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REPUBLIC OF SOUTH AFRICA
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No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

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

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** **GOVERNMENT GAZETTE** **2023**

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

- **29 December 2022**, 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**
- **07 December**, Thursday for the issue of Thursday **14 December 2023**
- **15 December**, Friday for the issue of Friday **22 December 2023**
- **20 December**, Wednesday for the issue of Friday **29 December 2023**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

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

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.gpwnonline.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. 4193

14 December 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 Michael Rahlagane Mathebe. ID NO [630223 5601 089] on behalf of Mathebe Family on the properties mentioned hereunder situated in DR JS Moroka Local Municipality, under Nkangala District of Mpumalanga Province : KRP 5365

CURRENT PARTICULARS OF THE PROPERTY
VALSCHFONTEIN 33 JS

Description of property and	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 11	Amandebele van Bochabela Narurrellestam	T11696/1948	433.4169 ha	None	None	None
Portion 39	DR JS Moroka Local Municipality	T58609/2006	15.1680 ha	None	None	None

The Regional Land Claims Commissioner, 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 X7201
Witbank
1035

CHECKED BY: MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 31-03-2023

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 4194

14 December 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 Sabani Philip Sibanyoni ID NO [400705 5204 086] on behalf of Sibanyoni Family on the property mentioned hereunder situated in Kungwini Local Municipality of Gauteng Province: KRP 11791

CURRENT PARTICULARS OF THE PROPERTY
OUDOU BOERDERY 626 JR

Description of property and	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of the farm 626 JR	G. H. Braak (Pty)Ltd [199400173107]	T15878/1989	1230.2144 ha	None	None	K776/2000S K876/1989RM in favour of Oudou Pty Ltd

The Regional Land Claims Commissioner, 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 X7201
Witbank
1035

CHECKED BY: MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE

DATE: 2023/09/20

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 4195

14 December 2023

GENERAL NOTICE IN TERMS OF SECTION 11(1) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, (Act No. 22 of 1994) as amended, that a claim for Restitution of Land Rights was lodged on the farm Steelpoortpark 366 KT, situated in the Fetakgomo Tubatse (Greater Tubatse) Local Municipality, Sekhukhune District of the Limpopo.

This land claim was lodged by Ms. Maabane Moelang Betty on the 9th December 1998. The Office of the Regional Land Claims Commissioner: Limpopo is processing this claim. Preliminary investigations indicates that the Maabane family was not dispossessed of land rights from Steelpoortpark 366 KT, but from the farm Kalkfontein 367 KT. Detailed Deeds information of the farm Kalkfontein 367 KT is as indicated in the below table:

Kalkfontein 367 KT				
Property	Registered Owner	Title Deed	Endorsements/Encumbrances	Holder
Portion 1	No data found	No data found	I-8140/2006CPTA KT, 367,1PTA K2662/1996RMPTA K3343/2003RMPTA K630/2000RMPTA K633/2000RMPTA Cons- PTN8,367,KT Converted from PTA	- - Gencor LTD Samcor LTD Impala Platinum LTD BHP Platinum SA LTD - -
Portion 2	No data found	No data found	I-12897/1987C- K722/PTA I-6919/1986C- K722/60PTA I-8140/2006CPTA KT,367,2PTA K2662/1996RMPTA K3343/2003RMPTA K633/2000RMPTA K630/2000RMPTA Cons – Ptn8,367,KT Converted from PTA	ORM - - - Gencor LTD Samancor LTD BHP Bilton SA LTD Impala Platinum LTD - -
Portion 3	Bakone Ba Masha Makopole Communal property Association	T5493/2021	I-12922/2012CPTA I-629/2021 C I-8140/2006CPTA KT,367,3PTA K2313/1988RMPTA K2342/1986PCPTA K2662/1996RMPTA K3295/1990RMPTA K3343/2003RMPTA K633/2000RMPTA K630/2000RMPTA VA613/2021 VA8479/2001PTA Converted from PTA	- National Government of RSA - - - Gencor LTD - Samancor LTD BHP Billiton SA LTD Impala Platinum LTD National Government of RSA Malan Catharina Magretha -
Portion 4	Bakone Ba Masha Makopole Communal property Association	T5494/2021	I-12922/2012CPTA I-630/2021C I-8140/2006CPTA KT,367,4PTA K2409/1988PCPTA K2662/1996RMPTA K2791/1989RMPTA K3295/1990RMPTA K3343/2003RMPTA	- National Government of RSA - - - Gencor LTD - - Samancor LTD

			K630/2000RMPTA K633/2000RMPTA VA614/2021 Converted from PTA	Impala Platinum LTD BHP Billiton SA LTD National Government of RSA -
Portion 5	Bakone Ba Masha Makopole Communal property Association	T5494/2021	I-12922/2012CPTA 1-8140/2006CPTA KT,367,5PTA K2409/1988PCPTA K2662/1996RMPTA K2791/1989RMPTA K3295/1990RMPTA K3342/2003RMPTA K630/200RMPTA K633/200RMPTA VA614/2021 Converted from PTA	- - - - Gencor LTD - - Samancor LTD Impala Platinum LTD BHP Billiton SA LTD National Government of RSA -
Portion 6	Bakone Ba Masha Makopole Communal property Association	T5494/2021	1-12922/2012CPTA 1-8140/2006CPTA KT,367,6PTA K2028/1988PCPTA K2662/1996RMPTA K2662/1996RMPTA K2914/1989RMPTA K3295/1990RMPTA K3463/1986PCPTA K630/200RMPTA K633/200RMPTA VA614/2021 Converted from PTA	- - - - Gencor LT - - Nell Johanna Marthina Impala Platinum LTD BHP Billiton SA LTD National Government of RSA -
R/E of Portion 8	National Government of the Republic of the South Africa	T75765/2002PTA	I-12922/2012CPTA 1-8140/2006CPTA KT,367,8PTA K1970/1986RMPTA K1970/1986RMPTA K2046/1986RMPTA K2047/1986PCPTA K2244/1989RMPTA K2409/1988PCPTA K2610/1987PCPTA K2662/1996RMPTA K2791/1989RMPTA K3107/1976RMPTA K3295/1990RMPTA K3466/1986PCPTA K3710/1988RMPTA K3710/1988RMPTA K3788/1988RMPTA K3789/1988RMPTA K4266/1987RMPTA K442/1989RMPTA K544/1989PCPTA VA5674/2002PTA Converted from PTA From-PTN 1& 2,367,KT	- - - Weilbach Cecilianus Nool Jean Sagar Trust - - - Malan Lukas Johannes Lodewicus Gencor LT - Sagar Jean - - - - - Weilbach Johan Daniel Nicolaas Jansen Weilbach Cecilianus Nool Vyver Alida Martha Cecilia Van Der Weibach Cornelius Rossouw Lemmer Vermaak Solomon Pieter - -
Portion 9	Bakone Ba Masha Makopole Communal property Association	T5129/2021	I-628/2021C 1-8140/2006CPTA KT,367,9PTA K98/1926SPTA K98/1926SPTA VA565/2021 Converted from PTA	National Government of RSA - - - National Government of RSA


Portion 10	National Government of the Republic of the South Africa	T27171/1986PTA	T26171/1986pta T144801/2000PTA T5494/2021	National Government of RSA National Government of RSA Bakone Ba Masha Makopole CPA
Portion 11	Bakomu Ba Masha Makopole Communal Property Association	T108693/2003PTA	1-8140/2006CPTA KT,367,11PTA K1098/1967SPTA K1506/1978SPTA K3301/1977SPTA K99/1926SPTA VA7235/2003PTA Converted from PTA	- - - Breytenbach Johannes Nicolaas Hermanus Breytenbach Johannes Nicolaas Hermanus Language Francis Joseph

All the interested parties should take note that the Office of the Regional Land Claims Commissioner: Limpopo is investigating this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing within **30 (thirty)** days of publication of this notice, any comment, and/ or objection to this land claim to the Office of the Regional Land Claims Commissioner: Limpopo at the addresses set out below, citing the above-mentioned claim reference number.

