast which may be carried therein. The pumping

arrangements shall be such as will permit the oil fuel to be transferred from any storage tank or settling tank appropriated for oil fuel into another storage tank or settling tank so appropriated. Provision shall be made to prevent the accidental discharge or overflow of oil overboard. If fresh water is stored in a tank adjacent to a tank appropriated for the storage of oil fuel, a cofferdam shall be provided which will prevent contamination of the fresh water by the oil.] In a ship, an oil fuel installation which serves a boiler supplying steam for the propulsion of the ship, shall include not less than two oil fuel units."; and

- (e) by the deletion of subregulations (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19) and (20).

Amendment of regulation 82 of the Regulations

79. Regulation 82 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 82 of the following heading:

"82. Oil fuel and gas installations (cooking ranges and other heating appliances)";

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) [If, in any] In a Chapter VI ship, if a cooking range or other heating appliance is supplied with oil fuel [from an oil tank, the tank shall not be situated in a galley, and the supply of oil to the burners shall be capable of being controlled from a position outside the galley. No range or burner shall be fitted which is designed to be operated by means of oil fuel having a flash point of less than 150° F. (65.6° C.)] or

gas, the installations shall be in accordance with Chapter II-2 regulation 4 of the Safety Convention.”; and

- (c) by the deletion of subregulations (2) and (3).

Amendment of regulation 83 of the Regulations

80. Regulation 83 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 83 of the following heading:

“83. Ventilation and ventilation systems in machinery spaces”;

- (b) by the substitution for regulation 83 of the following:

“(1) In [every Chapter VI]a ship, [every]a space in which an oil fuel tank or any part of an oil fuel installation is situated, shall be adequately ventilated in compliance with Chapter II-2 regulation 4 of the Safety Convention.”; and

- (c) by the addition after subregulation (1) of the following subregulations:

“(2) Machinery spaces shall be adequately ventilated for the purpose of that machinery space to ensure that when machinery or boilers therein are operating at full power in all weather conditions including heavy weather, an adequate supply of air is maintained to the spaces for the safety and comfort of personnel and the operation of the machinery in accordance with Chapter II-1 regulation 35 of the Safety Convention.

(3) The ventilation of machinery spaces shall be sufficient under normal conditions to prevent accumulation of oil vapour.”.

Substitution of regulation 84 of the Regulations

81. The following regulation is hereby substituted for regulation 84 of the Regulations:

"84. Communication between bridge and engine room

[Every ship of] Class I, II or IIA ship shall be provided with [two] means of communicating orders from the navigating bridge to the [engine room] machinery control [platform.]station [One of the means shall be an engine room telegraph] in accordance with Chapter II-1 regulation 37 of the Safety Convention: Provided the Authority may, subject to such conditions as the Authority may impose, permit deviation from compliance with this regulation."

Amendment of regulation 85 of the Regulations

82. Regulation 85 of the Regulations is hereby amended—

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

"85. Steering gear

- (1) **[Every]Δ Chapter VI ship shall be provided with efficient main means of steering and [auxiliary] alternative means of steering suitable to its size and the type of steering [gear: Provided that if main steering gear power units and their connections are fitted in duplicate to the satisfaction of the Authority and each power unit enables the steering gear to meet the requirements of sub-regulation (2) (b), no auxiliary steering gear shall be required gear] used, in accordance with Chapter II-1 regulations 29 and 30 of the Safety Convention."**; and

- (b) by the deletion of subregulations (2), (3) and subregulation (4).

Substitution of regulation 86 of the Regulations

83. The following regulation is hereby substituted for regulation 86 of the Regulations:

"86. Spare gear

[Every ship of Class I, II or IIA] A ship shall be provided with sufficient spare gear together with tools necessary for the fitting of the spare gear, having regard to the intended service of the ship."

Insertion of regulations 86A to 86D of the Regulations

84. The following regulations are inserted in Part I, Chapter VI of the Regulations after regulation 86:

"86A. Location of emergency installations in passenger ships

If, in a passenger ship, emergency installations are required, the location thereof must be in accordance with Chapter II-1 regulation 39 of the Safety Convention.

86B. Protection from noise

A ship shall be constructed to reduce onboard noise and to protect personnel from the noise in accordance with the Code on Noise Levels on Board Ships, adopted by the Maritime Safety Committee by resolution MSC.337(91).

86C. Engineers' Alarm

An engineers' alarm shall be in accordance with Chapter II-1 regulation 38 of the Safety Convention.

86D. Special consideration: Periodically unattended machinery space

Machinery spaces shall be attended: Provided that a passenger ship may be specially approved by the Authority as to whether or not their machinery spaces may be periodically unattended and if so, whether additional requirements to those stipulated in Chapter II-1 Part E are necessary to achieve equivalent safety to that of normally attended machinery spaces."

Substitution of regulation 87 of the Regulations

85. The following regulation is hereby substituted for regulation 87 of the Regulations:

"CHAPTER VII: MISCELLANEOUS

87. Application of Chapter VII

Unless otherwise indicated in this Chapter, this Chapter applies to **[every ship of]**a Class I, II, IIA, V or VI ship, and a "Chapter VII ship" means a ship to which this Chapter applies."

Substitution of regulation 88 of the Regulations

86. The following regulation is hereby substituted for regulation 88 of the Regulations:

"88. Anchors and chain cables

[Every]A Chapter VII ship shall be provided with such anchors and chain cables as are sufficient in number, weight and strength, having regard to the size and intended service of the ship."

Substitution of regulation 89 of the Regulations

87. The following regulation is hereby substituted for regulation 89 of the Regulations:

"89. Hawasers and warps

[Every]~~A~~ Chapter VII ship shall be provided with such hawsers and warps as are sufficient in number and strength, having regard to the size and intended service of the ship."

Substitution of regulation 90 of the Regulations

88. The following regulation is hereby substituted for regulation 90 of the Regulations:

"90. Means of escape

- (1) (a) ~~[Every]~~~~A~~ Chapter VII ship, not being an open or partially-decked ~~[ship of]~~ Class V or VI ~~ship~~, shall be provided with such doorways, stairways, ladderways and other means of escape as will provide readily accessible means of escape for all persons in the ship in accordance with the applicable requirements of Chapter II-2 regulation 13 of the Safety Convention.
- (b) ~~The~~ means of escape shall be so designed and constructed as to be capable of being easily used by the persons for whom they are intended.
- (c) ~~The~~ number and width of such means of escape shall be sufficient, having regard to the number of persons by whom they may be used.
- (2) In ~~[every ship of]~~~~a~~ Class I, II or IIA ~~ship~~, there shall be provided below the bulkhead deck at least two means of escape from each compartment bounded by watertight bulkheads or from each similarly restricted space or group of spaces, and at least one of the means of escape provided from

each such compartment or from each such space or group of spaces shall be independent of watertight doors.

- (3) In **[every ship of]**a Class I, II or IIA ship, there shall be provide above the bulkhead deck at least two means of escape from each space bounded by main vertical zone bulkheads or from each similarly restricted space or group of spaces, and one of the means of escape provided from each space or group of spaces shall give access to the lifeboat or liferaft embarkation deck or decks or to a stairway leading to such decks.
- (4) In **[every ship of]**a Class I, II or IIA ship, at least one of the means of escape so provided shall be enclosed, so as to afford, as far as practicable, continuous fire shelter from the level of its origin to the lifeboat and liferaft embarkation deck or decks.
- (5) In **[every ship of]**a Class V or VI ship, not being an open or partially-decked ship, the means of escape shall lead to an open deck of sufficient area, having regard to the number of person; which the ship may carry.
- (6) **[Every ship of]**A Class V or VI, being an open or partially-decked ship, shall be provided with readily accessible means of escape from all enclosed spaces in the ship. Such means of escape shall be sufficient in number and width, having regard to the number of persons who may be in the said spaces.
- (7) **(a)** In the machinery spaces in **[every]**a Chapter VII ship, not being a ship, undecked in way of the machinery space, there shall be provided from each engine room, shaft tunnel **[and]**or boiler room two means of escape as widely separated as practicable, one of which may be a watertight door if such a door is available as a means of escape.

- (b) Where [no such]the watertight door referred to in paragraph (a) is not available, the two means of escape shall consist of two sets of steel ladders leading to separate doors in the casing or elsewhere from which there is access to the lifeboat or liferaft embarkation deck or decks.
- (8) (a) In [every ship of]a Class I ship, suitable signs shall be displayed in corridors and stairways indicating the direction of escape routes to passenger muster stations.
- (b) [Such]The signs referred to in paragraph (a) shall—
- (i) be continuously illuminated [and shall];
 - (ii) be adequate in number and distribution[. They shall]; and
 - (iii) be capable of being illuminated by the ship's emergency lighting system.
- (9) (a) In [every]a Chapter VII ship, the means of escape from any public room which may be used for the purpose of concerts, cinema shows or similar forms of entertainment, shall be adequate having regard to the number of persons who may be in the audience, and the seating shall be arranged in rows to ensure free access to the exits.
- (b) Where in any [such public rooms]public room referred to in paragraph (a) subdued lighting is used, the exits shall be clearly marked with illuminated signs, and any doors shall be constructed to open outwards."

Amendment of regulation 91 of the Regulations

89. Regulation 91 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 91 of the following heading:

"91. Guard rails, [~~stanchion's~~stanchions and bulwarks";

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) (a) In **[every]**~~a~~ Chapter VII ship, bulwarks or guard rails shall be provided on every exposed deck to which any persons or vehicles may have access.

(b) ~~[Such]~~The bulwarks or guard rails referred to in paragraph (a), together with stanchions supporting the guard rails, shall be so placed, designed and constructed, and in particular shall be of such a height above the deck as to prevent any person who may have access to that deck or any vehicle from accidentally falling therefrom.

(c) Any freeing ports fitted in such a bulwark shall be covered by a grid or bars which will prevent any person from falling through the port."; and

- (c) by the substitution for subregulation (2) of the following subregulation:

"(2) In **[every]** an open or a partially-decked **[ship of Class V or VI, every]**~~Class V or VI ship, a~~ washstrake, covering board **[and]**~~or~~ coaming, shall be so placed, designed and constructed and in particular shall be of such a height above the floorboards as to prevent any person from accidentally falling overboard."

Insertion of regulation 91A of the Regulations

90. The following regulation is inserted in Part I, Chapter VII of the Regulations after regulation 91:

"91A. Ventilation for spaces

In a ship, ventilators shall be sufficient in number and size to provide adequate ventilation for all spaces which, in the opinion of the surveyor, require ventilation as prescribed in Chapter II regulation 19 of the Loadline Convention."

Substitution of regulation 92 of the Regulations

91. The following regulation is hereby substituted for regulation 92 of the Regulations:

"CHAPTER VIII: EQUIVALENTS AND EXEMPTIONS

92. Equivalents

Where this Part requires that the hull or machinery of a ship shall be constructed in a particular manner, or that particular equipment shall be provided, or that particular provision shall be made, the Authority may allow the hull or machinery of the ship to be constructed in any other manner or any other equipment to be provided or other provision made, if [he]the Authority is satisfied that such other construction equipment or provision is at least as effective as that required by this Part."

Substitution of regulation 93 of the Regulations

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

"93. General exemption

The Authority may exempt [any]a ship which was constructed before the date of coming into operation of this Part, not being a ship converted on or after that date for service as a passenger ship, from the requirements of this Part to the extent

to which ~~[he]~~the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.”.

Substitution of regulation 94 of the Regulations

93. The following regulation is hereby substituted for regulation 94 of the Regulations:

“94. Exemption for certain ships on limited service

The Authority may exempt any ship of Class II or IIA which does not proceed more than 20 miles from the nearest land from the requirements of this Part to the extent that ~~[he]~~the Authority is satisfied that compliance therewith is unreasonable or impracticable by reason of the sheltered nature and conditions of the intended service of the ship.”.

Substitution of regulation 95 of the Regulations

94. The following regulation is hereby substituted for regulation 95 of the Regulations:

“95. Exemption in respect of double bottoms

- (1) The Authority may exempt ~~[any ship of]~~a Class I, II or IIA ship from the requirements of regulation ~~[10 (4)]~~10 in respect of any well which ~~[he]~~the Authority is satisfied will not diminish the protection given by the double bottom.
- (2) The Authority may exempt ~~[any ship of]~~a Class II or IIA ship from the requirements or regulation 10 in respect of a double bottom in any portion of the ship which is subdivided by application of a factor of subdivision not exceeding 0.5, if ~~[he]~~the Authority is satisfied that the fitting of a double

bottom in that portion of the ship would not be compatible with the design and proper working of the ship.”.

Substitution of regulation 96 of the Regulations

95. The following regulation is hereby substituted for regulation 96 of the Regulations:

“96. Exemption in respect of openings in the shell plating below the margin line

The Authority may exempt [any Chapter II ship of] a Class V or VI ship referred to in Chapter II from the requirements of regulation [19 (8)]19 to the extent to which [he]the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.”.

Substitution of regulation 97 of the Regulations

96. The following regulation is hereby substituted for regulation 97 of the Regulations:

“97. Exemption in respect of methods of fire protection

The Authority may exempt [any Chapter V ship of] a Class I, II or IIA ship referred to in Chapter V from the requirements of regulation 50 to the extent that [he]the Authority is satisfied that compliance therewith is incompatible with the purpose for which the ship is designed and that other equally effective methods of fire protection have been adopted in the ship.”.

Substitution of regulation 98 of the Regulations

97. The following regulation is hereby substituted for regulation 98 of the Regulations:

"98. Exemption in respect of "A" and "B" Class divisions

The Authority may exempt [any Chapter V ship of]a Class I, II or IIA ship referred to in Chapter V from the requirements of regulation ~~[51]~~50 relating to insulation, to the extent that [he]the Authority is satisfied that compliance therewith is unnecessary, having regard to the degree of fire hazard present."

Substitution of regulation 99 of the Regulations

98. The following regulation is hereby substituted for regulation 99 of the Regulations:

"99. Exemption in respect of automatic fire alarm and fire detection systems: Methods I and III

The Authority may exempt [any Chapter V ship of]a Class I, II or IIA ship referred to in Chapter V from the requirements of regulation 56 to the extent that [he]the Authority is satisfied that the accommodation spaces and service spaces therein afford no substantial fire risk."

Substitution of regulation 100 of the Regulations

99. The following regulation is hereby substituted for regulation 100 of the Regulations:

"100.Exemption in respect of automatic sprinkler, fire alarm and fire detection systems

The Authority may exempt [any Chapter V ship of]a Class I, II or IIA ship referred to in Chapter V from the requirements of regulation 57(1): -

- (a) to the extent that ~~[he]~~the Authority is satisfied that the accommodation spaces and service spaces therein afford no substantial fire risk; and
- (b) in respect of any baggage room or store room which ~~[he]~~the Authority is satisfied is provided with adequate arrangements for the detection of fire or for the smothering of fire by gas or other suitable means."