The Office of the Regional Land Claims Submission may also be delivered to:

Commissioner: Limpopo
Private Bag X9552
POLOKWANE
0700

Koos Smit Building 61 Biccard Street / 13th -15th Floor
Thabakgolo Nedbank Building
POLOKWANE
0700


L. H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
COMMISSION ON RESTITUTION OF LAND RIGHTS
DATE: 2023/07/10

DEPARTMENT OF HEALTH

NO. 4196

14 December 2023

ALLIED HEALTH PROFESSIONS ACT, 1982(ACT No. 63 OF 1982)**REGULATIONS RELATING TO SCOPE OF PRACTICE OF THE PROFESSIONS OF
CHIROPRACTIC AND OSTEOPATHY**

The Minister of Health has, under section 38(1)(i) and (l) of the Allied Health Professions Act, 1982 (Act No. 63 of 1982), and after consultation with the Allied Health Professions Council, made the Regulations in the Schedule.

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



DR M.J PHAAHLA, MP
MINISTER OF HEALTH

DATE: 20/11/2023

SCHEDULE

Definitions

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

“Acupressure” means the use of direct pressure applied on acupoints;

“Acupoints” means certain points on the body that are located on meridians and are used to stimulate the meridian in order to treat various conditions of the body;

“Manipulation” means a manual thrust, pressure or maneuver directed to a spinal or any other joint articulation and related soft tissues;

“Medical device” means any instrument, appliance, material, machine, apparatus, implant, or diagnostic reagent —

(a) used or purporting to be suitable for use or manufactured or sold for use in —

- (i) the diagnosis, treatment, mitigation, modification, monitoring, or prevention of disease, abnormal physical or mental states or the symptoms thereof; or
- (ii) restoring, correcting, or modifying any somatic or psychic or organic function; or
- (iii) the diagnosis or prevention of pregnancy,

and which does not achieve its principal intended action in or on a human or animal body through chemical, pharmacological, immunological, or metabolic means in or on the human body, but which may be assisted in its function by such means; or

(b) declared by the Minister by notice in the *Gazette* to be a medical device, and includes any part or an accessory of a medical device;

“Medicine” means any substance or mixture of substances used or purporting to be suitable for use or manufacture or sold for use in –

- (a) the diagnosis, treatment, mitigation, modification, or prevention of disease, abnormal physical or mental state or the symptoms thereof in human beings; or
- (b) restoring, correcting, or modifying any somatic or psychic or organic function in human beings and includes any veterinary medicine;

“Regulations of 1982” means the Regulations made under section 38 of the Act, as published under Government Notice No. R 2610 of 03 December 1982 and amended by: Government Notice No. R. 870 of 29 April 1983, Government Notice No. R. 1196 of 10 June 1983, Government Notice No. R. 1745 of 12 August 1983, Government Notice No. R. 2322 of 26 October 1984, Government Notice No. R. 2712 of 14 December 1984, Government Notice No. R. 1083 of 17 May 1985, Government Notice No. R. 2394 of 21 November 1986, Government Notice No. R. 1622 of 31 July 1987, Government Notice No. R. 2366 of 23 October 1987, Government Notice No. R629 of 31 March 1988, Government Notice No. R. 2439 of 2 December 1988, Government Notice No. R. 2855 of 7 December 1990, Government Notice No. R. 203 of 4 February 1994, Government Notice No. R. 1700 of 25 October 1996; and as repealed in part (Chapters 1,2,3,4,5,6,7,9,10,12 and 15), by Government Notice No. R. 127 of 12 February 2001;

“Regulations of 2001” means the Regulations published under Government Notice No. R. 127 of 12 February 2001 made under section 38 of the Allied Health Professions Act, 1982 (Act. No. 63 of 1982);

“Substance” means anything which, whether used alone or in combination in either its original or natural state or in compounded, manipulated, or prepared form, constitutes a medicine or forms part of a medicine or which is a basic or starting substance; and

“the Act” means the Allied Health Professions Act, 1982 (Act No. 63 of 1982);

Remedies for use in the professions of Chiropractic and Osteopathy

2. A Chiropractor or Osteopath who has successfully completed the relevant training approved by the Council, may, subject to the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), possess or have under his or her control and: -
- (1) prepare, prescribe for, or administer, or dispense to a patient for the purposes of the acts specially pertaining to his or her profession listed in regulations 3 and 4 respectively –
 - (a) vitamins, minerals, and amino acids;
 - (b) prebiotics and probiotics;
 - (c) health supplements;
 - (d) medicines or substances intended exclusively for application to the skin;
 - (e) such other substances or medicines whose use as a remedy, in the opinion of the relevant professional board and the Council, is within the scope of practice of the profession of chiropractic or osteopathy as set out in regulation 3 or 4, respectively.
 - (2) prepare and administer to a patient for the purpose of treating neuro-musculoskeletal pathology –
 - (a) sterile water;
 - (b) isotonic saline solutions;
 - (c) hypertonic saline solutions;
 - (d) glucose;
 - (e) dextrose;

- (f) such other substances or medicines whose use for the purpose of treating neuro-musculoskeletal pathology, in the opinion of the relevant professional board and the Council, is within the scope of practice of the profession of chiropractic or osteopathy as set out in regulation 3 or 4, respectively.

Acts specially pertaining to the profession of Chiropractic

3. The following are acts specifically pertaining to the profession of Chiropractic-

- (a) the physical, orthopaedic, muscular, or neurological examination of any person, with or without the taking, reading, and interpreting of radiographs, for the purpose of diagnosing or any physical defect, illness, or deficiency in such person;
- (b) the treatment or prevention of any physical defect, illness or deficiency related to spinal, pelvic, spinovisceral, articular or general neuro-musculoskeletal conditions in any person by –
 - (i) chiropractic manipulation or adjustment;
 - (ii) electrophysical modalities;
 - (iii) therapeutic exercises;
 - (iv) hydrotherapy;
 - (v) traction therapy;
 - (vi) thermal therapy;
 - (vii) vibration therapy;
 - (viii) immobilisation therapy;

- (ix) neuromuscular reflex therapy;
 - (x) chiropractic soft tissue manipulative therapy;
 - (xi) myofascial pain therapy;
 - (xii) dry needling;
 - (xiii) acupressure therapy;
 - (xiv) postural or gait analysis and training;
 - (xv) administration of medicines or substances by injection;
 - (xvi) proprioceptive neuromuscular facilitation;
 - (xvii) the use of any medical device as may be approved by the professional board;
 - (xviii) remedies, dietary advice, or dietary supplementation;
- (c) any other act specially pertaining to the profession of chiropractic based on the education and training of practitioners of chiropractic as approved by the Council from time to time at the recommendation of the relevant professional board and published in the *Gazette*;

Acts specially pertaining to the profession of Osteopathy

4. The following are acts specially pertaining to the profession of osteopathy –

- (a) the physical, orthopaedic, muscular, or neurological examination of any person, with or without the reading and interpreting of radiographs, for the purpose of diagnosing any physical defect, illness, or deficiency in such person;

- (xviii) the use of any medical device as may be approved by the relevant professional board
- (xiv) remedies, dietary advice, or dietary supplementation;
- (c) any other act specially pertaining to the profession of osteopathy based on the education and training of practitioners of osteopathy as approved by the Council from time to time at the recommendation of the relevant professional board and published in the *Gazette*;

Repeal

5. (1) Regulations 45 and 49 of the Regulations of 1982 are hereby repealed.
- (2) Regulation 27 of the Regulations of 2001 is hereby repealed.

Short Title

6. These regulations are called Regulations relating to scope of practice of the professions of Chiropractic and Osteopathy, 2023.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NO. 4197****14 December 2023****OFFICE OF THE LEGAL SERVICES OMBUD: CONCEPT FOR LEGAL SERVICES
OMBUD RULES**

**(Made under the authority of section 95(2) and hereby published for comment in terms
of section 95(4) of Legal Practice Act 28 of 2014 as amended)**

**Note further that these Rules repeal and replace the Rules published on 14 April 2022
under Government Gazette Notice No.: 46242**

Any person who has comments in respect of the Rules made herein may make representation
to the Ombud by no later than **31 January 2024** to the following addresses:

Postal Address: **PO BOX 1202
PRETORIA
0001**

By Hand: **Spooral Park Building
2007 Lenchen Avenue South
Centurion
Pretoria**

By Email: **OLSOenquiries@justice.gov.za**

1. DEFINITIONS

In these rules unless the context indicates otherwise—

'candidate legal practitioner' means candidate legal practitioner as defined in the Act;

'complaint' means a complaint made or referred to the Ombud in terms of section 48 of the Act.

'complainant' means any person who or entity which lodges a complaint with the Ombud in terms of section 48 of the Act;

'complaint statement' means a written statement, signed by the complainant, in which the complaint is set out in clear and concise terms and states the material facts on which the complaint is based.

'Council' means the South African Legal Practice Council established in terms of section 4 of the Act.

'day' means any day that excludes a Saturday, Sunday, or public holidays.

'disciplinary body' means a disciplinary body as defined in the Act;

'dispute' means a dispute as referred to in section 48 of the Act.

'dispute resolution' means to endeavour to resolve a dispute or rectify any act or omission by means of mediation, conciliation, negotiation, the giving of advice or any other means considered expedient by the Ombud

'inquiry' means the process of obtaining information and documentation as set out in section 48(2) of the Act and in terms of these rules

'investigation' means an investigation as referred to in sections 14(2) and 48(1)(a) of the Act and in terms of these rules

'legal practitioner' means a legal practitioner as defined in the Act;

'Minister' means the Minister as defined in the Act.

'monitoring' means monitoring in terms of section 42 of the Act;

'Ombud' means the Legal Services Ombud as defined in the Act and includes any person designated by the Ombud;

'referral' means submitting to the bodies or authorities as referred to in section 48, any aspect of a complaint which has a bearing on such entity.

'respondent' means a person or an entity against whom a complaint has been lodged with the Ombud.

'the Act' means the Legal Practice Act, 2014 (Act No 28 of 2014)

2. PURPOSE OF RULES

- a. The purpose of these Rules is to regulate the procedure for the execution by the Ombud of its mandate and functions in terms of the Act.

3. LODGING AND PROCESSING OF COMPLAINTS

- a. Every complaint shall be on Form 1 in Annexure 1 to these rules.
- b. The complaint shall be submitted to the Ombud in the following manner:
 - i By hand delivery during office hours to any of the offices of the Ombud; or
 - ii By emailing it to OLSOenquiries@justice.gov.za; or
 - iii By registered post.
- c. The Ombud shall acknowledge receipt of the complaint in writing within 10 days of receipt of the complaint.
- d. The Ombud shall within 30 days after the allocation of the complaint to a designated official first assess the complaint in terms of section 48 (1)(a) to determine whether the complaint falls within its mandate, provided that all the information required for assessment is available.

- e. The Ombud shall, within 10 days after the assessment referred to in rule 3 (d), inform the complainant in writing of the outcome of the assessment.
- f. If the Ombud is unable to comply with the timeframes set out in (d) and (e) above, the complainant shall be informed of the delay and indicate the period in which the Ombud shall comply.

4. REFERRALS IN TERMS OF SECTION 48 OF THE ACT

- a. If the Ombud determines that a referral is necessary, the Ombud shall:
 - i Within 10 days of referral notify the person or persons whom in the opinion of the Ombud need to be informed;
 - ii Notwithstanding the referral, the Ombud shall determine the status of the complaint.

5. NOTICE TO RELEVANT PARTIES OF DECISION BY OMBUD TO INVESTIGATE

- a. The Ombud shall notify all relevant parties of the decision to investigate within 10 days of such decision.
- b. Should the Ombud become aware of the potential involvement of additional relevant parties to the complaint, the Ombud shall notify the parties within 10 days of becoming aware of such relevant party.
- c. The Ombud shall endeavour to finalise the investigation within a reasonable time.

6. REQUEST FOR INFORMATION AND PRODUCTION OF DOCUMENTS

- a. The Ombud may request information either by way of a summons referred to in Rule 8 or by letter, within the discretion of the Ombud.
- b. Where information or production of document is requested by letter such letter shall stipulate the time within which a person is required to give such information or produce such document.
- c. Should a party fail to comply with a request in terms of Rule 6 (b), the Ombud shall be entitled to issue a Summons to ensure compliance.

7. SUMMONS

- a. Upon scrutinising the complaint and establishing the need for further investigations, the Ombud may in terms of section 48 (2) summons any person who may be able to furnish any information on the subject of the investigation.
- b. The summons shall be in accordance with Form 2.
- c. The summons shall be signed by the Ombud or a person designated by him.

8. SERVICE OF SUMMONS

- a. Service of summons may be effected in the following manner:
 - i Delivery by hand at the address for service given in the summons; or
 - ii electronically; or
 - iii by sheriff of the court.
- b. All process which is served by hand or by the sheriff shall be deemed to be properly effected if served in one of the following manners:
 - i By delivering a copy thereof to the said person personally; or
 - ii At the residence or place of business of the said person to some person apparently not less than 16 years of age and apparently residing or employed there; or
 - iii At the place of employment of the said person or to some person apparently not less than 16 years of age and apparently in authority over the person to be served or, in the absence of such person in authority, to a person apparently not less than 16 years of age and apparently in charge at his place of employment; or
 - iv In the case of a corporation or company at its local office or principal place of business to a responsible employee thereof or if there be no such employee willing to accept service, by affixing a copy to the main door of such office or place of business; or
 - v By delivering a copy thereof to any agent who is duly authorized in writing to accept service on behalf of the person upon whom service is to be effected;
 - vi In the case of a local authority or statutory body, when service may be effected by delivery at the local office or place of business of such body or, if there be none such,

by service on the chair person or secretary or similar officer thereof in any manner hereinbefore prescribed.