Substitution of regulation 101 of the Regulations

100. The following regulation is hereby substituted for regulation 101 of the Regulations:

"101. Exemption in respect of protection of stairways

The Authority may exempt ~~[any Chapter V ship of]~~a Class I, II or IIA ship referred to in Chapter V from the requirements of regulation 58(2) in relation to any stairway which ~~[he]~~the Authority is satisfied is an auxiliary stairway adequately protected by sprinklers."

Substitution of regulation 102 of the Regulations

101. The following regulation is hereby substituted for regulation 102 of the Regulations:

"102. Exemption in respect of miscellaneous items of fire protection

The Authority may exempt ~~[any Chapter V ship of]~~a Class I, II or IIA ship referred to in Chapter V from the requirements of regulation 64 (2) (b) if ~~[he]~~the Authority is satisfied that there is no risk of fire originating in the spaces mentioned in that regulation."

Substitution of regulation 103 of the Regulations

102. The following regulation is hereby substituted for regulation 103 of the Regulations:

"103. Exemption in respect of structure of Class V or VI ship

The Authority may exempt **[any ship of]**a Class V or VI ship wholly or in part from the requirements of regulation 68."

Substitution of regulation 104 of the Regulations

103. The following regulation is hereby substituted for regulation 104 of the Regulations:

"104. Exemption in respect of means of escape

The Authority may exempt **[any ship of]**a Class I, II, IIA, V or VI ship, being a ship of less than 2,000 gross tons, from the requirements of regulation 90 (7).".

Amendment of Part II of the Regulations

104. Part II of the Regulations is hereby amended by the substitution in the Arrangement of Regulations (table of contents) of the following table:

"PART II

(Cargo ships.)

CHAPTER I - GENERAL

[105. Interpretation.]

106. Application of Part II.

106A. Compliance with the Safety Convention.

CHAPTER II - CONSTRUCTION

- 107. Structural strength.
- 108. Submission and approval of plans.
- 109. Watertight [~~doors~~]closures.
- 110. Bilge pumping arrangements.
- 111. Electrical equipment and installation-general.
- 111A. Main source of electrical power and lighting systems.
- [112. Emergency source of electric power: Ships of 5,000 gross tons or over.**
- 113. Emergency source of electric power: Ships of 1,600 gross tons or over but under 5,000 gross tons.]**
- 114. Emergency source of electric power[: **Ships of under 1,600 tons.]**
- 114A. Starting arrangements for emergency generating sets.
- 115. Electric and electro-hydraulic steering gear.
- 116. Precautions against shock, fire and other hazards of electrical origin.
- 117. Fire protection: Ships of 4,000 gross tons or over.
- 118. Fire protection: [**General**]Openings in machinery space boundaries.
- 119. [**Boilers and machinery: general**]General: Boilers, machinery, other pressure vessels, associated piping systems and fittings.
- 120. [**Boilers and other pressure vessels**]Steam boilers and boiler feed systems.
- 121. Machinery and machinery control.
- 121A. Ventilation and ventilation system in machinery space.
- 121B. Refrigeration systems.
- 122. Means for going astern.
- 123. Shafts, gearing and coupling used for transmission.
- [124. Boiler feed systems.]**
- 125. Steam pipe systems.
- 126. Air pressure systems.
- 127. Cooling water system.
- 128. Lubricating [**and other**] oil systems.

- 129. Oil and gaseous fuel installations.
- 129A. Oil fuel and gas installations (cooking ranges and other heating appliances).
- 130. Communication between navigation bridge and **[engine room]** machinery control station
- 131. Steering gear.
- 132. Spare gear.
- 133. Anchors and chain cables.
- 134. Means of escape.
- 135. Means for stopping machinery, shutting off fuel suction pipes and closing of openings.
- 135. **[Means for stopping machinery, shutting off fuel suction pipes and closing of openings]**Fire growth potential.
- 135A. Ventilation for spaces.

CHAPTER III - SURVEY PRIOR TO THE ISSUE OF A CARGO SHIP SAFETY CONSTRUCTION CERTIFICATE, A DRY DOCK CERTIFICATE AND APPLICATION FOR THE ISSUE OF THE CERTIFICATE

- 136. Application for survey prior to the issue of a cargo ship safety construction certificate.
- 137. Survey of a ship prior to the issue of a cargo **[ship]**ship safety construction certificate.
- 138. Application for the issue of a cargo ship safety construction certificate.
- 138A. Application for survey prior to the issue of a dry dock certificate.
- 138B. Survey of a ship prior to the issue of a dry dock certificate.
- 138C. Application for the issue of a dry dock certificate.

CHAPTER IV - INTERMEDIATE SURVEYS

- 139. General.
- 140. Additional surveys.

CHAPTER V - EQUIVALENTS AND EXEMPTIONS

- 141. Equivalents.
- 142. Exemption in respect of precautions against shock, fire and other hazards of electrical origin.
- 143. Exemption in respect of means of escape.
- 144. General exemption.”.

Repeal of regulation 105 of the Regulations

105. Regulation 105 of the Regulations is hereby repealed.

Amendment of regulation 106 of the Regulations

106. The following regulation is hereby substituted for regulation 106 of the Regulations:

“[(1) Subject to the provisions of sub-regulation (2), this] This Part applies to—

- (a) ~~[every ship]~~a ship of 500 gross tons or over which is registered in the ~~[republic]~~Republic or which is, in terms of the Act, required to be so registered[, and];
- (b) ~~[every ship]~~a ship of 500 gross tons or over which is registered in a country other than the Republic, and which plies or is intended to ply on international voyages, not being a passenger ~~[ship]~~vessel, fishing boat, ~~[sealing boat, whaling boat,]~~ pleasure ~~[yacht]~~vessel or a ship which is not propelled by mechanical means[.];
- (c) a ship of 25 gross tons or over but less than 500 gross tons which is registered in the Republic or which is, in terms of the Act, required to be so registered; and

(d) a ship of 25 gross tons or over but less than 500 gross tons which is registered in a country other than the Republic, and which plies or is intended to ply on international voyages, not being a passenger vessel, fishing boat, pleasure vessel or a vessel which is not propelled by mechanical means.

[(2) Regulation 109 (2), (3), (4) and (5), regulations 111 to 118 inclusive, regulations 119 (2), 124 (2), 126 (2) (c) and (d), 130, 131 (2) and (3) and regulation 134 (2) do not apply to a ship the keel of which was laid before 26th May, 1965].”.

Insertion of regulations 106A of the Regulations

107. The following regulation is inserted in Part II, Chapter I of the Regulations after regulation 106:

“106A. Compliance with the Safety Convention

A cargo ship of 500 gross tons or over, shall be constructed in compliance with the requirements of Chapter II-1 of the Safety Convention as applicable to cargo ships and the applicable Codes.”.

Substitution of regulation 107 of the Regulations

108. The following regulation is hereby substituted for regulation 107 of the Regulations:

“107. Structural strength

The structural strength of **[every]**a ship and the number and disposition of transverse watertight bulkheads, shall be adequate for the service for which the ship is intended.”.

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Substitution of regulation 108 of the Regulations

109. The following regulation is hereby substituted for regulation 107 of the Regulations:

"108. Submission and approval of plans

Before the construction or modification of any ship is commenced, the builder or owner thereof shall submit in duplicate to the **[Minister or]** Authority for approval such plans and particulars as may be required by the **[Minister or]** Authority, as the case may be as set forth in Annex 1.".

Substitution of regulation 109 of the Regulations

110. The following regulation is hereby substituted for regulation 109 of the Regulations:

"109. Watertight [doors]closures

- (1) In **[every]a** ship in which a watertight **[door]closure** is provided to maintain the watertight integrity of a bulkhead, every such watertight **[door]closure** shall be made of suitable material and shall be efficiently constructed for its intended duty in accordance with the applicable requirements of Chapter II-1 regulations 13 and 16 of the Safety Convention.
- (2) In **[every]a** ship to which this **[sub-regulation]subregulation** applies—
- (a) **[every]a** watertight door of the sliding type, shall be capable of being operated by efficient hand operated gear both at the door itself and from an accessible position above the bulkhead deck; and
 - (b) the operating gear for operating from above the bulkhead deck any sliding watertight door fitted in the bulkhead of a machinery space, shall be situated outside the machinery space, unless such a position

is inconsistent with the efficient arrangement of the necessary gearing.

- (3) In **[every]a** ship to which this **[sub-regulation]subregulation** applies, where there is access from the lower part of the machinery space to a watertight shaft tunnel, the access opening shall be provided with a sliding watertight door which shall be capable of being operated locally on both sides of the door.
- (4) In **[every]a** ship to which this **[sub-regulation]subregulation** applies, means shall be provided at remote operating positions to indicate when a sliding door is closed.
- (5) In **[every]a** ship to which this **[sub-regulation]subregulation** applies, **a** watertight **[doors]door** shall be capable of being operated when the ship is listed up to 15 degrees either way."

Substitution of regulation 110 of the Regulations

111. The following regulation is hereby substituted for regulation 110 of the Regulations:

"110. Bilge pumping arrangements

- (1) [Every]a** ship shall be provided with efficient bilge pumping plant and means for drainage so arranged that water entering any part of the hull, other than a space permanently appropriated for the carriage of fresh water, water ballast, oil fuel or liquid cargo and for which other efficient means of pumping or drainage are provided, can be pumped out through at least one suction pipe when the ship is on even keel or is listed not more than 5 degrees either way[. **Wing]and wing** suction shall be provided where

necessary for this purpose in accordance with the requirements of Chapter II-1 regulation 35-1 of the Safety Convention.

- (2) Efficient means shall be provided whereby water may easily flow to the suction pipes[.]; Provided that the **[Minister]Authority** may allow the means of pumping or drainage to be dispensed with in particular compartments of any **[ship]vessel** or class of **[ships]vessel**, if **[he]the Authority** is satisfied that the safety of the **[ship]vessel** is not thereby impaired.”.

Substitution of regulation 111 of the Regulations

112. The following regulation is hereby substituted for regulation 111 of the Regulations:

“111. Electrical equipment and installations - general

- (1) In **[every]a** ship to which this regulation applies, the electrical equipment and installations including any electrical means of propulsion, shall be such that the ship and all persons on board are protected against electrical hazards in compliance with the requirements of Chapter II-1 regulation 40 of the Safety Convention.
- (2) **[Every]A** ship to which this regulation applies, being a ship in which electric power is the only power for maintaining auxiliary services essential for the propulsion or safety of the ship, shall be provided with two or more generating sets of such power that the aforesaid services can be operated when any one of the sets is out of service.
- (3) In **[every]a** ship to which this regulation applies, where there electrical load includes services essential for the propulsion or safety of the **ship** and the normal sea load is such that two or more generators are required to operate in parallel, arrangements shall be made to trip automatically sufficient non-

essential load when the total current exceeds the connected generator capacity.”.

Insertion of regulation 111A of the Regulations

113. The following regulation is inserted in Part II, Chapter II of the Regulations after regulation 110:

“111A. Main source of electrical power and lighting systems

- (1) The main source of electrical power and lighting systems in a cargo vessel shall—**
(a) consist of at least two generating sets; and
(b) be in accordance with the requirements of, Chapter II-1 regulation 41 of the Safety Convention.”.

Repeal of regulation 112, 113 of the Regulations

114. Regulations 112 and 113 of the Regulations are hereby repealed.

Substitution of regulation 114 of the Regulations

115. The following regulation is hereby substituted for regulation 114 of the Regulations:

“114. Emergency source of electric power[: ships of under 1,600 tons]

- (1) In [every]a ship to which this regulation applies [being a ship of under 1,600 tons] not having its main source of electric power situated above the uppermost continuous deck or raised quarter-deck and outside the machinery casings, there shall be provided in a position above the uppermost continuous deck or raised quarter deck and outside the**

machinery casings, a self-contained emergency source of electric power so arranged as to ensure its functioning in the event of fire or other casualty causing failure, of the main electrical installation.

(2) In ~~[every]~~a ship referred to in ~~[sub-regulation]~~subregulation (1), the emergency source of electric power required by that subregulation shall be capable of operating simultaneously for a period of at least 3 hours the following services~~[-]~~:

(a) the emergency lighting ~~[required by regulation 45 (3) (a) and (b) of the Life-Saving Equipment Regulations, 1968]~~—

(i) at every muster and embarkation station and over the sides;

(ii) in all service and accommodation alleyways, stairways and exists, personnel lift cars and personnel lift trunks;

(iii) in machinery spaces and main generating stations including their control positions;

(iv) in all control stations, machinery control rooms and at each main and emergency switchboard;

(v) at all stowage positions for firemen's outfits;

(vi) at the steering gear;

(vii) at the fire pump;

(viii) at the sprinkler pump, and at the emergency bilge pump, if any, and at the starting positions of their motors; and

(ix) in all cargo pump rooms of tankers constructed on or after 1 July 2002;

(b) the general alarm, if electrically operated; ~~[and]~~

(c) the ship's navigation lights, if solely electric~~[-]~~;

(d) the ship's radio installations;

(e) the ship's internal communication equipment;

(f) fire detection and fire alarm systems;

(g) intermittent operation of the daylight signalling lamp, the ship's whistle, the manually operated call points and all internal signals that are required for an emergency.

Provided any of the items listed in paragraph (a) to (g) may be powered by its own emergency source of power.

- (3) In **[every]**a ship referred to in **[sub-regulation]**subregulation (1)–
- (a) the emergency source of electric power shall be either accumulator **[(storage)]**or storage batteries capable of complying with the requirements of **[sub-regulation]**subregulation (2) without being recharged or suffering an excessive voltage drop, or a generator driven by internal combustion type machinery with an independent fuel supply and with efficient starting arrangement and the fuel provided for such machinery shall have a flash point of not less than **[110° F. (43° C.)]**43° C.;
 - (b) the emergency source of electric power shall be so arranged that it will operate efficiently when the ship is listed 22½ degrees and when the trim of the ship is 10 degrees from an even keel~~[.]~~; and
 - (c) provision shall be made for the periodical testing of the emergency source of electric power and its associated circuits.”.

Insertion of regulations 114A of the Regulations

116. The following regulation is inserted in Part II, Chapter II of the Regulations after regulation 114:

“114A. Starting arrangements for emergency generating sets

Emergency generating sets shall be in compliance with Chapter II-1 regulation 44 of the Safety Convention and be capable of being readily started in their cold condition at a temperature of 0°C: Provided if this is impracticable, or if lower

temperatures are likely to be encountered, provision acceptable to the Authority shall be made for the maintenance of heating arrangements, to ensure ready starting of the generating sets."

Amendment of regulation 115 of the Regulations

117. Regulation 115 of the Regulations is hereby amended—

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

"115. Electric and electro-hydraulic steering gear

- (1) **[Every]**~~A~~ ship to which this regulation applies which is fitted with electric or electro-hydraulic steering gear, shall be provided with indicators which will show when the power units of such steering gear are running~~[. These]~~
which indicators shall be situated in the machinery space, preferably in the control room if any, and on the navigating bridge in accordance with Chapter II-1 regulation 29 and 30 of the Safety Convention."; and

- (b) by the deletion of subregulations (2) and (3).

Amendment of regulation 116 of the Regulations

118. Regulation 116 of the Regulations is hereby amended—

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

"116. Precautions against shock, fire and other hazards of electrical origin

- (1) In **[every]**~~a~~ ship to which this regulation applies, all electrical equipment shall be so constructed and installed **[that there will be no danger of injury to any person handling it in a proper manner. Subject to the**

provisions of sub-regulation (2), where electrical equipment supplied as ships' equipment is to be operated at a voltage in excess of 55 volts, the exposed metal parts of such equipment which are not intended to have a voltage above that of earth but which may have such a voltage under fault conditions, shall be earthed]in accordance with Chapter II-1 regulation 45 of the Safety Convention."; and

- (b) by the deletion of subregulations (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11).

Repeal of regulation 117 of the Regulations

119. Regulation 117 of the Regulations is hereby repealed.

Amendment of regulation 118 of the Regulations

120. Regulation 118 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 118 of the following heading:

"118. Fire protection: [general]Openings in machinery space boundaries";

- (b) by the substitution for subregulation (1) of the following:

"[(1) In every ship to which this regulation applies, the skylights to spaces containing main propulsion machinery or oil-fired boilers or auxiliary internal combustion type machinery of a total horsepower of 1,000 or over, shall be capable of being closed and, where practicable, opened from outside the space in the event of fire and, where they contain glass panels, such panels shall be of fire resisting construction fitted with wire

reinforced glass and shall have external, permanently attached shutters of steel or other equivalent material]

The following provision of this regulation shall apply to machinery space boundaries and, where the Authority considers it desirable, to any other spaces:

- (a) The number of skylights, doors, ventilators, openings in funnels to permit exhaust ventilation and other openings to machinery spaces shall be reduced to a minimum consistent with the needs of ventilation and the proper and safe working of the ship.
- (b) Skylights shall be of steel and shall not contain glass panels.
- (c) Means of control shall be provided for closing power-operated doors or actuating release mechanisms on doors other than power-operated watertight doors.
- (d) The control in paragraph (c) shall be located outside the space concerned, where they will not be cut off in the event of fire in the space it serves.
- (e) Windows shall not be fitted in machinery space boundaries: Provided, this does not preclude the use of glass in control rooms within the machinery spaces."; and

- (c) by the deletion of subregulation (2).

Amendment of regulation 119 of the Regulations

121. Regulation 119 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 119 of the following heading:

"119. [Boilers and machinery: general]General: Boilers, machinery, other pressure vessels, associated piping systems and fittings";

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

"(1) In **[every]**a ship, **[the]** machinery, **[boilers and]**a boiler or other pressure **[vessels]**vessel shall be **[of a design and construction adequate for the service for which they are intended and shall be so installed and protected as to reduce to a minimum any danger to persons on board]** in accordance with Chapter II-1 regulation 26 of the Safety Convention.";
and

(c) by the deletion of subregulation (2).

Amendment of regulation 120 of the Regulations

122. Regulation 120 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 120 of the following heading:

"120. ~~[Boilers and other pressure vessels]~~Steam boilers and boiler feed systems";

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

[(1)]In **[every]a ship, **[every]**a steam boiler **[or other pressure vessel and in respective mountings]**and boiler feed systems shall[, before being put into service for the first time, be subjected to a hydraulic test to a pressure suitably in excess of the working pressure which shall ensure that the boiler or other pressure vessel and its mountings are adequate in strength and design for the service for which it is intended having regard to—**

- (a) the design and the material of which it is constructed;
- (b) the purpose for which it is intended to be used; and
- (c) the working conditions under which it is intended to be used, and every such boiler or other pressure vessel and its respective mountings shall be maintained in an efficient condition]be in accordance with Chapter II-1 regulation 32 of the Safety Convention.”; and

- (c) by the deletion of subregulation (2).

Amendment of regulation 121 of the Regulations

123. Regulation 121 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 121 of the following heading:

“121. Machinery and machinery control”;

- (b) by the substitution for subregulation (1) of the following:

“(1) In [every]a ship, main and auxiliary machinery essential for the propulsion and safety of the ship, shall be [provided with effective means of control, and the machinery shall be capable of being brought into operation when initial no power is available in the ship]in accordance with Chapter II-1 regulations 27 and 31 of the Safety Convention.”; and

- (c) by the deletion of subregulations (2) and (3).

Insertion of regulations 121A and 121B of the Regulations

124. The following regulations are inserted in Part II, Chapter II of the Regulations after regulation 121:

"121A. Ventilation and ventilation system in machinery space

(1) In a ship, a space in which an oil fuel tank or any part of an oil fuel installation is situated, shall be adequately ventilated in compliance with Chapter II-2 regulation 4 of the Safety Convention.

(2) Machinery spaces shall be adequately ventilated for the purpose of that machinery space to ensure that when machinery or boilers therein are operating at full power in all weather conditions including heavy weather, an adequate supply of air is maintained to the spaces for the safety and comfort of personnel and the operation of the machinery in compliance with Chapter II-1 regulation 35 of the Safety Convention.

(3) The ventilation of machinery spaces shall be sufficient under normal conditions to prevent accumulation of oil vapour.

121B. Refrigeration systems

Full particulars of refrigeration installations, other than domestic refrigerators, shall be submitted to the Authority for approval."

Substitution of regulation 122 of the Regulations

125. The following regulation is hereby substituted for regulation 122 of the Regulations:

"122. Means for going astern

[Every]A ship shall have sufficient power for going astern to secure proper control of the ship in all normal circumstances in accordance with Chapter II-1 regulation 28 of the Safety Convention.".

Substitution of regulation 123 of the Regulations

126. The following regulation is hereby substituted for regulation 123 of the Regulations:

"123. Shafts, gearing and coupling used for transmission

In **[every]**a ship, **[every]**a shaft, gearing and coupling used for transmission shall be so designed and constructed **[that it will withstand the maximum working stresses i o which it may be subjected, with a factor of safety which is adequate having regard to—**

- (a) the material of which it is constructed;
- (b) the service for which it is intended; and
- (c) the type of engines by which it is driven or of which it forms a part]in accordance with Chapter II-1 regulation 27 of the Safety Convention.".

Repeal of regulation 124 of the Regulations

127. Regulation 124 of the Regulations is hereby repealed.

Amendment of regulation 125 of the Regulations

128. Regulation 125 of the Regulations is hereby amended—

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

"125. Steam pipe systems

- (1) In ~~[every]~~a ship, every steam pipe ~~[and every fitting connected thereto through which steam may pass,]~~system shall be so designed and constructed ~~[as to withstand the maximum working stresses to which it may be subjected, with a factor of safety which is adequate having regard to—]~~in accordance with Chapter II-1 regulation 33 of the Safety Convention.”;
- (b) by the deletion in subregulation (1) of paragraphs (a) and (b); and
- (c) by the deletion of subregulations (1), (2), (3), (4), (5) and (6).

Substitution of regulation 126 of the Regulations

129. The following regulation is hereby substituted for regulation 126 of the Regulations:

“126. Air pressure systems

- (1) Air pressure systems shall be constructed in compliance with Chapter II-1 regulation 34 of the Safety Convention.
- (2) A ship in which machinery essential for the propulsion and safety of the ship or of persons on board is required to be started, operated or controlled solely by compressed shall be provided at least two air compressors each of which shall be of efficient design and of sufficient strength and capacity for the service for which it is intended: Provided that in a ship of Class V or VI only one such compressor shall be required.
- (3) If an air pressure pipe may receive air from any source at a higher pressure than it can withstand with an adequate factor of safety, an efficient reducing valve, relief valve and pressure gauge shall be fitted to such pipe.

(4) Air pressure systems shall be inspected and tested to the satisfaction of the Authority.

(5) The Authority, in its discretion, may allow a deviation from the requirements of subregulation (2) and (3)."

Substitution of regulation 127 of the Regulations

130. The following regulation is hereby substituted for regulation 127 of the Regulations:

"127. Cooling water system

[In every ship in which cooling water services are essential for the running of the propelling machinery, there shall be at least two means of operating such water services.]

(1) In a ship, where machinery essential for the propulsion or safety of the ship or of persons on board is dependent for its operation on an efficient cooling water system, there shall be provided at least one circulating pump and, provision shall be made so that in the event of the failure of such pump, an alternative pump is available for the same duty.

(2) The pump referred to in subregulation (1) shall be capable of supplying adequate cooling water to such machinery, oil coolers, fresh water coolers or condensers fitted thereto, as required by original equipment manufacturer specifications, as the case may be.

(3) If direct sea water cooling is used for essential internal combustion machinery, the sea water suctions shall be provided with strainers which can be cleaned without interruption of the supply of water.

(4) Means shall be provided for ascertaining whether a cooling system is working properly and for preventing overpressure in any part thereof.

(5) An exhaust pipe or silencer of an internal combustion engine provided in a ship, shall be efficiently cooled or lagged."

Amendment of regulation 128 of the Regulations

131. Regulation 128 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 128 of the following heading:

"128. Lubricating [and other] oil systems";

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

"(1) In [every]a ship in which oil for lubrication, cooling or operation of the main propelling machinery and its ancillary services is circulated under pressure, [provision shall be made so that in the event of the failure of a pump, an alternative means of circulating such oil is available]at least two pumps shall be provided each of which shall be adequate for circulating such oil: Provided that in a ship of Class V or VI and in the case of any emergency generator in any ship, only one such pump shall be required."; and

(c) by the addition after subregulation (1) of the following subregulations:

"(2) (a) In a Class I, II or IIA ship propelled by turbine machinery, or having turbo-electric propelling machinery, the lubricating oil arrangements shall be such that an emergency supply of oil is available sufficient to

maintain after a power failure an adequate supply of lubricating oil for at least three minutes or for such time as may be required for unloaded turbo-electric propelling machinery to come to rest from the maximum running speed.

(b) The emergency supply referred to in paragraph (a) shall automatically come into use on failure of the pressure supply of lubricating oil from the pump or pumps.

(3) Strainers shall be provided for straining the lubricating oil, and, except in a Class V or VI ship, where lubricating oil shall be capable of being cleaned without interrupting the supply of such oil.

(4) Means shall be provided for ascertaining whether the lubricating system is working properly and for preventing overpressure in any part of the system and if the means of preventing overpressure is a relief valve, it shall be in close circuit."

Substitution of regulation 129 of the Regulations

132. The following regulation is hereby substituted for regulation 129 of the Regulations:

"129. Oil and gaseous fuel installations

(1) In **[every]a** ship, oil fuel provided for use in boilers or machinery, shall have a flash point of not less than **[150°F.160° C.** (closed test): Provided that the **[Minister]Authority** may, subject to such conditions as **[he]the Authority** may impose-

(a) permit any ship to use **[oil]** fuel having a flash point **[of not]** less than **[130° F.]60°C.** in boilers[, or oil fuel having a flash point of not less than 110° F. in internal combustion type]or machinery as

prescribed in Chapter II-1 regulations 56 and 57 and Chapter II-2 regulation 4 of the Safety Convention; or

- (b) permit the use of gaseous fuel in a ship designed for the carriage of liquefied gas if such fuel results solely from evaporation of cargo carried in accordance with the IGC Code[.].

[Nothing] Provided that nothing in this [sub-regulation]subregulation shall apply to fuel provided for machinery permitted by regulation **[112 (3) (a), 113 (3) (a) or] 114 (3) (a)**.

- (2) In **[every]a** ship being a ship in which oil or gaseous fuel is used, the arrangements for the storage, distribution and **[utilization]utilisation** of the fuel shall be such that, having regard to the hazards of fire and explosion which the use of such fuel may entail, the safety of the ship and of persons on board is preserved.
- (3) In **[every]a** ship being a ship in which oil or gaseous fuel is used in engines or boilers for the propulsion or safety of the ship, the arrangements for the storage, distribution and **[utilization]utilisation** of the fuel, shall be such that the effective use of the engines can be maintained under all conditions likely to be met by the ship in service.
- (4) In **[every]a** ship, **[every]an** oil fuel installation which serves a boiler supplying steam for the propulsion of the ship, shall include not less than two oil fuel units."

Insertion of regulations 129A of the Regulations

133. The following regulation is inserted in Part II, Chapter II of the Regulations after regulation 129:

"129A. Oil fuel and gas installations (cooking ranges and other heating appliances)

In a ship, if a cooking range or other heating appliance is supplied with oil fuel or gas, the installations shall be in compliance with Chapter II-2 regulation 4 of the Safety Convention."

Substitution of regulation 130 of the Regulations

134. The following regulation is hereby substituted for regulation 130 of the Regulations:

"130. Communication between navigation bridge and [engine room] machinery control station

[Every]A ship to which this regulation applies, shall be provided with [two] means of communicating orders from the navigating bridge to the [engine room]machinery control [platform]station [. One of the means shall be an engine room telegraph]in compliance with Chapter II-1 regulation 37 of the Safety Convention: Provided the Authority may, subject to such conditions as the Authority may impose, permit deviation from compliance with this regulation."

Amendment of regulation 131 of the Regulations

135. Regulation 131 of the Regulations is hereby amended—

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

"131. Steering gear

[(1) Every]A ship shall be provided with efficient main means of steering and [auxiliary] alternative means of steering suitable to its size and the type of

steering [gear: **Provided that, if duplicate steering gear power units and their connections are fitted and each power unit complies with the requirements of sub-regulation (2) (c) and the duplicate units and connections operating together comply with the requirements of subregulation (2) (b), no auxiliary steering gear shall be required]** suitable to its size and the type of steering used in accordance with Chapter II-1 regulation 29 and 30 of the Safety Convention."; and

- (b) by the deletion of subregulations (2) and (3).

Substitution of regulation 132 of the Regulations

136. The following regulation is hereby substituted for regulation 132 of the Regulations:

"132. Spare gear

[Every]A ship shall be provided with sufficient spare gear together with the necessary tools for the fitting of the spare gear, having regard to the intended service of the ship."