- c. The person serving shall, on demand by the person upon or against whom summons is served, exhibit to that person the original of the process, except where summons is served electronically.
- d. Service shall be effected as near as possible between the hours of 7:00 and 19:00 to the said person or to his duly authorised agent.
- e. Notices or other documents shall not be served on a Sunday or public holiday
- f. Service on a person called to an inquiry shall be effected at a reasonable time before attendance is required in any manner hereinbefore prescribed.

9. SUBSTITUTED SERVICES

- a. In the event of service as per rule 8 above not being possible for any reason whatsoever, service shall be effected by;
 - i. advertisement in a publication circulating in the area in which the person resides; and
 - ii. such publication shall be in English and,
 - iii. where appropriate, in the language dominant in the area in which the person resides; and
- b. Proof of publication shall be a copy of the whole page containing the advertisement or cutting thereof indicating the paper and date of publication.

10. FAILURE TO COMPLY WITH SUMMONS AND/OR PARTICIPATE IN INQUIRY

- a. If a person who has been summoned person who has been summonsed fails to appear or fails to co-operate with the investigation as specified in Section 93(5) of the Act, the Ombud may:
 - i. make an application to the High Court to obtain an order to secure the persons attendance, which order shall be served by the sheriff and that should the person fail to appear on the specified date, that the sheriff be authorised to arrest and detain the person in custody until such time as the persons evidence is obtained.
 - ii. report the non-compliance with summons or failure to participate in inquiry to the South African Police Services as this is a criminal offence.

11. LEGAL REPRESENTATION AT INQUIRY

- a. A person who has been summonsed may be assisted by a legal representative during the inquiry.
- b. The Ombud may exercise discretion to allow legal representation after considering:
 - i. The nature of the investigation;
 - ii. The complexity of the subject matter and examination;
 - iii. The public interest;
 - iv. The ability of the person to deal with the examination.
- c. A person who has been summonsed is entitled to witness fees as per the Tariff of allowances for a witness for the State in criminal proceedings in a Magistrates Court.

12. PROCEDURE BEFORE COMMENCEMENT OF INQUIRY

- a. The Ombud shall explain to a person who has been summonsed before the inquiry:
 - i. The purpose of the inquiry;
 - ii. The inquisitorial nature of the inquiry;
 - iii. The procedure that will be followed;
 - iv. The confidentiality of the inquiry, unless waived in writing;
 - v. That there is no privilege against self-incrimination.

13. PROCEDURE DURING INQUIRY

- a. The Ombud may receive evidence under oath or affirmation from a person who has been summonsed as per Section 48(2)(b).
- b. Evidence shall be taken orally or by the production of documents, articles or objects.
- c. The Ombud may examine or retain relevant books, documents, or objects which shall be returned at the conclusion of the investigation.

14. MEDIATION, CONCILIATION AND NEGOTIATION

- a. The Ombud may endeavour to resolve disputes between parties by:
 - i. Acting as a mediator; or
 - ii. Acting as a conciliator; or
 - iii. Negotiate a settlement.
- b. In mediating the dispute, the Ombud shall facilitate discussions between the parties to enable the parties to arrive at a mutually suitable resolution of the dispute.

- c. In conciliating the dispute, the Ombud shall guide and advise the parties to enable the parties to arrive at a mutually suitable resolution of the dispute.
- d. In negotiating a settlement, the Ombud shall recommend proposals to settle the dispute
- e. The Ombud or the parties may propose, either in writing or orally, that the dispute be attempted to be resolved by mediation, conciliation or negotiation, either at the commencement or during an investigation.
- f. Should the parties agree to attempt to resolve the dispute as referred to in rule 14 (e) above, the agreement shall be reduced to writing and signed by the parties and confirmed by the Ombud.
- g. Pending mediation, conciliation or negotiation between the parties, the investigation shall be suspended, provided that should the dispute not be resolved or should any party withdraw from the dispute resolution process, the investigation shall resume and continue or the Ombud may deal with the matter by any other means that may be expedient in the circumstances.
- h. The parties may, at the discretion of the Ombud, be allowed legal representation during the processes of mediation, conciliation and negotiation, provided that the legal representative may render advice to the party being represented but shall not be permitted to participate in the process.

15. SETTLEMENT

- a. If a settlement is reached between the parties at any stage of the investigation, whether through mediation, conciliation, or negotiation or otherwise: -
 - i The terms of the agreement shall be reduced to writing, and such agreement shall be signed by the parties;
 - ii The agreement shall be concluded and signed under the supervision and direction of the Ombud
 - iii The original signed agreement shall be kept by the Ombud.

16. REPORTING OF FINDINGS

- a. Upon conclusion of the investigation, the Ombud shall prepare a report, recommendation, findings or point of view.

- b. The Ombud shall within 30 days after the compilation of the report, recommendation, finding or point of view make it known to all relevant.

17. ESTABLISHMENT AND MAINTENANCE OF LAY PERSONS' DATABASE

- a. The Ombud shall establish and maintain the lay persons' database.
- b. The Ombud shall develop a criteria for the recruitment of lay persons.
- c. The Ombud may, in maintaining the lay person list:
 - i Withdraw the appointment of a lay person if:
 - 1. The Ombud becomes aware that the person no longer meets the criteria set by the Ombud; or
 - 2. A concern is raised by the Council regarding the conduct of such a lay person.

18. MONITORING OF DISCIPLINARY PROCESSES IN TERMS OF 42 OF THE ACT

- a. The Ombud may monitor any disciplinary processes by the Council:
 - i On receipt of a complaint; or
 - ii On own initiative.
- b. The Ombud shall inform the Council in writing within a 20 days of its decision to monitor the disciplinary process.
- c. The Ombud may, in writing request the Council for: -
 - i copies of all relevant records and documents related to its disciplinary proceedings;
 - ii hearing dates of any disciplinary proceedings.
- d. The Ombud shall be entitled to conduct an investigation arising out of the monitoring process.
- e. In the event of failure to comply with (b) above, the Ombud may bring an application to the High Court for the appropriate relief.

19. MONITORING OF INVESTIGATIONS CONDUCTED BY THE COUNCIL

- a. The Ombud may monitor the following processes by any Investigating Committee of the Council:
 - i the procedures followed by Investigating Committees;

- ii that parties' rights are protected during the investigation;
- iii the adequacy and fairness of the investigative process.

20. MONITORING OF CONDUCT OF DISCIPLINARY COMMITTEES AND APPEALS TRIBUNALS DURING HEARINGS

- a. The Ombud may monitor the conduct of Disciplinary Committees during disciplinary hearings, which may include, but is not limited to, the following:
 - i disciplinary and appeal tribunal hearings;
 - ii the procedures followed during hearings;
 - iii the rights of the parties being upheld;
 - iv compliance with legal and procedural requirements;
 - v compliance of the Appeal Tribunal's composition with requirements of Section 41(2)(b)(ii).

21. GENERAL PROVISIONS

- a. Recording of Inquiry and Investigations
 - i All inquiries shall be mechanically recorded provided that where the circumstances require it, recordings may be manual.
- b. Language medium during Inquiry and Investigations
 - i The language of communication whether orally or in writing by the Ombud shall be in English
 - ii A person who is unable to communicate in English and who requires the services of a South African official language practitioner shall inform the Ombud in writing 15 days prior to an inquiry in which event the Ombud shall provide an accredited South African official language practitioner for the inquiry at its own cost.
 - iii A party requiring the services of an interpreter for a non-South African Official language shall notify the Ombud within a 30 days prior to an inquiry in which event the party must obtain the services of an accredited non-South African Official language practitioner and shall bear the cost thereof.
 - iv Should the party requiring the services of a non-South African Official language practitioner not be able to procure such practitioner within 5 days before the inquiry, such party shall give written notice to the Ombud.

c. Confidentiality –

- i All proceedings during an investigation shall be confidential and shall not be disclosed except with the written consent of the parties making the disclosure or where such disclosure is required by law.