Substitution of regulation 133 of the Regulations

137. The following regulation is hereby substituted for regulation 133 of the Regulations:

"133. Anchors and chain cables

[Every]A ship shall be provided with such anchors and chain cables as are sufficient in number, weight and strength, having regard to the size and intended service of the ship."

Substitution of regulation 134 of the Regulations

138. The following regulation is hereby substituted for regulation 134 of the Regulations:

"134. Means of escape

- (1) In ~~[every]~~a ship, stairways and ladderways shall be arranged so as to provide ready means of escape to the lifeboat embarkation deck from all crew spaces, passenger spaces and other spaces in which the crew are normally employed.
- (2) (a) In ~~[every]~~a ship to which this ~~[sub-regulation]~~subregulation applies, there shall be provided from each engine room, workshop, shaft tunnel and boiler room two means of escape as widely separated as practicable, one of which may be a watertight door if such a door is available as a means of escape: Provided, at least one escape route shall provide a continuous fire shelter to a safe position outside the machinery space.
- (b) Where ~~[no such]~~the watertight door referred to in paragraph (a) is available, the two means of escape shall consist of two sets of steel ladders leading to separate doors in the casing or elsewhere from which there is access to the lifeboat or liferaft embarkation deck or decks."

Amendment of regulation 135 of the Regulations

139. Regulation 135 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 135 of the following heading:

"135. [Means for stopping machinery, shutting off fuel suction pipes and closing of openings]Fire growth potential";

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

"[(1)]In [every]a ship, there shall be provided means for [stopping ventilating fans serving machinery, accommodation and cargo spaces. For machinery and cargo spaces, there shall be provided means for closing all skylights, doorways, ventilators, annular spaces around funnels and other openings to such spaces. Such means shall be capable of being operated from positions outside the said spaces which would not be made inaccessible by a fire within such spaces]limiting fire-growth potential in every space of the ship, in accordance with Chapter II-2 regulation 5 of the Safety Convention."; and

(c) by the deletion of subregulations (2) and (3).

Insertion of regulation 135A of the Regulations

140. The following regulation is inserted in Part II, Chapter II of the Regulations after regulation 135:

"135A. Ventilation for spaces

In a ship, ventilators shall be sufficient in number and size to provide adequate ventilation for all spaces which, in the opinion of the surveyor, require ventilation as prescribed in Chapter II regulation 19 of the Loadline Convention."

Amendment of Chapter III of Part II of the Regulations

141. Chapter III of Part II of the Regulations is hereby amended by the substitution for the heading of Chapter III of the following heading:

**"CHAPTER III - SURVEY PRIOR TO THE ISSUE OF A CARGO SHIP SAFETY
CONSTRUCTION CERTIFICATE, A DRY DOCK CERTIFICATE AND
APPLICATION FOR THE ISSUE OF THE CERTIFICATE".**

Substitution of regulation 136 of the Regulations

142. The following regulation is hereby substituted for regulation 136 of the Regulations:

**"136. Application for survey prior to the issue of a cargo ship safety
construction certificate**

[Every]An application for the survey of a ship prior to the issue of a cargo ship safety construction certificate shall be made to the Authority or proper officer and shall be accompanied by such information relating to the ship as the Authority or proper officer may require."

Amendment of regulation 137 of the Regulations

143. Regulation 137 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 137 of the following heading:

**"137. Survey of a ship prior to the issue of a cargo ~~[shiip]~~ship safety
construction certificate";**

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) The Authority or proper officer, as the case may be, shall upon receipt of ~~[the]~~an application for survey, cause the ship to be surveyed by a qualified surveyor."; and

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

"(2) The surveyor referred to in subregulation (1) shall survey the ship ~~[and shall satisfy himself]~~to be satisfied that the ~~[arrangements, materials and scantlings of the structure, boilers and other pressure vessels and their appurtenances (other than domestic boilers having a heating surface of 50 square feet or less and a working pressure of 50 lb. per square inch or less and other domestic pressure vessels having such a working pressure), main and auxiliary machinery, electrical installations and other equipment comply]~~ship complies with the requirements of Chapter II of these Regulations and ~~[are]~~is in all respects satisfactory for the service for which the ship is intended, having regard to the period for which the cargo ship safety construction certificate in respect ~~[oil]~~of the ship is to be issued.".

Substitution of regulation 138 of the Regulations

144. The following regulation is hereby substituted for regulation 138 of the Regulations:

"138. Application for the issue of a cargo ship safety construction certificate

Application for the issue of a cargo ship safety construction certificate shall be made to the proper officer at the port of registry of the ship concerned or to the Authority.

Insertion of regulations 138A to 138C of the Regulations

145. The following regulations are inserted in Part II, Chapter III of the Regulations after regulation 138:

"138A. Application for survey prior to the issue of a dry dock certificate

An application for the survey of a ship prior to the issue of a cargo ship safety construction certificate shall be made to the Authority or proper officer and shall be accompanied by such information relating to the ship as the Authority or proper officer may require.

138B. Survey of a ship prior to the issue of a dry dock certificate

(1) The Authority or proper officer, as the case may be, shall upon receipt of an application for survey, cause the ship to be surveyed by a qualified surveyor.

(2) The surveyor referred to in subregulation (1) shall survey the ship to be satisfied that the ship complies with the requirements of Chapter II of these Regulations and is in all respects satisfactory for the service for which the ship is intended, having regard to the period for which the cargo ship safety construction certificate in respect of the ship is to be issued.

138C. Application for the issue of a dry dock certificate

Application for the issue of a cargo ship safety construction certificate shall be made to the proper officer at the port of registry of the ship concerned or to the Authority."

Substitution of regulation 139 of the Regulations

146. The following regulation is hereby substituted for regulation 139 of the Regulations:

"CHAPTER IV - INTERMEDIATE SURVEYS**139. General**

- (1) The owner of **[every]**~~a~~ ship in respect of which a cargo ship safety construction certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in the manner and at the intervals specified in **[sub-regulation (3) for the purpose of seeing whether the certificate should remain in force]** Chapter II-1 regulation 10 and 11 of the Safety Convention.
- (2)
 - (a) ~~[Every]~~An application for the survey of a ship in accordance with this regulation shall be made to the Authority who issued the cargo ship safety construction certificate in respect of the ship concerned or to the proper officer.
 - (b) Upon receipt of the application referred to in paragraph (a), the Authority or proper officer as the case may be, shall cause the ship to be surveyed by a qualified surveyor.
- [(3) The surveys to be carried out under sub-regulation (1) shall be as follows unless the Minister decides otherwise—**
 - (a) **the hull and the ship's side fastenings shall be examined in dry dock every two years and the ship side fittings shall be thoroughly examined every four years;**
 - (b) **all boilers, including exhaust gas or steam heated steam generators, economizers, and domestic boilers (other than domestic boilers having a heating surface of 50 square feet or**

- less and a working pressure of 50 lb. per square inch or less) shall be examined internally and externally every two years until they are eight years old and thereafter annually;
- (c) screw shafts and tube shafts fitted with continuous liner; or running in oil shall be withdrawn and surveyed every three years, and other screw and tube shafts shall be withdrawn and surveyed every two year and
 - (d) pressure vessels (other than domestic pressure vessels having a working pressure of 50 lb. per square inch or less) shall be examined internally every five years: Provided that small vessels which are inaccessible may be tested to a pressure equal to twice the working pressure in lieu of internal examination.]
- (4) The surveyor referred to in subregulation (2) shall survey the ship with a view to [satisfying himself]being satisfied—
- (a) that such of the parts of the ship and its equipment **[specified in sub-regulation (3)]** as are the subject of the application for survey remain efficient; and
 - (b) so far as practicable, that no material alterations have been made in the hull, machinery or equipment of the ship to which the cargo ship safety construction certificate relates without the approval of the **[Minister or]** Authority."

Substitution of regulation 140 of the Regulations

147. The following regulation is hereby substituted for regulation 140 of the Regulations:

"140. Additional surveys

Notwithstanding the provisions of regulation 139, the **[Minister or]** Authority may require **[any]** a ship to undergo such additional surveys as **[he]** the Authority may deem necessary."

Substitution of regulation 141 of the Regulations

148. The following regulation is hereby substituted for regulation 141 of the Regulations:

"CHAPTER V-EQUIVALENTS AND EXEMPTIONS

141. Equivalents

Where **[his]** this Part requires that the hull or machinery of a ship shall be constructed in a particular manner, or that particular equipment shall be provided, or that particular provision shall be made, the **[Minister]** Authority may allow the hull or machinery of the ship to be constructed in any other manner, or any other equipment to be provided or other provision made, if **[he]** the Authority is satisfied that such other construction, equipment or provision is at least as effective as that required by this Part."

Substitution of regulation 142 of the Regulations

149. The following regulation is hereby substituted for regulation 142 of the Regulations:

"142. Exemption in respect of precautions against shock, fire and other hazards of electrical origin

The **[Minister]** Authority may exempt any ship[, **other than a tanker,**] from the requirements of regulation **[116 (4)]** 116."

Substitution of regulation 143 of the Regulations

150. The following regulation is hereby substituted for regulation 143 of the Regulations:

"143. Exemption in respect of means of escape

The **[Minister]Authority** may exempt any ship **[of less than 2,000 tons]** from the requirements of regulation 134 (2).".

Substitution of regulation 144 of the Regulations

151. The following regulation is hereby substituted for regulation 144 of the Regulations:

"144. General exemption

The **[Minister]Authority** may exempt any ship which is not normally engaged on international voyages but which in exceptional circumstances, is required to undertake a single international voyage, from any of the requirements of this Part on condition that it complies with safety requirements which are adequate in the opinion of the **[Minister]Authority** for the voyage which is to be undertaken by the ship.".

Amendment of Part III of the Regulations

152. Part III of the Regulations is hereby amended by the substitution in the Arrangement of Regulations (table of contents) of the following table:

"PART III

[(Boats.)]Other Vessels**CHAPTER I - GENERAL****[145. Interpretation.]**

146. Application of Part III.

146A. Compliance with the Safety Convention.

147. Structural strength.

**CHAPTER II – CONSTRUCTION OF [BOATS]VESSELS, OTHER THAN [SKI
AND SURF BOATS AND DINGHIES] VESSELS TO WHICH THE
MERCHANT SHIPPING (NATIONAL SMALL VESSEL SAFETY)
REGULATIONS APPLY, AND GENERAL SURVEY**

148. Application of Chapter II.

149. Submission and approval of plans.

150. Inspection and tests during construction.

151. Survey of new construction.

151A. General: Boilers, machinery, other pressure vessels, associated piping
systems and fittings.

151B. Steam boilers and boiler feed systems.

152. Hydraulic testing of boilers[, etc.].

153. Safety valves.

154. Feed pumps.

155. Main engines.

156. Bilge pumping arrangements.

157. Fuel tanks.

158. Underwater fittings.

159. Galleys.

160. Refrigerating systems.

161. Bulkheads.

162. Hatches.

- 163. Doors, sills, side scuttles and escape hatches.
- 163A. Means of escape.
- 164. Bulwarks.
- 165. Ventilation for spaces.
- 165A. Ventilation and ventilation system in machinery space.
- 166. Stern bearings.
- 167. **[Testing]**Initial testing of watertight compartments.
- 168. **[Anchors and cables]**Towing and mooring arrangements.
- 169. Steering gear.
- 170 General electrical precautions.
- 170A. Air pressure systems.
- 170B. Cooling water system.
- 170C. Lubricating oil systems.
- 170D. Oil and gaseous fuel installations.
- 170E. Oil fuel and gas installations (cooking ranges and other heating appliances).
- 170F. Communication between navigation bridge and machinery control station.
- 170G. Spare gear.
- 170H. Main source of electrical power and lighting systems.
- 170I. Emergency source of electric power.
- 170J. Starting arrangements for emergency generating sets.
- 170K. Machinery and machinery control.
- 170L. Means of going astern.
- 170M. Steam pipe systems.

**CHAPTER III - PERIODIC SURVEYS: [BOATS]VESSELS OTHER THAN [SKI
BOATS, SURF BOATS AND DINGHIES] VESSELS TO WHICH THE
MERCHANT SHIPPING (NATIONAL SMALL VESSEL SAFETY)
REGULATIONS APPLY**

- 171. Application of Chapter III.
- 172. General.
- [173. Boilers which permit of a full internal examination.**
- 174. Boilers which do not permit of a full internal examination.**
- 175. Steam pipes.**
- 176. Steam propulsion engines and auxiliaries.**
- 177. Main and auxiliary machinery of a boat not exceeding [80 feet]24 meters in length**
- 178. Main and auxiliary machinery of a boat exceeding [80 feet]24 meters in length.**
- 179. Air receivers.**
- 180. Electrical equipment.]**
- 181. Steel hulls - dry docking.
- 182. Wooden hulls - dry docking.
- [183. Reinforced plastic hulls - dry docking.]**
- 184. Propeller shafts.
- 185. Sea connections.
- 186. **[Rudders]Rudder and rudder stock.**
- 187. Anchors, cables and steering chains.
- [188. Steering gear and emergency arrangements.]**
- 189. Alterations to hull.

CHAPTER IV - SKI BOATS, SURF BOATS AND DINGHIES

190.-194

[Deleted by GN R1023/86]

CHAPTER V - ADDITIONAL SURVEYS, EQUIVALENTS AND EXEMPTIONS

- 195. Additional surveys.
- 196. Equivalents.
- 197. Exemption of **[boats]vessels** constructed before a certain date.
- 198. General exemption.

Annex. 1: Construction of Passenger Ships: Plans and particulars.

[Annex. 2 : Calculation of maximum length of watertight compartments.

Annex. 3 : Stability in damaged condition.

Annex. 4: Construction of watertight bulkheads, etc.

Annex. 5 Automatic sprinkler, fire alarm and fire detection system.]

Annex. 6 Construction of ~~[boats]~~vessels: Plans and particulars.

[Annex. 7 Construction of boats: Wood watertight bulkheads.

Annex. 8 Construction of boats: Hatches.

Annex. 9 Steering chains and anchor chains of boats.]".

Amendment of Part III of the Regulations

153. Part III of the Regulations is hereby amended by the substitution for the heading of Part III of the Regulations of the following:

"[PART III

~~[(Boats.)]~~Other Vessels

CHAPTER I-GENERAL".

Repeal of regulation 145 of the Regulations

154. Regulation 145 of the Regulations is hereby repealed.

Amendment of regulation 146 of the Regulations

155. Regulation 146 of the Regulations is hereby amended—

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

"146. Application of Part III

(1) This ~~[part shall apply]~~Part applies to [every boat]a vessel of 25 or more gross tons to which Part I and Part II do not apply."; and

(b) by the addition after subregulation (1) of the following subregulation:

"(2) This Part does not apply to pleasure vessels of less than 100 gross tons as defined in the Merchant Shipping (National Small Vessel Safety) Regulations, 2007."

Insertion of regulation 146A of the Regulations

156. The following regulation is inserted in Part III, Chapter I of the Regulations after regulation 146:

"146A. Compliance with the Safety Convention

A vessel of over 500 gross tons, shall be constructed in compliance with the requirements of, Chapter II-1 of the Safety Convention as applicable and the applicable Codes."

Substitution of regulation 147 of the Regulations

157. The following regulation is hereby substituted for regulation 147 of the Regulations:

"147. Structural strength

The structural strength of ~~[every boat]~~a vessel shall be sufficient for the service for which the ~~[boat]~~vessel is intended."

Amendment of Chapter II of Part III of the Regulations

158. Chapter II of Part III of the Regulations is hereby amended by the substitution for the heading of Chapter II of the following heading:

"CHAPTER II – CONSTRUCTION OF [BOATS]VESSELS, OTHER THAN [SKI AND SURF BOATS AND DINGHIES] VESSELS TO WHICH THE MERCHANT SHIPPING (NATIONAL SMALL VESSEL SAFETY) REGULATIONS APPLY, AND GENERAL SURVEY".

Substitution of regulation 148 of the Regulations

159. The following regulation is hereby substituted for regulation 148 of the Regulations:

"148. Application of Chapter II

This Chapter applies to ~~[every boat]~~a vessel other than ~~[a ski or surf boat or dinghy]~~a vessel to which the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 apply, and a "Chapter II ~~[boat]~~vessel" means a ~~[boat]~~vessel to which this Chapter applies."

Substitution of regulation 149 of the Regulations

160. The following regulation is hereby substituted for regulation 149 of the Regulations:

"149. Submission and approval of plans

- (1) Subject to the provisions of ~~[sub-regulation]~~subregulation (2), before the construction ~~or modification~~ of ~~[any]~~a Chapter II ~~[boat of 30 feet or over in length]~~vessel to which this Part applies is commenced[, or at an early

stage thereafter], the builder or owner thereof shall submit in duplicate to the proper officer the plans and particulars set forth in Annex 6 for approval by the **[Secretary]Authority.**

- (2) In the case of a Chapter II **[boat]vessel** which is a sister **[boat]vessel**, the builder or owner shall furnish to the proper officer particulars of the specification and plans previously approved by the **[Secretary]Authority.**
- (3) Any subsequent modifications or additions to the scantlings, arrangements or equipment shown on approved plans shall be submitted to the proper officer as prescribed in subregulation (1).
- (4) The **[Secretary]Authority** may, **[in his discretion,]** call for the submission of additional or more detailed plans or particulars, and may also waive the requirement that certain of these plans be submitted.
- [(5) In the case of a Chapter II boat of under 30 feet in length, the proper officer may request the builder or owner thereof to submit to him such plans and specifications as he may specify, and upon such request being made, the said builder or owner shall comply therewith.]"**

Amendment of regulation 150 of the Regulations

161. Regulation 150 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 150 of the following heading:

"150. Inspection and tests ~~[duping]~~during construction";

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) During the construction of a Chapter II ~~[boat]~~vessel, inspections ~~[and tests]~~ shall be conducted by ~~[the]~~a surveyor."; and

- (c) by the addition after subregulation (1) of the following subregulation:

"(2) Tests shall be conducted by the appropriate testing authority and witnessed by a surveyor."

Substitution of regulation 151 of the Regulations

162. The following regulation is hereby substituted for regulation 151 of the Regulations:

"151. Survey of new construction

- (1) ~~[The]~~A builder or owner of a Chapter II ~~[boat of 30 feet or over in length]~~vessel, shall notify the ~~[surveyor]~~Authority at least one week in advance of—
- (a) the commencement of framing;
 - (b) the commencement of planking, plating or laminating;
 - (c) the completion of the fitting of ~~[all]~~ underwater fittings, rudder, stern tube, shaft and propeller;
 - (d) the launching; and
 - (e) the dock and sea trials.
- (2) (a) Dock and sea trials shall be carried out in the presence of ~~[the]~~a surveyor, at which times the pumping arrangement, steering gear and main and auxiliary machinery shall be tested to the satisfaction of the surveyor.

(b) Any such further tests shall be made as the surveyor considers necessary to **[satisfy himself]**~~the satisfaction of the surveyor~~ that the **[boat]**~~vessel~~ is safe and suitable for the purpose for which it is intended."

Insertion of regulations 151A and 151B of the Regulations

163. The following regulations are inserted in Part III, Chapter II of the Regulations after regulation 151:

"151A. General: Boilers, machinery, other pressure vessels, associated piping systems and fittings

In a vessel, machinery, a boiler or other pressure vessel shall be constructed in compliance with Chapter II-1 regulation 26 of the Safety Convention.

151B. Steam boilers and boiler feed systems

In a vessel, a steam boiler and boiler feed systems shall be constructed in compliance with Chapter II-1 regulation 32 of the Safety Convention."

Substitution of regulation 152 of the Regulations

164. Regulation 152 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 152 of the following heading:

"152. Hydraulic testing of boilers[, etc.];"

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

"(1) **[The]**~~A~~ surveyor shall be satisfied by such examination and calculation as may be necessary that all pressure parts are capable of withstanding the working pressures to which **[they]** the parts may be subjected, and **[he]** shall ensure that all hydraulic testing is satisfactorily carried out.";

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

"(2) **[Boilers]**~~A boiler~~ shall be hydraulically tested **[in accordance with the following pressures:**

(a) **For a new [boilers]boiler-**

test pressure = $1\frac{1}{2} \times \text{W.P.} + [50 \text{ lb. per square inch}]$ 22 kg. per square centimetre for W.P.s in excess of [100 lb. per square inch]45 kg. per square centimetre and = $2 \times \text{W.P.}$ for W.P.s of [100 lb. per square inch]45 kg. per square centimetre and less.

(b) for **[boilers]a boiler** which **[are]**~~is~~ not new –

test pressure = $1\frac{1}{2} \times \text{W.P.}$ to the satisfaction of the Authority.";

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

"(3) When **[the]**~~a~~ survey of a new boiler is completed, it shall, in a position which will be clearly visible at all times, be stamped **[as follows:**

STAMP OF TESTING AUTHORITY

W.P

Tested to**[lb.]kg.**

W.P**[lb.]kg.**

Date

Surveyor's initials] by the appropriate testing authority.";

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

"(4) Pressure parts, other than boilers, when new shall be hydraulically tested
[in accordance with the following pressures:

Boiler mountings.

Feed check valves 2½ x W.P.

Other mountings 2 x W.P.

Steam pipes 2 x W.P.

Feed pipes 2½ x W.P.

Feed heaters 2½ x W.P. (bodies, tubes or coils).

[Oil fuel pipes, heaters, coils or tubes: 400 lb. per square inch] An oil pipe, heater, coil or tube: 181 kg. per square centimetre or twice the maximum working pressure to which they are subjected, whichever is greater.

Evaporator bodies: Twice the maximum working pressure of the evaporator.

Evaporator coils or tubes: Twice the maximum working pressure to which they may be subjected.

Air receivers : As for boilers] to the satisfaction of the Authority."; and

(f) by the deletion of subregulation (5).

Amendment of regulation 153 of the Regulations

165. Regulation 153 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) **[Every]**~~A~~ boiler shall be provided with at least two safety valves."

Substitution of regulation 154 of the Regulations

166. The following regulation is hereby substituted for regulation 154 of the Regulations:

"154. Feed pumps

(1) (a) [Every]A Chapter II **[boat]vessel** propelled by steam shall be provided with not less than two entirely separate power feed pumps.

(b) One of **[these]the** feed pumps referred to in paragraph (a) may be operated from the main engines, and the other shall be an independent power pump."

Amendment of regulation 155 of the Regulations

167. Regulation 155 of the Regulations is hereby amended—

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

"(1) (a) The **[man]main** engine, shafting and propeller shall be of proved commercial marine design and quality and of a power suitable for the purpose for which the **[Chapter II boat]vessel** is designed.

(b) The main engine shall be installed to the satisfaction of **[the]a** surveyor.";

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

"(2) In the case of a **[Chapter II boat]vessel** propelled by an engine depending on compressed air for starting, **[the]a** surveyor shall be satisfied by such examination and calculation as may be necessary that—

(a) air receivers and other pressure vessels are capable of withstanding the pressure assigned to them;

- (b) the capacity of such air receivers is sufficient to provide the main engine with 12 consecutive starts if it is a reversible engine or six consecutive starts if it is a non-reversible engine, without replenishing the air in the receivers~~[.,]; and~~
- (c) one air compressor, driven by a prime mover, which can be started without the use of compressed air is fitted: Provided that the Authority may, in its discretion, allow the use of a hand operated air compressor capable of charging one empty starting air receiver to normal working pressure within 30 minutes.;
- (c) by the insertion after subregulation (2) of the following subregulations:
- "(3) Where main engines depend upon an auxiliary petrol driven starting engine, the fuel tank for the latter shall be situated in a position outside the engine room which is approved by a surveyor.
- (4) Where main engines depend upon electrical starting arrangements, a charging unit, independent of the main engines, shall be provided except that in the case of a vessel with twin engines, each with a charging unit capable of charging both sets of starting batteries, this shall be accepted."
- (d) by the substitution for subregulation (5) of the following subregulation:
- "(5) Where main engines depend upon means other than those mentioned in [sub-regulations]subregulations (2), (3) and (4) for starting, [the]a surveyor shall be satisfied that such means are ample for all circumstances."
- (e) by the deletion of subregulation (6);
- (f) by the substitution for subregulation (7) of the following subregulation:

"(7) (a) The main and auxiliary engines, other than steam engines, of a Chapter II **[boat]vessel** shall be fitted with suitable silencers to the satisfaction of the surveyor.

(b) The silencers and exhaust pipes shall be efficiently water-cooled, lagged or installed in such a manner that they will create no fire risk, and they shall be so arranged that there is no danger of water entering the engines or of exhaust fumes or water passing back into the **[boat]vessel**."; and

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

"(8) (a) Every possible precaution shall be taken to avoid fuel and lubricating oil running into the bilges.

(b) Metal or lead-lined trays with proper means of drainage shall be provided under fuel tanks and, where possible, under engines."

Amendment of regulation 156 of the Regulations

168. Regulation 156 of the Regulations is hereby amended—

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

"(1) **Every** Chapter II **[boat]vessel** shall be fitted with bilge pumps and piping in accordance with the following table:

(b) by the substitution for the table in subregulation (1) of the following table:

"[

Length of Boat in Feet.				
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Boats Designed for Catching Pilchards, Maasbankers and Mackerel. (a)	Other Boats. (b)	Minimum Number of Pumps (c)	Minimum Capacity of Pumps in Gallons per Minute (d)	Minimum Internal Diameter of Bilge Main and Direct Bilge Piping (e)	Minimum Internal Diameter of Bilge Branch, Piping (f)
—	30 and under	1 power driven or hand operated	15	2"	1½"
30 and under	Over 30 to 65	2 (1 power driven + 1 power driven or hand operated)	30 total	2"	1½"
Over 30 to 65	Over 65 to 80	2 (1 power driven + 1 power driven or hand operated)	60 total	2"	2"
Over 65 to 80	Over 80 to 100	2 power driven (1 may be driven by main engine)	100 total	2"	2"
Over 80 to 100	Over 100 to 150	2 power driven (1 may be driven by main engine)	170 total	2½"	2"

Over 100	Over 150	2 power driven (1 may be driven by main engine)	220 total	3"	2½"
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J

<u>Length of Vessel in Meters.</u> (a)	<u>Minimum Number of Pumps</u> (b)	<u>Minimum Capacity of Pumps in Liters per Minute</u> (c)	<u>Minimum Internal Diameter of Bilge Main and Direct Bilge Piping</u> (d)	<u>Minimum Internal Diameter of Bilge Branch, Piping</u> (e)
Over 9 to 19	2 (1 power driven + 1 power driven or hand operated)	113 total	5	4
Over 19 to 24	2 (1 power driven + 1 power driven or hand operated)	227 total	5	5
Over 24 to 30	2 power driven (1 may be driven by main engine)	378 total	5	5
Over 30 to 45	2 power driven (1 may be driven by main engine)	643 total	6	5
Over 45	2 power driven (1 may be	832 total	8	6

	<u>driven by main engine)</u>			
--	-------------------------------	--	--	--

“;

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

“(4) In a Chapter II [boat]vessel required to be provided with not less than two power driven pumps, no power pump provided shall have a capacity less than 25 per cent of the total capacity required, and at least one power driven pump independent of the main engines shall have a capacity of not less than 50 per cent of the total required.”;

(d) by the substitution for subregulation (5) of the following subregulation:

“(5) Subject to the provisions of [sub-regulation]subregulation (8), bilge suctions, piping and means for drainage shall be so arranged that any water which may enter a main compartment can be pumped out through at least one bilge suction situated in such compartment, and all compartments within each main division shall be so arranged to drain to that bilge suction, when the [boat]vessel is on an even keel and is either upright or has a list of not more than 5 degrees.”;

(e) by the substitution for subregulation (6) of the following subregulation:

“(6) (a) [Every]An independent power pump shall have a direct suction from the space in which it is situated, provided that not more than two direct suctions shall be required in any one space.

(b) [Every such]The suction referred to in paragraph (a) shall be of a diameter not less than that of the Chapter II [boat's]vessel's main bilge pipe.

(c) The direct suction in the [boat's]vessel's machinery space shall be so arranged that water may be pumped from each side of the space through direct suction to independent bilge pumps."

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

"(8) In a Chapter II [boat]vessel exceeding [80 feet]24 meters in length, the following compartments, if not used for carrying water ballast, may be provided with bilge drainage arrangements as follows: forward of—

- (a) in the case of compartments situated in the collision bulkhead, with a manual pump~~[-.]~~;
- (b) in the case of compartments situated forward of the collision bulkhead on a [boat]vessel which has a watertight bulkhead between the collision and machinery space bulkheads, with a manual pump or with a drain cock secured to the collision bulkhead operated from above the main deck;
- (c) in the case of watertight compartments which overhang the thrust shaft recess, with a manual pump or with a self-closing drain cock operated from the engine-room; and
- (d) in the case of compartments situated aft of the after peak bulkhead, with a manual pump or with a self-closing drain cock operated from the engine room or from above the main deck."

(g) the substitution for subregulation (9) of the following subregulation:

"(9) (a) Manual pumps provided in accordance with subregulation (8), shall have a capacity of at least [15 gallons]56 litres per minute and shall be fitted with suction piping having an internal diameter of not less than [2 inches. Such]5 centimetres.