22. FINANCIAL REPORTING (ANNUAL REPORT)

a. **Medium Term Strategic Framework**

- i The financial year of the Office of the Ombud shall start from 1 April in any year to 31 March in the following year as prescribed in section 51 of the Act.
- ii The organisational performance shall be driven by the five-year strategic plan, the outlined mandate of the Ombud and strategic priorities. This will then inform the Annual Performance Plan (APP).
- iii The Annual Performance Plan shall form the basis for the annual reports of accounting officers in terms of section 40(1)(d) and (e) of the PFMA.
- iv The Director (CEO) of the Ombud shall establish procedures for quarterly reporting to the Director General of the Department of Justice and Constitutional Development.
- v The performance reporting shall be monitored, evaluated and corrective measures shall be put in place to mitigate risks on a monthly basis.

b. **Medium Term Expenditure Framework**

- i The Office of the Ombud as an entity funded by National Treasury shall comply with the requirements of the PFMA and Treasury directives
- ii The Director (CEO) shall keep full and proper records of the financial affairs of the Ombud Office for auditing purposes and proper accounting.
- iii The Director (CEO) of the Office of the Ombud shall maintain effective, efficient and transparent systems of financial and risk management and internal controls
- iv The Director (CEO) of the Office of the Ombud shall be responsible for the management of the office, including safeguarding and the maintenance of assets and management of the office's liabilities

- v The Director (CEO) shall prepare financial statements for each financial year in accordance with generally recognised accounting practice (GRAAP). The financial statements will be submitted within six (6) months after the end of the financial year.
- vi The annual report and financial statements will present the state of affairs of the Ombud, its financial results, its organisational performance against objectives in the annual performance plan and its financial position as at the given financial year.
- vii The annual report and financial statements will include:
 - 1. Any material losses through criminal conduct, irregular expenditure, fruitless and wasteful expenditure that occurred during the financial year
 - 2. Any criminal, disciplinary steps taken as a consequence of such losses or irregular expenditure, fruitless and wasteful expenditure;
 - 3. Any losses recovered or written off
 - 4. Any financial assistance received from the Department and commitments made by the state on its behalf; and
 - 5. Any other matters that may be prescribed including the financial statements of any subsidiaries.



OFFICE OF THE LEGAL SERVICES OMBUD
 Spooral Park Building, 2007 Lenchen Ave
 South, Centurion Central, Centurion, 0046

Tel: 010 023 5507/5509

Cell: Cape Town Office: 076 235 8908, PTA

Office: 076 235 9887

Website: Legal Services Ombud

Enquiries and submission of Complaint

Form: OLSOenquiries@justice.gov.za

FORM 1

COMPLAINT LODGING FORM

UPON RECEIPT OF YOUR COMPLAINT, AN ACKNOWLEDGMENT NOTICE WILL BE SENT TO YOU ACCOMPANIED BY OUR REFERENCE NUMBER. IN ANY FUTURE CORRESPONDENCE WITH OUR OFFICE, PLEASE QUOTE OUR REFERENCE NUMBER.

THE COMPLETED FORM CAN BE E-MAILED, POSTED OR HAND DELIVERED TO THE DETAILS PROVIDED ABOVE.

PART A. DETAILS OF THE COMPLAINANT	
TITLE:	
NAME:	
SURNAME:	
CONTACT DETAILS:	CELL NO:
	E-MAIL ADDRESS:
	ALTERNATIVE NUMBER:
GENDER:	
PROVINCE:	
PART B. ADDRESS OF THE COMPLAINANT	
POSTAL ADDRESS:	
PHYSICAL ADDRESS:	

PART C. DETAILS OF THE REPRESENTATIVE (Where the complaint is lodged by somebody else on behalf of another person)		
NAME:		
SURNAME:		
RELATIONSHIP WITH COMPLAINANT:		
CELL NO:		
EMAIL ADDRESS:		
ALTERNATIVE NUMBER:		
PART D. DETAILS OF PERSON AGAINST WHOM COMPLAINT IS BEING LODGED (IF KNOWN)		
NAME:		
SURNAME:		
CELL PHONE:		
EMAIL ADDRESS:		
ALTERNATIVE NUMBER:		
LAW FIRM NAME OR EMPLOYER:		
PROVINCE:		
WORK ADDRESS:		
HAVE YOU LODGED A COMPLAINT WITH ANY OTHER PROFESSIONAL BODY BEFORE? (X)	YES	NO
IF YES, WHAT IS THE NAME OF THE PROFESSIONAL BODY?		
WHAT WAS THE OUTCOME OF THEIR INVESTIGATION?		

PART E. DETAILS OF COMPLAINT: *(Additional pages to be attached in the event that the space provided below is not sufficient)*

DATE:

SIGNATURE:

Amended: 19 September 2023



Summons no:

.....

Case reference number:

.....

Summons to Appear before the Legal Services Ombud.

In the matter between:

XXX

Complainant

And

XXX

Respondent

To:

Name (Legal Practitioner/ Recipient):

Physical / Postal Address:

.....

Fax:

Email Address:

You are hereby required to appear before the Legal Services Ombud (or the person delegated) **in terms of section 48 of the Legal Practice Act, 2014** at (full address)..... on..... 20XX to assist the Office of the LSO in an investigation arising out a complaint lodged by the abovementioned complainant.

You are also required to bring and produce the documents specified hereunder:

(a)

(b)

(c) Any other document which might be of assistance to the investigation.

Please take note of the following:

1. You have the right to legal representation
2. You are entitled to witness fees as per Section 48(5)(b) of the Legal Practice Act, 2014
3. You are entitled to claim privilege, however, there is no privilege against self-incrimination
4. Should you fail to comply in terms of Section 48(2) read together with Section 93 (5) of the Legal Practice Act, 2014 you will be committing a criminal offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year.

Name of Delegated Official

Dated at on this day of.....

Signed.....
OLSO STAMP

NATIONAL TREASURY**NO. 4198****14 December 2023****LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 -
AMENDMENTS TO REGULATIONS REGARDING SUPPLY CHAIN MANAGEMENT**

The Minister of Finance has, acting with concurrence of the Minister of Cooperative Governance and Traditional Affairs, in terms of section 168(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), made amendments to the Regulations published under General Notice No. 868 of 30 May 2005, as amended by Government Notice No. R.31 of 20 January 2017, regarding supply chain management, as set out in the Schedule.

SCHEDULE**Amendment of regulation 1 of the Regulations**

1. Regulation 1 of the Regulations is hereby amended by the deletion of the definition of “written or verbal quotations”.