(b) The manual pumps referred to in paragraph (a) shall be capable of being operated from a position above the bulkhead deck."

- (h) by the substitution for subregulation (10) of the following subregulation:

"(10) Bilge suction and means for drainage on a Chapter II ~~[boat]~~vessel which is not divided into watertight compartments, shall be arranged in such a manner that any water which enters the ~~[boat]~~vessel is able to drain to at least one bilge suction.";

- (i) by the substitution for subregulation (11) of the following subregulation:

"(11) Drain cocks provided in accordance with subregulation (8), shall have an internal diameter of not less than ~~[1½ inches]~~4 centimetres and shall be accessible at all times.";

- (j) by the substitution for subregulation (16) of the following subregulation:

"(16) (a) Where holds are provided with cement filling, the cement level shall be to the top of the floors and a well or dill of not less than ~~[4 cubic feet]~~0.11 cubic meters capacity shall be situated at the after end of the hold.

(b) A suitable strainer shall be placed over the well and the bilge suction shall be fitted with a suitable strainer, the area of the openings in which shall be at least three times the cross-sectional area of the bilge suction pipe.";

- (k) by the substitution for subregulation (18) of the following subregulation:

"(18) ~~[All]~~A bilge discharge ~~[pipes]~~pipe shall be fitted with valves or cocks attached to the hull in the manner prescribed in regulation 158 or by other equally efficient means approved by the ~~[Secretary]~~Authority after full particulars have been submitted to ~~[him]~~the Authority.";

(l) by the substitution for subregulation (19) of the following subregulation:

"(19) (a) Bilge piping shall be of seamless Schedule 40 steel pipe or other material considered by the surveyor to be suitable for the purpose, but short lengths of rubber or plastic hose, clearly visible at all times, may be fitted where deemed necessary by the surveyor to reduce the effects of vibration[; **any hose so**].

(b) Bilge piping shall be joined by either welding or flanges."

(m) by the substitution for subregulation (20) of the following subregulation:

"(20) (a) In a coal-fired Chapter II [boat]vessel, a length of flexible suction hose, with suitable screwed connection to the machinery space bilge line, shall be supplied, in order that the engine and boiler space bilges may be pumped in the event of the suction strainer becoming choked.

(b) The connection on the bilge line referred to in paragraph (a) shall be fitted with a jointed metal cap."; and

(n) by the substitution for subregulation (21) of the following subregulation:

"(21) **[Every]** Chapter II [boat]vessel in which the machinery space is not continuously manned and in which the bilges cannot be monitored from the conning position shall be fitted with a bilge high level alarm; any such alarm shall be audible and visible in the machinery space and at the conning position."

Amendment of regulation 157 of the Regulations

169. Regulation 157 of the Regulations is hereby amended—

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

"(1) In a Chapter II ~~[boat]~~vessel, a fuel tank **[which is separate from the hull]** shall **[comply with the following requirements:]**~~—~~";

- (b) by the substitution in subregulation (1) for paragraph (a) of the following paragraph:

"(a) **[it shall]** be constructed of steel or other material which, in the opinion of the surveyor, is suitable for the purpose~~[.]~~";

- (c) by the deletion in subregulation (1) of paragraphs (b), (c), (d) and (e);

- (d) by the substitution in subregulation (1) for paragraph (g) of the following paragraph:

"(g) A fuel tank having—

(i) ~~a capacity of more than [300 gallons]~~1135 but not more than **[1,000 gallons]**3785, shall be fitted with a suitable door for purposes of cleaning~~[.For tanks having]; and~~

(ii) ~~a capacity of more than [1,000 gallons]~~3785, a manhole door shall be fitted.

- (e) by the deletion in subregulation (1) of paragraph (h);

- (f) by the substitution in subregulation (1) for paragraph (i) of the following paragraph:

"(i) (i) ~~[All tanks]~~A tank shall on completion be tested by hydraulic pressure to a head not less than the maximum head to which the

tank can be subjected, or **[8 feet]2.4 meters** above the top of the tank, whichever is the greater.

(ii) **[Such]The** tests referred to in subparagraph (i) shall be witnessed by the surveyor, but, in the case of any tank having a capacity of not more than **[300 gallons]1135 litres**, the surveyor may, when it is not possible **[for him]** to witness the test, accept a written statement from the manufacturer certifying that the hydraulic pressure test described in this paragraph has been carried out and that no defects were revealed.”;

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

“(2) Where the capacity of a fuel tank exceeds **[25 gallons]94 litres**, it shall be provided with the following:

(a) a filling pipe that—

- (i) is at least **[1½ inches]3.81 centimetres** in internal diameter;
- (ii) leads from the top of the tank to the weatherdeck, the connection through the deck being watertight;
- (iii) is fitted with a screwed brass plug or cap; and
- (iv) is made sufficiently flexible to absorb any vibration or sinkage of the tank; and

(b) a vent pipe of at least the same internal diameter as the filling pipe leading from the top of the tank to a safe height and location above the weatherdeck through a watertight deck connection and clear of all openings into the hull or deck-house**[. The]** which shall comply with the following requirements:

- (i) the end of the vent pipe shall be covered with gauze and turned down through an angle of 180 degrees**[. Two]**;
- (ii) two or more vent pipes may be branched off from the pipe leading to the deck, provided the deck pipe is increased in

diameter to maintain the required cross-sectional area[. **The**];
and

(iii) the gauze shall be made of incorrodible material and shall be so fitted that it can readily be removed for cleaning or renewal.”;

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

“(3) (a) (i) [Every]A fuel tank shall be provided with a suitable means for ascertaining the level of the fuel.

(ii) If sounding pipes are fitted, [they]the pipes shall be led to an accessible position above the bulkhead deck.

(iii) Where [this]the arrangement in subparagraph (ii) is not practicable, short sounding pipes may be fitted in the machinery spaces if they are led to readily accessible positions above the platforms and fitted with self-closing cocks or valves.

(iv) Striking plates shall be fitted under all sounding pipes.

(b) Glass or plastic tubing may be used as level gauges only under the following circumstances:

(i) on a tank of under [25 gallons]94 litres capacity containing fuel having a close test flash point of over [125° F.]51°C.; [and]

(ii) on a tank of [25 gallons]94 litres capacity or over, containing fuel having a close test flash point of over [125° F.]51°C. with gauges fitted with self-closing valves or cocks top and bottom; and

(iii) if the tubing is suitably protected against impact.”;

(i) by the substitution for subregulation (5) of the following subregulation:

“(5) [All]An outlet [pipes]pipe from a fuel tank shall at such tank be fitted with cocks or valves which are readily accessible at all times and are capable of being operated from outside the compartment in which the tank is situated.”;

- (j) by the substitution for subregulation (6) of the following subregulation:

"(6) **[Every]**~~A~~ fuel tank shall be fitted in a position remote from heated surfaces."; and

- (k) by the deletion of subregulation (7).

Amendment of regulation 158 of the Regulations

170. Regulation 158 of the Regulations is hereby amended—

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

"(1) Valves or cocks shall be fitted to all suction and discharge pipes which pass through the hull below the weatherdeck, provided that this paragraph shall not apply to

- (a) pump discharges of **[1½"]3.81 centimetres** internal diameter or less, which are situated above the load water line;
- (b) keel cooling systems; or
- (c) scuppers which pass from the weatherdeck to the Chapter II **[boat's]vessel's** side above the load water line~~]. Valves~~: Provided valves or cocks shall be fitted as close to the hull as possible.";

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

"(2) Suction and discharge valves and cocks on a steel Chapter II **[boat]vessel** shall be attached to the hull or to the plating of fabricated water boxes by-

- (a) bolts, with countersunk heads, tapped through the platings~~],~~; or

- (b) studs which are screwed into heavy steel pads welded or riveted to the plating, but not penetrating the plating, and such valves or cocks shall be fitted with spigots passing through the plating.
- (c) by the substitution for subregulation (3) of the following subregulation:
- "(3) Suction and discharge valves and cocks on a wooden Chapter II **[boat]vessel** shall be flanged and provided with spigots passing through the planking and secured by means of through bolts having an outer ring or flange between bolt heads and planking: Provided that the surveyor may allow any other efficient means of securing such fittings after consideration of full particulars submitted to **[him]such surveyor.**";
- (d) by the substitution for subregulation (4) of the following subregulation:
- "(4) Suction and discharge valves and cocks of a Chapter II **[boat]vessel** of reinforced plastic construction, shall be attached to the hull by means approved by the surveyor after full particulars have been submitted to **[him]such surveyor.**"; and
- (e) by the substitution for subregulation (3) of the following subregulation:
- "(5) Blow-down valves or cocks on the Chapter II **[boat's]vessel's** side shall be fitted in an accessible position and shall be arranged in such a manner that it can be readily seen whether they are open or shut, the handles shall not be capable of being removed unless the valves or cocks are shut."

Amendment of regulation 159 of the Regulations

171. Regulation 159 of the Regulations is hereby amended—

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

"(1) In a Chapter II ~~[boat]~~vessel, the heating and cooking arrangements may be by means of coal, oil or electricity~~[. Liquid] and liquid~~ petroleum gas may be permitted, but only under the following conditions~~[-]~~:

- (a) the installation shall be as approved by ~~[the]~~a surveyor;
- (b) ~~[no]the installation, or any part [of the installation]thereof~~ shall not be situated in a machinery ~~[spaces.,]space~~;
- (c) the liquid petroleum gas cylinders, regulators and low pressure safety devices, shall be placed above deck in a suitable, well ventilated metal cabinet separated from living spaces ~~[end]and~~ other closed spaces by a gas tight partition and removed from sources of heat, electric cable, etc., and shall be effectively earthed;
- (d) the cylinders shall be secured in an upright position, and the operating equipment shall at all times be readily accessible;
- (e) approved safety devices shall be provided to protect the low pressure stages of the apparatus from high pressure, and any leak off from such a device shall be conducted to the open air remote from any source of heat;
- (f) the installation shall be provided with a stop valve immediately inside the compartment containing the cooking or heating appliances in addition to a valve of each appliance, provided that, if there is only one appliance connected by a short low pressure lead, it will be sufficient to have one valve only where the lead enters the compartment in which the appliance is situated;
- (g) (i) the low pressure leads shall be of seamless steel or copper and suitably protected from damage and the effects of vibration, expansion and contraction~~[-]~~;
- (ii) [The]the use of a short length of high pressure hose may be permitted on a low pressure lead, provided the arrangement is to the satisfaction of the surveyor;

- (h) all appliances shall be provided with equipment by means of which the gas supply is completely cut off when the flame, through whatever cause, is extinguished; and
 - (i) the high, medium and low pressure leads shall be tested during the installation and at four yearly intervals thereafter, in the presence of the surveyor as follows[—]:
 - (i) high and medium pressure leads to a pressure of **[425 lb./in.²]192 kg/cm²**;
 - (ii) low pressure leads to a pressure of **[5 lb. /in.²]2.2 kg/cm²**;
 - (iii) the pressures mentioned in **[sub-paragraphs]subparagraphs** (i) and (ii) shall be maintained for not less than 15 minutes, during which period no drop in pressure shall be recorded on an accurate manometer or pressure gauge; and
 - (iii) the flexible portions of copper leads shall be pressure tested and re-annealed.”;
- (b) by the substitution for subregulation (2) of the following subregulation:
- “(2) After installation is complete, the whole installation shall be tested for leaks by the use of soapy water or liquid detergent or by some other method approved by the **[Secretary]Authority**.”; and
- (c) by the substitution for subregulation (4) of the following subregulation:
- “(4) In **[every]a** wooden Chapter II **[boat,]vessel—**
- (a)** the galley stove shall be secured to a pad of concrete or other suitable material at least **[2 inches]5 centimetres** thick**[. Bulkheads]; and**
 - (b)** **bulkheads** in **the** way of the stove shall be lined with **[asbestos]fire-retardant material** covered with sheet steel, and the galley funnel shall be effectively insulated where it passes through the deck head.”.

Amendment of regulation 160 of the Regulations

172. Regulation 160 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) Full particulars of refrigeration installations[~~(other)~~, ~~other~~ than domestic ~~[refrigerators)]refrigerators~~, shall be submitted to the ~~[Secretary]Authority~~ for approval."

Amendment of regulation 161 of the Regulations

173. Regulation 161 of the Regulations is hereby amended—

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

"161. Bulkheads

(1) (a) ~~[Every]A~~ decked or partially decked Chapter II ~~[boat over 30 feet but not exceeding 80 feet in length,]~~vessel shall be fitted with not less than two suitably spaced watertight ~~[bulkhead]bulkheads~~.

(b) The spacing of ~~[these]the~~ bulkheads referred to in paragraph (a) shall be subject, to approval by the ~~[surveyor]Authority~~, having regard to the type of construction of the ~~[boat]vessel~~ and to the duties for which it is intended.";

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

"(2) (a) ~~[Every]A~~ Chapter II ~~[boat]vessel~~ exceeding ~~[80 feet] 24 meters~~ in length shall be fitted with not less than three suitably spaced watertight bulkheads extending from the keel or horn timber to the weatherdeck.

- (b) The forward bulkhead shall be located at a reasonable distance from the bow of the ~~[boat]~~vessel subject to a minimum of one-twentieth of the length.
- (c) The positions of the bulkheads shall be in accordance with the plan; submitted and approved in terms of regulation 149.”;
- (c) by the substitution for subregulation (3) of the following subregulation:
- “(3) (a) ~~[Openings]~~An opening in a watertight ~~[bulkheads]~~bulkhead shall have a suitable watertight ~~[doors]~~door or other means of closing which can at all times be readily and quickly applied.
- (b) ~~[Such]~~The closing appliances referred to in paragraph (a) shall be of ample strength and shall be close-fitting to the satisfaction of the ~~[surveyor]~~Authority.”;
- (d) by the substitution for subregulation (4) of the following subregulation:
- “(4) ~~[Wood,]~~A wood, steel and reinforced plastic watertight ~~[bulkheads]~~bulkhead shall be constructed and stiffened in accordance with plans approved by the ~~[Secretary. Wood watertight bulkheads may consist of either-]~~ Authority as referred to in regulation 149.”;
- (e) by the deletion in subregulation (4) of paragraphs (a), (b) and (c); and
- (f) by the deletion of subregulations (5) and (6).

Amendment of regulation 162 of the Regulations

174. Regulation 162 of the Regulations is hereby amended—

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

"162. Hatches

- (1) In a Chapter II **[boat]vessel**, scantlings of hatch coamings, beams and covers shall be **[not less than as set out in Annex 8.]constructed to the satisfaction of the Authority.**";

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

- "(2) Hatchways shall be provided with **[efficient]** means of **[battening down]closing constructed to the satisfaction of the Authority.**"; and

- (c) by the deletion of subregulation (3).