Amendment of regulation 12 of the Regulations

2. Regulation 12 of the Regulations is hereby amended—
 - (a) by the deletion of paragraph (b) of subregulation (1);
 - (b) by the substitution for paragraphs (c) and (d) of subregulation (1) of the following paragraphs:
 - “(c) formal written price quotations for procurement of a transaction value over—
 - (i) R2000 up to R300 000 (VAT included), in the case of a local municipality;
 - (ii) R2000 up to R200 000 (VAT included), in the case of a district municipality;
 - (iii) R2000 up to R750 000 (VAT included), in the case of a metropolitan municipality; and
 - (d) a competitive bidding process for—
 - (i) procurement above a transaction value of R300 000 (VAT included), in the case of a local municipality;
 - (ii) procurement above a transaction value of R200 000 (VAT included), in the case of a district municipality; and
 - (iii) procurement above a transaction value of R750 000 (VAT included), in the case of a metropolitan municipality.”;
 - (c) by the deletion of subparagraph (i) of paragraph (b) of subregulation (2); and
 - (d) by the substitution for subparagraph (iii) of paragraph (b) of subregulation (2) of the following subparagraph:
 - “(iii) a competitive bidding process be followed for any specific procurement of a transaction value lower than the competitive bidding thresholds specified in subregulation (1)(c)(i) to (iii).”.

Amendment of regulation 14 of the Regulations

3. Regulation 14 of the Regulations is hereby amended by the substitution for subparagraph (i) of paragraph (a) of subregulation (1) of the following subparagraph:
- “(i) to keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements of the municipality or municipal entity through formal written price quotations;”.

Deletion of regulation 16 of the Regulations

4. Regulation 16 is hereby deleted.

Amendment of regulation 18 of the Regulations

5. Regulation 18 of the Regulations is hereby amended—
- (a) by the substitution for the heading of the following heading:
“Procedures for procuring goods or services through formal written price quotations”;
- (b) by the substitution for the words preceding paragraph (a) of the following words:
“A supply chain management policy must determine the procedure for the procurement of goods or services through formal written formal written price quotations, and must stipulate—”; and
- (c) by the substitution for paragraph (c) and (d) of the following paragraphs:
“(c) that the accounting officer must take all reasonable steps to ensure that the procurement of goods and services through formal written price quotations is not abused;”; and
(d) that the accounting officer or chief financial officer must on a monthly basis be notified in writing of all formal written price quotations accepted by an official acting in terms of a subdelegation; and”.

Substitution of regulation 19 of the Regulations

6. Regulation 19 of the Regulations is hereby substituted for the following regulation:
“A supply chain management policy must specify—
- (a) that goods or services above a transaction value of—
(i) R300 000 (VAT included), in the case of a local municipality;
(ii) R200 000 (VAT included), in the case of a district municipality; and
(iii) R750 000 (VAT included), in the case of a metropolitan municipality,
may be procured by the municipality or municipal entity only through a competitive bidding process, subject to regulation 11(2); and
- (b) that no requirement for goods or services above an estimated transaction value of—
(i) R300 000 (VAT included), in the case of a local municipality;
(ii) R200 000 (VAT included), in the case of a district municipality; and
(iii) R750 000 (VAT included), in the case of a metropolitan municipality,
may deliberately be split into parts or items of lesser value merely for the sake of procuring the goods or services otherwise than through a competitive bidding process.”.

Amendment of regulation 35 of the Regulations

7. Regulation 35 of the regulations is hereby amended by the substitution for subregulations (1) and (2) of the following subregulations:

- “(1) A supply chain management policy may allow the accounting officer to procure consulting services provided that any Treasury guidelines in respect of consulting services are taken into account when such procurement is made.
- (2) A contract for the provision of consultancy services to a municipality or municipal entity must be procured through competitive bids if—
 - (a) the value of the contract exceeds—
 - (i) R300 000 (VAT included), in the case of a local municipality;
 - (ii) R200 000 (VAT included), in the case of a district municipality;
 - or
 - (iii) R750 000 (VAT included), in the case of a metropolitan municipality; or
 - (b) the period of the contract exceeds one year.”.

Commencement

8. These Regulations take effect on the date of publication in the *Gazette*.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NO. 4199****14 December 2023****COMPETITION COMMISSION****NOTICE IN TERMS OF SECTION 10(7) OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED): SOUTH AFRICAN PETROLEUM INDUSTRY ASSOCIATION GRANTED CONDITIONAL EXEMPTION**

On 22 December 2015, the South African Petroleum Industry Association ("SAPIA") and its members applied to the Competition Commission of South Africa ("Commission") in terms of section 10(1)(b) of the Competition Act 89 of 1998, as amended ("the Act") to be exempted from certain provisions of section 4 of the Act ("2015 Exemption"). The exemption was sought for a period of 5 (five) years from 1 January 2016 ending on 31 December 2020.¹

Notice is hereby given in terms of section 10(7) of the Act that the Commission has extended the 2015 Exemption for a period of three (03) months from 01 December 2023 up to and including 29 February 2024, and on the same terms and conditions as published in Government Gazette No.34651 of 7 October 2011.

The exemption granted by the Commission covers a wide range of agreements and practices which, according to SAPIA, are required to ensure the continuity and stability of liquid fuels supply to various sectors and geographic locations of the South African economy. In particular, the exemption covers agreements and practices in the petroleum and refinery industry which are considered by the Commission to be in contravention of sections 4(1)(a) and (b) of the Act. SAPIA based its application on the premise that the aforesaid agreements and practices are required to obtain the objective set out under section 10(3)(b)(iv) of the Act.

The Commission has previously, in response to the afore-mentioned application, granted SAPIA a conditional exemption in terms of section 10(2)(a) of the Act for a period of 6 (six) months starting from 01 January 2016 and ending on 30 June 2016. Following the expiry of the afore-mentioned short-term conditional exemption, the Commission extended such exemption several times with the previous extension ending on 30 November 2023.

¹ See Commission Case Number 2015Dec0741

On 28 November 2023, the Minister of Trade, Industry and Competition recently granted the petroleum industry designation status for a further three (03) months from 01 December 2023 2023 up to and including 29 February 2024.² Accordingly, the Commission has also granted SAPIA a conditional exemption in respect of its 2015 Exemption in terms of section 10(3) of the Act for a further three (03) months from 01 December 2023 up to and including 29 February 2024.

SAPIA or any other person with substantial financial interest affected by this decision may appeal it to the Competition Tribunal in the prescribed manner in terms of section 10(8) of the Act.

Further queries should be directed to Mr. Marlon Dasarath at MarlonD@compcom.co.za.

In correspondence, kindly refer to the following case number: 2015DEC0741

² See Government Gazette Vol. 701 No. 49779

DEPARTMENT OF TRANSPORT

NO. 4200

14 December 2023

SOUTH AFRICAN CIVIL AVIATION AUTHORITY

PROPOSAL FOR FUEL LEVY INCREASE IN TERMS OF SOUTH AFRICAN CIVIL AVIATION AUTHORITY LEVIES ACT, 1998

Please note that the closing date for the submission of written comment and presentation in respect of the Fuel Levy Determination for increase of fuel levy published in the Government Gazette No. 49771 on 27 November 2023 is hereby extended to **27 January 2024.**

Comment or presentation on the proposed fuel levy increase must be submitted in writing to:

The Director of Civil Aviation
Attention: Mr Nhlanhla Jali,
Private Bag 73 Halfway House, 1685, or
e-mail: Jalin@caa.co.za

DEPARTMENT OF WATER AND SANITATION


NO. 4201

14 December 2023

TRANSFORMATION OF BRAND RIVER IRRIGATION BOARD INTO BRAND RIVER WATER USER ASSOCIATION IN TERMS OF SECTION 98(6) OF THE NATIONAL WATER ACT (NO.36 OF 1998)

I, Senzo Mchunu, the Minister of Water and Sanitation, hereby declare in terms of section 98(6) of the National Water Act, 1998 (Act No. 36 of 1998) that –

- (a) The Brand River Water User Association is established.
- (b) The Association's name is the Brand River Water User Association.
- (c) The area of operation of Brand River Water User Association is Situated in the Breede Olifants Water Management Area and drainage area J12M in the Garden Route District Municipal within the Western Cape province. The area of operation of the proposed Brand River Water User Association comprises the Brand River catchment area ranging from downstream of the Miertjieskraal Dam up to the Touws River intersection.
- (d) Any other water resource(s) and/or waterworks situated outside the area described in paragraph (c) above, the Department of Water and Sanitation or the responsible authority may request the Water User Association to control, which is situated under Water Management Area number 6 in the National Water Resource Strategy 3 (NWRS3) in the Province of the Western Cape, and
- (e) Delegation of powers and functions of the Water User Association is per the delegations of 31 March 2023 which will be provided to the Water User Association.
- (f) The constitution of the Brand River Water User Association has been approved.