Amendment of regulation 163 of the Regulations

175. Regulation 163 of the Regulations is hereby amended—

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

- "(1) In **[every]a** Chapter II **[boat]vessel**, the sills of doors giving access to the main hull shall **[have a minimum height of 12 inches, but doors situated on top of any superstructure deck house, or raised forecastle, may have sills of not less than 6 inches in height]be in accordance with the requirements prescribed in Chapter II regulation 12 of the Loadline Convention.**";

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

- "(2) Side scuttles fitted below the weatherdeck or on the sides or ends of the engine casing or on the sides or ends of any first tier structure giving access to the main hull, shall be fitted with efficient deadlights in accordance with the requirements prescribed in Chapter II regulation 23 of the Loadline Convention.
- (c) by the substitution for subregulation (3) of the following subregulation:
- "(3) (a) Solid toughened glass of not less than [one-quarter of an inch]6.35 millimetres thick, shall be fitted to wheelhouse windows of up to [30 inches]76 centimetres square clear light size.
- (b) For window sizes greater than [30 inches]76 centimetres square, the minimum thickness of glass shall be [three-eighths of an inch]9.5 millimetres.";
- (d) by the substitution for subregulation (4) of the following subregulation:
- "(4) When laminated toughened glass is fitted to wheelhouse windows, the thickness shall be increased by [one-sixteenth inch] over the thicknesses indicated in [sub-regulation]subregulation (3).";
- (e) by the substitution for subregulation (5) of the following subregulation:
- "(5) Where, in an existing Chapter II [boat]vessel, replacements to wheelhouse windows become necessary, the thicknesses of glass specified in [sub-regulations]subregulations (3) and (4) shall apply.";
- (f) by the substitution for subregulation (6) of the following subregulation:
- "(6) [Doors]A door giving access to the main hull shall be strongly constructed [and hung on substantial hinges, and]with locking arrangements and

shall be such that a door can be opened from either side to the satisfaction of the Authority.";

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

"(8) (a) Two engine room entrances, providing easy access and exit, **[each measuring]** at least **[22 inches square,]0.5m²** shall be provided in **[every]a** Chapter II **[boat]vessel** of 25 gross register tons or over. **[Every decked Chapter II boat of less than 25 gross register tons, shall have two entrances measuring 22 inches square or one entrance measuring not less than 36 inches by 24 inches].**"; and

(h) by the substitution for subregulation (9) of the following subregulation:

"(9) Where more than 10 **[men]persons** are berthed in a crew space, an entrance of ample size shall be fitted as near as practicable to the centre line**[. A]and a** separate escape hatch shall also be provided."

Insertion of regulation 163A of the Regulations

176. The following regulation is inserted in Part III, Chapter II of the Regulations after regulation 163:

"163A. Means of escape

A Chapter II vessel shall be provided with such doorways, stairways, ladderways and other means of escape as will provide readily accessible means of escape for all persons in the ship over in accordance with Chapter II-2 regulation 13 of the Safety Convention.

Amendment of regulation 164 of the Regulations

177. Regulation 164 of the Regulations is hereby amended—

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

"164. Bulwarks

(1) **[Subject to the provisions of sub-regulation (2) and (3), bulwarks,]**Bulwarks rails, chains, wire ropes, or any combination thereof, shall be fitted around the weather deck of **[every]**a Chapter II **[boat, at least 30 inches in height above that deck. If solid bulwarks are fitted, the maximum height shall be 39 inches]** vessel, in accordance with Chapter II regulation 25 of the Loadline Convention.";

(b) by the deletion of subregulations (2) and (3); and

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

"(4) Freeing ports shall be sufficient for the purpose of efficient drainage of water on deck, and shall be [suitably situated. The area of freeing ports shall be at least one square foot per 6 feet length of bulwarks which are 30 inches high for greater heights the area shall be increased in direct proportion] as prescribed in Chapter II regulation 24 of the Loadline Convention."

Amendment of regulation 165 of the Regulations

178. Regulation 165 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 165 for the following heading:

"165. Ventilation for spaces";

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) In [every]a Chapter II [boat]vessel, ventilators shall be sufficient in number and size to provide adequate ventilation for all spaces which, in the opinion of the surveyor, require ventilation in accordance with Chapter II regulation 19 of the Loadline Convention."; and

- (c) by the deletion of subregulations (1), (2), (3), (4), (5) and subregulation (6).

Insertion of regulation 165A of the Regulations

179. The following regulation is inserted in Part II, Chapter II of the Regulations after regulation 165:

"165A. Ventilation and ventilation system in machinery space

- (1) In a vessel, a space in which an oil fuel tank or any part of an oil fuel installation is situated, shall be adequately ventilated in accordance with Chapter II-2 regulation 4 of the Safety Convention.**
- (2) Machinery spaces shall be adequately ventilated for the purpose of that machinery space to ensure that when machinery or boilers therein are operating at full power in all weather conditions including heavy weather, an adequate supply of air is maintained to the spaces for the safety and comfort of personnel and the operation of the machinery in accordance with Chapter II-1 regulation 35 of the Safety Convention.**
- (3) The ventilation of machinery spaces shall be sufficient under normal conditions to prevent accumulation of oil vapour."**

Substitution of regulation 166 of the Regulations

180. The following regulation is hereby substituted for regulation 166 of the Regulations:

"166. Stern bearings

[Stern]A stern bearing **[assemblies]**assembly in a Chapter II **[boat]**vessel shall consist of either-

- (a) (i) a stern bearing of not less than three and one half shaft diameters in length~~[.]~~;
- (ii) a gland situated inside the vessel; and
- (iii) a watertight tube fitted between the bearing and the gland~~[.]~~; or
- (b) any other type approved by the **[surveyor]**Authority."

Amendment of regulation 167 of the Regulations

181. Regulation 167 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 167 of the following heading:

"167. ~~[Testing]~~Initial testing of watertight compartments";

- (b) by the substitution for subregulation (1) of the following subregulation:

"(1) ~~[The bulkheads of a wooden or reinforced plastic]~~Compartments in a Chapter II **[boat]vessel shall before the **[boat]**vessel is launched, be tested to the satisfaction of ~~[the]~~a surveyor, by hose pressure or other suitable means[: **Provided that this requirement shall apply only to bulkheads which are intended to be watertight**].";**

- (c) by the substitution for subregulation (2) of the following subregulation:

“(2) Before a **[steel]** Chapter II **[boat]**~~vessel~~ is launched, the compartments within the main hull shall, before any **[cementing]**~~coating~~ is commenced, be subjected to hose or pressure tests as **[follows—]**~~in accordance with Chapter II-1 regulation 11 of the Safety Convention.~~”; and

- (d) by the deletion in subregulation (2) of the paragraphs (a), (b), (c), (d) and (e).

Amendment of regulation 168 of the Regulations

182. Regulation 168 of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 168 of the following heading:

“168. ~~[Anchors and cables]~~Towing and mooring arrangements”;

- (b) by the substitution for subregulation (1) of the following subregulation:

“(1) ~~[Every]~~A Chapter II ~~[boat of under 25 gross register tons]~~vessel shall [carry an anchor weighing 15 lb. for every 10 feet or part of 10 feet of overall length. The anchor shall be attached to a chain cable or wire, manila or nylon rope of such a size as shall be to the satisfaction of the surveyor. The length of the cable, wire or rope shall not be less than three times the length of the boat]~~be provided with arrangements, equipment and fittings of sufficient safe working load to enable the safe conduct of all towing and mooring operations associated with the normal operation of the vessel in accordance with Chapter II-1 regulation 3-8 of the Safety Convention.~~”; and

- (c) by the deletion for subregulations (2), (3), (4), (5), (6), (7), (8) and (9).

Amendment of regulation 169 of the Regulations

183. Regulation 169 of the Regulations is hereby amended—

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

"169. Steering gear

[(1) Particulars of steering arrangements, including rudder and stock, for every Chapter II boat other than a boat requiring hand tiller steering only or a boat which is under 3 feet in length, shall be submitted to the Secretary.]

A Chapter II vessel shall be provided with efficient main means of steering and alternative means of steering suitable to its size and the type of steering used in accordance with Chapter II-1 regulation 29 and 30 of the Safety Convention."
and

- (b) by the deletion of subregulations (2) and (3).

Amendment of regulation 170 of the Regulations

184. Regulation 170 of the Regulations is hereby amended—

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

"170. General electrical precautions

- (1) (a) In ~~[every Chapter II boat, all]~~a Chapter II vessel, electrical equipment and installations, including any electrical means of propulsion, shall be ~~[so constructed and installed]~~such that ~~[there will be no danger of injury to any person handling it in a proper manner. Subject to the provisions of paragraph (b), where electrical equipment supplied as boat's equipment is to be operated at a voltage in excess of 55 volts, the exposed metal parts of such equipment which are not intended to have a voltage above that of earth, but which may have such a voltage under fault conditions, shall be earthed]~~the vessel and all persons on board are protected against electrical hazards in accordance with the requirements of Chapter II-1 regulation 40 of the Safety Convention.";
- (b) by the deletion in subregulation (1) of paragraph (b); and
- (c) by the deletion of subregulations (2), (3), (4), (5), (6), (7), (8), (9) and (10).

Insertion of regulations 170A to 170M of the Regulations

185. The following regulations are inserted in Part III, Chapter II of the Regulations after regulation 170:

"170A. Air pressure systems

- (1) Air pressure systems shall be constructed in accordance with Chapter II-1 regulation 34 of the Safety Convention.
- (2) A vessel in which machinery essential for the propulsion and safety of the ship or of persons on board is required to be started, operated or controlled solely by compressed shall be provided at least two air compressors each of which shall be of efficient design and of sufficient strength and capacity

for the service for which it is intended; Provided that in a ship of Class V or VI only one such compressor shall be required.

- (3) If an air pressure pipe may receive air from any source at a higher pressure than it can withstand with an adequate factor of safety, an efficient reducing valve, relief valve and pressure gauge shall be fitted to such pipe.
- (4) Air pressure systems shall be inspected and tested to the satisfaction of the Authority.
- (5) The Authority, in its discretion, may allow a deviation from the requirements of subregulation (2) and (3).

170B. Cooling water system

- (1) In a vessel, where machinery essential for the propulsion or safety of the ship or of persons on board is dependent for its operation on an efficient cooling water system, there shall be provided at least one circulating pump and, provision shall be made so that in the event of the failure of such pump, an alternative pump is available for the same duty.
- (2) The pump referred to in subregulation (1) shall be capable of supplying adequate cooling water to such machinery, oil coolers, fresh water coolers or condensers fitted thereto, as required by original equipment manufacturer specifications, as the case may be.
- (3) If direct sea water cooling is used for essential internal combustion machinery, the sea water suctions shall be provided with strainers which can be cleaned without interruption of the supply of water.
- (4) Means shall be provided for ascertaining whether a cooling system is working properly and for preventing overpressure in any part thereof.

- (5) An exhaust pipe or silencer of an internal combustion engine provided in a ship, shall be efficiently cooled or lagged.

170C. Lubricating oil systems

- (1) In a vessel in which oil for lubrication, cooling or operation of the main propelling machinery and its ancillary services is circulated under pressure, at least two pumps shall be provided each of which shall be adequate for circulating such oil: Provided that in a ship of Class V or VI and in the case of any emergency generator in any ship, only one such pump shall be required.
- (2) (a) In a vessel propelled by turbine machinery, or having turbo-electric propelling machinery, the lubricating oil arrangements shall be such that an emergency supply of oil is available sufficient to maintain after a power failure an adequate supply of lubricating oil for at least three minutes or for such time as may be required for unloaded turbo-electric propelling machinery to come to rest from the maximum running speed.
- (b) The emergency supply referred to in paragraph (a) shall automatically come into use on failure of the pressure supply of lubricating oil from the pump or pumps.
- (3) Strainers shall be provided for straining the lubricating oil, and, except in a Class V or VI ship, where lubricating oil shall be capable of being cleaned without interrupting the supply of such oil.
- (4) Means shall be provided for ascertaining whether the lubricating system is working properly and for preventing overpressure in any part of the system and if the means of preventing overpressure is a relief valve, it shall be in close circuit.

170D. Oil and gaseous fuel installations

- (1) In a vessel, oil fuel provided for use in boilers or machinery, shall have a flash point of not less than 60° C. (closed test): Provided that the Authority may, subject to such conditions as the Authority may impose-
- (a) permit any ship to use fuel having a flash point less than 60°C. in boilers or machinery in accordance with Chapter II-1 regulations 56 and 57 and Chapter II-2 regulation 4 of the Safety Convention; or
- (b) permit the use of gaseous fuel in a ship designed for the carriage of liquefied gas if such fuel results solely from evaporation of cargo carried in accordance with the IGC Code,
- Provided that nothing in this subregulation shall apply to fuel provided for machinery permitted by regulation 114 (3) (a).

- (2) In a vessel being a vessel in which oil or gaseous fuel is used, the arrangements for the storage, distribution and utilisation of the fuel shall be such that, having regard to the hazards of fire and explosion which the use of such fuel may entail, the safety of the ship and of persons on board is preserved.

- (3) In a vessel being a vessel in which oil or gaseous fuel is used in engines or boilers for the propulsion or safety of the ship, the arrangements for the storage, distribution and utilisation of the fuel, shall be such that the effective use of the engines can be maintained under all conditions likely to be met by the ship in service.

- (4) In a vessel, an oil fuel installation which serves a boiler supplying steam for the propulsion of the ship, shall include not less than two oil fuel units.

170E. Oil fuel and gas installations (cooking ranges and other heating appliances)

In a vessel, if a cooking range or other heating appliance is supplied with oil fuel or gas, the installations shall be in accordance with Chapter II-2 regulation 4 of the Safety Convention.

170F. Communication between navigation bridge and machinery control station

A vessel to which this regulation applies, shall be provided with means of communicating orders from the navigating bridge to the machinery control station in accordance with Chapter II-1 regulation 37 of the Safety Convention: Provided the Authority may, subject to such conditions as the Authority may impose, permit deviation from compliance with this regulation.

170G. Spare gear

A vessel shall be provided with sufficient spare gear together with tools necessary for the fitting of the spare gear, having regard to the intended service of the ship.

170H. Main source of electrical power and lighting systems

- (1) The main source of electrical power and lighting systems in a vessel shall-
- (a) consist of at least two generating sets; and
 - (b) be in accordance with the requirements of, Chapter II-1 regulation 41 of the Safety Convention.

170I. Emergency source of electric power

- (1) In a vessel to which this regulation applies not having its main source of electric power situated above the uppermost continuous deck or raised quarter-deck and outside the machinery casings, there shall be provided in a position above the uppermost continuous deck or raised quarter deck and outside the machinery casings, a self-contained emergency source of electric power so arranged as to ensure its functioning in the event of fire or other casualty causing failure, of the main electrical installation.