MR. SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION
DATE: 5/12/23

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NOTICE 2243 OF 2023****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	That portion of Durban commonly known as 93 Avocado Road, Cato Manor
Extent of property	:	0, 0037 hectares
Magisterial District	:	eThekwini
Administrative District	:	KwaZulu-Natal
Claimant	:	Obed Edward Cain on behalf of the Cain Family
Date claim lodged	:	20 September 1996
Reference number	:	KRN6/2/3/E/8/817/2716/2409

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NOTICE 2244 OF 2023****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	That portion of Durban commonly known as 25 Standard Road, Mayville
Magisterial District	:	eThekwini
Administrative District	:	KwaZulu-Natal
Claimant	:	Rajman Durgapersad on behalf of the Durgapersad Family
Date claim lodged	:	28 December 1998
Reference number	:	KRN6/2/3/E/8/817/1445/79

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NOTICE 2245 OF 2023

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	That portion of Durban commonly known as Shack No. 81 Ezinkwani, Cato Manor
Extent of property	:	0, 0037 hectares
Magisterial District	:	eThekwini
Administrative District	:	KwaZulu-Natal
Claimant	:	Siyabonga Brian Gwala
Date claim lodged	:	20 December 1998
Reference number	:	KRN6/2/3/E/8/817/2716/5559

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NOTICE 2246 OF 2023****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	That portion of Durban commonly known as 15 Llandaff Road, Mayville
Magisterial District	:	eThekwini
Administrative District	:	KwaZulu-Natal
Claimant	:	Vinod Deolal Maharajh on behalf of the Maharajh Family
Date claim lodged	:	11 December 1998
Reference number	:	KRN6/2/3/E/8/817/1445/84

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NOTICE 2247 OF 2023

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

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

Project Name : Basson (Steenkapm) Family
 Number of Claims : 1
 Area : Woodstock
 Type : Tennant
 Date submitted : 31 December 1998
 Current Owner : Sunrise Trust

No.	Ref No.	Surname & Initial	Property Description	Area	Extent	Dispossessed Person
1.	V355	Sarah Van Sensie	16 York Street (erf 11873)	Woodstock	374m ²	Maria Elizabeth Basson (Steenkamp)

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 90 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
 Private Bag X9163
 Cape Town
 8000
 Tel: 021-409 0300
 Fax: 021-424-5146
 Mr. L.H. Maphutha
 Regional Land Claims Commissioner

CHECKED.....
 DATE14/12/2023.....

APPROVED.....
 DATE.....2023/07/17.....

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NOTICE 2248 OF 2023****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

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

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM091Sep23	Joint Venture Company Yet to be Incorporated	New H Powertrain Holdings S.L.U	24/11/2023	Approved
LM098Oct23	Collins Property Group (Pty) Ltd	Collins Property Projects (Pty) Ltd	28/11/2023	Approved Subject to Conditions
LM094Sep23	Greenstreet 1 (Pty) Ltd	Kouga Wind Farm (RF) (Pty) Ltd	29/11/2023	Approved
IM147Nov22	Akzo Nobel N.V	Kansai Plascon Africa Ltd	21/11/2023	Prohibited

The Chairperson Competition Tribunal

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2249 OF 2023

STANDARDS ACT, 2008
STANDARDS MATTERS

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

SECTION A: DRAFTS FOR COMMENTS

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

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 1163 Ed 2	<i>Detergent for domestic dishwashing machines.</i> Covers a detergent in tablets, capsules(pods), liquids, powders, or granular form, or in combination for use in domestic dishwashing machines	2023-12-24
SANS 18033-4 Ed 2	<i>Information technology - Security techniques - Encryption algorithms Part 4: Stream ciphers.</i> Specifies output functions to combine a keystream with plaintext, keystream generators for producing keystream, and object identifiers assigned to dedicated keystream generators.	2023-12-24z
SANS 24495-1 Ed 1	<i>Plain language - Part 1: Governing principles and guidelines.</i> Document establishes governing principles and guidelines for developing plain language documents	2023-12-24
SANS 62264-5 Ed 2	<i>Enterprise-control system integration - Part 5: Business to manufacturing transactions.</i> This part of IEC 62264 defines transactions in terms of information exchanges between applications performing business and manufacturing activities associated with Levels 3 and 4. The exchanges are intended to enable information collection, retrieval, transfer and storage in support of enterprise-control system integration. This part of IEC 62264 is consistent with the IEC 62264-2 and IEC 62264-4 object models attributes. This standard also defines transactions that specify how to exchange the objects defined in IEC 62264-2, IEC 62264-4 and this standard. Other uses of the transaction model are not defined in this part.	2023-12-24
SANS 45002 Ed 1	<i>Occupational health and safety management systems - General guidelines for the implementation of ISO 45001:2018.</i> Gives guidance on the establishment, implementation, maintenance and continual improvement of an occupational health and safety (OH&S) management system that can help organizations conform to ISO 45001:2018 (published in South Africa as an identical adoption under the designation SANS 45001).	2024-01-10
SANS 62115 Ed 1	<i>Electric toys – Safety.</i> This International Standard specifies safety requirements for electric toys that have at least one function dependant on electricity, electric toys being any product designed or intended, whether or not exclusively, for use in play by children under 14 years of age.	2024-01-10
SANS 41018 Ed 1	<i>Facility management - Development of a facility management policy.</i> Gives guidance on the development of a facility management (FM) policy when the organization intends to establish a framework for setting FM objectives and the effective management of risk intends to achieve alignment between the FM strategy and operational FM requirements wants to improve the usefulness and benefits provided by the FM system aims to meet the needs of interested parties and applicable FM requirements consistently aims to be sustainable.	2024-01-10
SANS 1973-1 Ed 2	<i>Low-voltage switchgear and controlgear assemblies - Part 1: Power switchgear and controlgear assemblies with a rated short time withstand current exceeding 10kA.</i> Sets out national variations and additional requirements to SANS 61439-1 and SANS 61439-2 that are required in South Africa.	2024-01-10
SANS 80601-2-13 Ed 1	<i>Medical electrical equipment - Part 2-13: Particular requirements for basic safety and essential performance of an anaesthetic workstation.</i>	2024-01-10
SANS 61439-5 Ed 2	<i>Low-voltage switchgear and controlgear assemblies - Part 5: Assemblies for power distribution in public networks.</i> Defines the specific requirements for public electricity network distribution assemblies (PENDAs), states the definitions, specifies the service conditions, construction requirements, technical characteristics and tests for PENDAs.	2024-01-10