(2) In the vessel referred to in subregulation (1), the emergency source of electric power required by that subregulation shall be capable of operating simultaneously for a period of at least 3 hours the following services—

(a) the emergency lighting -

(i) at every muster and embarkation station and over the sides;

(ii) in all service and accommodation alleyways, stairways and exists, personnel lift cars and personnel lift trunks;

(iii) in machinery spaces and main generating stations including their control positions;

(iv) in all control stations, machinery control rooms and at each main and emergency switchboard;

(v) at all stowage positions for firemen's outfits;

(vi) at the steering gear;

(vii) at the fire pump;

(viii) at the sprinkler pump, and at the emergency bilge pump, if any, and at the starting positions of their motors; and

(ix) in all cargo pump rooms of tankers constructed on or after 1 July 2002;

(b) the general alarm, if electrically operated;

(c) the ship's navigation lights, if solely electric;

(d) the ship's radio installations;

(e) the ship's internal communication equipment;

(f) fire detection and fire alarm systems;

(g) intermittent operation of the daylight signalling lamp, the ship's whistle, the manually operated call points and all internal signals that are required for an emergency,

Provided any of the items listed in paragraph (a) to (g) may be powered by its own emergency source of power.

(3) In the vessel referred to in subregulation (1)—

- (a) the emergency source of electric power shall be either accumulator or storage batteries capable of complying with the requirements of subregulation (2) without being recharged or suffering an excessive voltage drop, or a generator driven by internal combustion type machinery with an independent fuel supply and with efficient starting arrangement and the fuel provided for such machinery shall have a flash point of not less than 43° C.;
- (b) the emergency source of electric power shall be so arranged that it will operate efficiently when the ship is listed 22½ degrees and when the trim of the ship is 10 degrees from an even keel; and
- (c) provision shall be made for the periodical testing of the emergency source of electric power and its associated circuits.

170J. Starting arrangements for emergency generating sets

Emergency generating sets shall be in accordance with Chapter II-1 regulation 44 of the Safety Convention and be capable of being readily started in their cold condition at a temperature of 0°C: Provided if this is impracticable, or if lower temperatures are likely to be encountered, provision acceptable to the Authority shall be made for the maintenance of heating arrangements, to ensure ready starting of the generating sets.

170K. Machinery and machinery control

In a vessel, main and auxiliary machinery necessary for the propulsion and safety of the ship, shall be provided with effective means of control, in accordance with Chapter II-1 regulation 27 and 31 of the Safety Convention.

170L. Means of going astern

A vessel shall have means for going astern in accordance with Chapter II-1 regulation 28 of the Safety Convention.

170M. Steam pipe systems

In a vessel, every steam pipe system shall be so designed and constructed in accordance with Chapter II-I regulation 33 of the Safety Convention."

Amendment of Chapter III of Part III of the Regulations

186. Chapter III of Part III of the Regulations is hereby amended by the substitution for the heading of Chapter III of the following heading:

"CHAPTER III - PERIODIC SURVEYS: [BOATS]VESSELS OTHER THAN [SKI BOATS,SURF BOATS AND DINGHIES]VESSELS TO WHICH THE NATIONAL SMALL VESSEL SAFETY) REGULATIONS APPLY".

Substitution of regulation 171 of the Regulations

187. The following regulation is hereby substituted for regulation 171 of the Regulations:

"171. Application of Chapter III

This Chapter applies to [every boat]a vessel in this Part, other than a [ski or surf boat or dinghy]vessel to which the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 apply, and a "Chapter III [boat]vessel" means a [boat]vessel to which this Chapter applies."

Substitution of regulation 172 of the Regulations

188. The following regulation is hereby substituted for regulation 172 of the Regulations:

"172. General

- (1) The hull, boilers, machinery and equipment of a Chapter III ~~[boat]~~vessel shall be surveyed ~~[at intervals and in the manner set forth in regulations 173 to 188 inclusive]~~in accordance with Chapter I regulation 6 and 10 of the Safety Convention.
- (2) Where a survey of a Chapter III ~~[boat]~~vessel is required the owner shall ~~[address his request for inspection to the proper officer in order to give at least three working days' notice of the required service]~~maintain the vessel in accordance with Chapter I regulation 11 of the Safety Convention."

Repeal of regulations 173, 174, 175, 176, 177, 178,179 and 180 of the Regulations

189. Regulations 173, 174, 175, 176, 177, 178,179 and 180 of the Regulations are hereby repealed.

Amendment of regulation 181 of the Regulations

190. Regulation 181 of the Regulations is hereby amended—

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

"181. ~~[Steel hulls: dry docking]~~Dry Docking

- (1) ~~[Every]~~A steel Chapter III ~~[boat]~~vessel shall every twelve months be placed in dry dock or on a slipway for inspection by ~~[the]~~a surveyor in accordance with Chapter II-1 Regulation 10 and 11 of the Safety Convention."
- (b) by the substitution for subregulation (2) of the following subregulation:

"(2) **[The hull of every steel Chapter III boat]**~~A Chapter III vessel surveyed for a dry dock certificate~~ shall be **[inspected]**~~surveyed~~ as **[follows:-]**~~prescribed in subregulation (1), except that it shall be subject to an initial survey, and a renewal survey every two years.~~";

(c) by the deletion in subregulation (2) of paragraphs (a), (b), (c) and (d); and

(d) by the addition after subregulation (2) of the following subregulation:

"(3) All repairs and renewals required by the surveyor shall be carried out to his satisfaction."

Amendment of regulation 182 of the Regulations

191. Regulation 182 of the Regulations is hereby amended—

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

"182. Wooden hulls: dry docking

(1) **[Every]**~~A~~ wooden Chapter III **[boat of 30 feet or over in length]**~~vessel~~ shall every twelve months be placed in dry dock or on a slip way, or suitably supported on blocks for examination by **[the]**~~a~~ surveyor. **[A boat of under 30 feet in length may be beached for examination at the discretion of the surveyor.]"**

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

"(2) The hull of **[every]**~~a~~ wooden Chapter III **[boat]**~~vessel~~ shall be **[inspected]**~~maintained~~ as **[follows:-]**~~prescribed in Chapter II-1 regulation 11 of the Safety Convention.~~"; and

- (c) by the deletion in subregulation (2) of paragraphs (a), (b) and (c).

Repeal of regulation 183 of the Regulations

192. Regulation 183 of the Regulations is hereby repealed.

Substitution of regulation 184 of the Regulations

193. The following regulation is hereby substituted for regulation 184 of the Regulations:

"184. Propeller shafts

(1) Propeller shafts of a Chapter III ~~[boat]~~vessel shall be withdrawn and propellers removed once every two years for inspection by ~~[the]~~a surveyor, except that shafts of the following types need be withdrawn only once every **[three years in the case of a single screw boat and once every]** four years **[in the case of a boat having two or more screws]-;**

- (a) shafts fitted with continuous liners in way of the stern tubes and in way of the outside bearings if fitted;
- (b) shafts fitted with approved glands at the after end to permit of them being efficiently lubricated; and
- (c) shafts of **[bronze, monel metal or other approved]** non-corrosive material.

(2) The Authority may grant an extension to the period provided in subregulation (1) upon application prior to the surveyor attendance."

Substitution of regulation 185 of the Regulations

194. The following regulation is hereby substituted for regulation 185 of the Regulations:

"185. Sea connections

- (1) **[All sea]**Sea suction and discharge valves and cocks in a Chapter III **[boat]**vessel shall every two years be opened up for inspection by **[the]**a surveyor while the hull is being surveyed externally.
- (2) Every twelve months, during an external hull survey, **[the]**a surveyor shall examine **[all]** sea connection fastenings and, if considered necessary, **[he]**the surveyor may require any valve or cock to be opened up for inspection or testing."

Substitution of regulation 186 of the Regulations

195. The following regulation is hereby substituted for regulation 186 of the Regulations:

"186. [Rudders]Rudder and Rudder Stock

- (1) The rudder and rudder stock of [every]a Chapter III [boat]vessel shall be [lifted]removed at the time of [the annual survey of the hull externally] propeller shaft withdrawal, if [the]a surveyor considers it necessary, [and any repairs or renewals which he]except that a surveyor can have the rudder or rudder stock removed at any time the surveyor considers necessary[shall be effected].
- (2) Any repairs or renewals which the surveyor in subregulation (1) considers necessary shall be effected."

Substitution of regulation 187 of the Regulations

196. The following regulation is hereby substituted for regulation 187 of the Regulations:

"187. Anchors, cables and steering chains

- (1) Every twelve months, the anchors and cables, windlass and steering chains ~~[(if any)]~~if any, of a Chapter III ~~[boat]~~vessel, shall be given a general examination by ~~[the]~~a surveyor, who may request any opening up which ~~[he]~~the surveyor deems necessary.
- (2) Anchor cables shall be ranged for inspection by ~~[the]~~a surveyor eight years after construction of ~~[the]~~a Chapter III ~~[boat]~~vessel and thereafter at intervals of four years.
- (3) Where anchor ~~[cables or steering]~~ chains are worn ~~[to such an extent that the mean diameter of any part is reduced to the minimum size shown in Annex 9 as requiring renewal]~~to the maximum permissible diminution of 12%, such part shall be renewed."

Repeal of regulation 188 of the Regulations

197. Regulation 188 of the Regulations is hereby repealed.

Substitution of regulation 189 of the Regulations

198. The following regulation is hereby substituted for regulation 189 of the Regulations:

"189. Alterations to hull

Any alterations affecting the seaworthiness or tonnage of a Chapter III [boat]vessel, shall have the prior approval of the [surveyor]Authority, and shall be carried out to [his]the satisfaction of the Authority."

Substitution of regulation 195 of the Regulations

199. The following regulation is hereby substituted for regulation 195 of the Regulations:

"CHAPTER V-ADDITIONAL SURVEYS, EQUIVALENTS AND EXEMPTIONS

195. Additional surveys

(1) Notwithstanding the requirements of the preceding Chapters of this Part, [any boat]a vessel may be called upon at any time by the [Secretary]Authority, proper officer or surveyor to undergo such additional surveys as are deemed necessary for any reason.

(2) [Further, at]At the time of an annual survey, or at the time of any additional surveys required by this regulation, [the]a surveyor may require any part to be opened up at [his]the surveyor's discretion, and may require any renewals of parts or fittings, or the fitting of any additional part or parts considered necessary for the safety and seaworthiness of the [boat]vessel.

(3) [The]A surveyor may board any [boat]vessel at any time, and shall be allowed by the owner or master to carry out any examination [he]the surveyor considers necessary."

Substitution of regulation 196 of the Regulations

200. The following regulation is hereby substituted for regulation 196 of the Regulations:

"196. Equivalents

Where this Part requires that the hull or machinery of a [boat]vessel shall be constructed in a particular manner, or that particular equipment shall be provided or that particular provision shall be made, the [Secretary]Authority may allow the hull or machinery of the [boat]vessel to be constructed in any other manner, or any other equipment to be provided or other provision made, if [he]the Authority is satisfied that such other construction, equipment or provision is at least as effective as that required by this Part."

Substitution of regulation 197 of the Regulations

201. The following regulation is hereby substituted for regulation 197 of the Regulations:

"197. Exemption of [boats]vessels constructed before a certain date

The [Secretary]Authority may on such conditions as [he]the Authority thinks fit, exempt any [boat]vessel which was constructed before the date of coming into force of this [part]Part, not being a ship converted on or after that date as a [boat]vessel, from any of the requirements of this Part, if [he]the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances."

Substitution of regulation 198 of the Regulations

202. The following regulation is hereby substituted for regulation 198 of the Regulations:

"198. General exemption

The **[Secretary]** the Authority may on such conditions as **[he]**the Authority thinks fit, exempt any **[boat]**vessel from **[an]**any of the requirements of this Part, if **[he]**the Authority considers such requirements to be unreasonable or impracticable in the circumstances."

Repeal of Annex 2, Annex 3, Annex 4, Annex 5, Annex 7, Annex 8 and Annex 9 to the Regulations

203. Annex 2, Annex 3, Annex 4, Annex 5, Annex 7, Annex 8 and Annex 9 to the Regulations are hereby repealed.

Amendment of Annex 1 of the Regulations

204. Annex 1 of the Regulations is hereby amended—

(a) by the substitution for paragraph *Plans* (14) of the following paragraph:

"(14) Any other plans required by the **[Secretary]**Authority;"

(b) by the substitution for paragraph *Particulars* (1) of the following paragraph:

"(1) Subdivision co-efficients and particulars to enable calculations of permeability **[to be made in terms of Annex 2]**.";

(c) by the substitution for paragraph *Particulars* (2) of the following paragraph:

"(2) Calculations of the stability and angle of heel in the damaged condition **[for compliance with Annex 3]**;" and

(d) by the substitution for paragraph *Particulars* (7) of the following paragraph:

"(7) Any other particulars required by the **[Secretary]Authority**."

Amendment of Annex 6 of the Regulations

205. Annex 6 of the Regulations is hereby amended by the substitution for the heading of Annex 6 of the following heading:

“(Regulation 149)

ANNEX 6

CONSTRUCTION OF ~~[BOATS]~~VESSELS: PLANS AND PARTICULARS”.

Short title and commencement

206. These regulations are called The Construction Amendment Regulations, 2023 and are hereby published for comments.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 451 OF 2023**REVISIONS TO THE IRBA CODE OF PROFESSIONAL CONDUCT FOR REGISTERED AUDITORS (REVISED APRIL 2023) RELATED TO THE FINAL PRONOUNCEMENT:
*DEFINITION OF ENGAGEMENT TEAM AND GROUP AUDITS***

In accordance with the provisions of Section 10(1)(a) of the Auditing Profession Act, 2005 (Act No. 26 of 2005) (the Act), the Independent Regulatory Board for Auditors (IRBA) publishes revisions to the IRBA Code of Professional Conduct for Registered Auditors (Revised April 2023):

FINAL PRONOUNCEMENT: DEFINITION OF ENGAGEMENT TEAM AND GROUP AUDITS

The final pronouncement is available on the IRBA Website <https://www.irba.co.za/guidance-for-ras/ethics:-the-rules-and-the-code/the-irba-code-revised-april-2023> and is effective for audits and reviews of financial statements and audits of group financial statements for periods beginning on or after 15 December 2023, with early adoption permitted.

Should you require assistance, queries may be directed to Mr I Vanker, IRBA Director: Standards. Alternatively, please send an e-mail to standards@irba.co.za.

Imre Nagy

Chief Executive Officer

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**

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