SANS 62552-3 Ed 1	<i>Household refrigerating appliances - Characteristics and test methods - Part 3: Energy consumption and volume.</i> Specifies the essential characteristics of household and similar refrigerating appliances cooled by internal natural convection or forced air circulation, and establishes test methods for checking these characteristics.	2024-01-10
SANS 60335-2-8 Ed 4	<i>Household and similar electrical appliances - Safety Part 2-8: Particular requirements for shavers, hair clippers and similar appliances.</i> This clause of Part 1 is replaced by the following. This part of IEC 60335 deals with the safety of electric food waste disposers for household and similar purposes, their rated voltage being not more than 250 V including direct current (DC) supplied appliances and battery-operated appliances. Appliances not intended for normal household use but that nevertheless possibly pose a source of danger to the public, such as appliances intended to be used by laymen in shops, in light industry and on farms, are within the scope of this standard.	2024-01-15
SANS 61869-1 Ed 2	<i>Instrument transformers Part 1: General requirements.</i> Applies to newly manufactured instrument transformers with analogue or digital output for use with electrical measuring instruments or electrical protective devices with rated frequencies from 15 Hz to 100 Hz.	2024-01-15
SANS 62561-1 Ed 1	<i>Lightning protection system components (LPSC) Part 1: Requirements for connection components.</i> Specifies the requirements and tests for metallic connection components that form part of a lightning protection system (LPS).	2024-01-15
SANS 41015 Ed 1	<i>Facility management - Influencing organizational behaviours for improved facility outcomes.</i> Gives guidance on the ways in which a facility management (FM) organization can influence organizational behaviours to achieve improved facility outcomes, including how it can engage, empower and influence users, service providers and other interested parties with one another for improved outcomes and user experience while interfacing with the built environment.	2024-01-15
SANS 60335-2-16 Ed 4	<i>Household and similar electrical appliances - Safety Part 2-16: Particular requirements for food waste disposers.</i> Deals with the safety of electric food waste disposers for household and similar purposes, their rated voltage being not more than 250 V. Deals with the common hazards presented by appliances that are encountered by all persons in and around the home.	2024-01-15
SANS 24511 Ed 1	<i>Activities relating to drinking water and wastewater services - Guidelines for the management of wastewater utilities and for the assessment of wastewater services.</i> Provides guidelines for the management of wastewater utilities and for the assessment of wastewater services.	2024-01-16
SANS 929 Ed 3	<i>Plywood.</i> Covers requirements for materials, construction, preservative treatment, dimensions and performance of plywood and composite board including decorative aminoplast-face board ("low-pressure laminates").	2024-01-18
SANS 60601-2-41 Ed 1	<i>Medical electrical equipment - Part 2-41: Particular requirements for the basic safety and essential performance of surgical luminaires and luminaires for diagnosis.</i> Applies to the basic safety and essential performance of surgical luminaires and luminaires for diagnosis, hereafter referred to as ME equipment.	2024-01-18
SANS 60350-1 Ed 2	<i>Household electric cooking appliances - Part 1: Ranges, ovens, steam ovens and grills - Methods for measuring performance.</i> Specifies methods for measuring the performance of electric cooking ranges, ovens, steam ovens, and grills for household use.	2024-01-18
SANS 60755 Ed 1	<i>General safety requirements for residual current operated protective devices.</i> Provides general minimum requirements, recommendations and information for the drafting of standards on residual current operated protective devices (hereinafter referred to as residual current devices, "RCDs"). It applies to any device providing residual current protection intended primarily for protection against electric shock hazard.	2024-01-18
SANS 60335-2-114 Ed 2	<i>Household and similar electrical appliances - Safety - Part 2-114: Particular requirements for Personal-e-Transporters.</i> This clause of Part 1 is replaced by the following. This part of IEC 60335 deals with the electrical safety of Personal e-Transporters used in the private or public areas. The device can have one or more wheels, self-balancing provisions, provisions for the transport of cargo and can be for private, commercial, shared use or for hire.	2024-01-18
SANS 80001-1 Ed 1	<i>Application of risk management for IT-networks incorporating medical devices - Part 1: Safety, effectiveness and security in the implementation and use of connected medical devices or connected health software.</i>	2024-01-18
SANS 61215-1 Ed 1	<i>Terrestrial photovoltaic (PV) modules - Design qualification and type approval - Part 1: Test requirements.</i> Outlines requirements for the design qualification of terrestrial photovoltaic modules suitable for long-term operation in open-air climates.	2024-01-16

SANS 60534-1 Ed 1	<i>Industrial-process control valves - Part 1: Control valve terminology and general considerations.</i> This part of IEC 60534 applies to all types of industrial-process control valves (hereinafter referred to as control valves). This part establishes a partial basic terminology list and provides guidance on the use of all other parts of IEC 60534.	2024-01-23
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SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

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

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 949 Ed 3.1	<i>Strongroom doors or Vault doors</i>	Amended to delete reference to fire resistance, to update the table on tools for testing resistance to attack, and to delete the annex on notes to purchasers.	2023-12-24
SANS 1411-7 Ed 2.3	<i>Materials of insulated electric cables and flexible cords Part 7: Polyethylene (PE)</i>	Amended to update referenced standards, to delete definition of acceptable and to include sheath shrinkage requirements.	2024-01-04
SANS 1553-1 Ed 1.3	<i>PVC-U window and door frames for external use Part 1: PVC-U profiles for window and door frames.</i>	Amended to add and update the introduction and to delete the annex on notes to purchasers.	2024-01-16
SANS 868-1-3 Ed 1.2	<i>Compression-ignition engine systems and machines powered by such engine systems, for use in mines and plants with explosive gas atmospheres or explosive dust atmospheres or both Part 1-3: Hazardous locations in underground mines – Machines.</i>	Amended to move reference to marking from the foreword to the clause on marking and to delete the relevant note on marking, to add a new note on marking information, to remove reference to the regulator from the foreword, to update referenced standards, to delete reference to legislation, the annex on guidelines on certification requirements for an explosion protected machine, and the annex on testing and certification procedure	2024-01-16
SANS 10201 Ed 1.1	<i>Medium voltage earthing devices incorporating NECRTs, NECRs, and NERs.</i>	Amended to update referenced standards.	2024-01-18
SANS 1553-1 Ed 1.3	<i>PVC-U window and door frames for external use Part 1: PVC-U profiles for window and door frames.</i>	Amended to add and update the introduction and to delete the annex on notes to purchasers.	2024-01-18
SANS 10106 Ed 4.1	<i>The installation, maintenance, repair and replacement of domestic solar water heating systems.</i>	Amended to delete a tradename, and the reference to the certificate of compliance.	2024-01-23
SANS 13 Ed 2.4	<i>Wax polish, solvent-based, for floors and furniture.</i>	Amended to delete notes to purchasers.	2024-01-21
SANS 15 Ed 2.4	<i>Wax emulsion polish for floors and furniture.</i>	Amended to delete the annex on notes to purchasers.	2024-01-21
SANS 3001-PR5 Ed 1.2	<i>Civil engineering test methods Part PR5: Computation of soil-mortar percentages, coarse sand ratio, grading modulus and fineness modulus</i>	Amended to update introduction and calculations.	2024-01-23

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

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

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

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

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

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

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS**SCHEDULE B.1: NEW STANDARDS**

Standard No. and year	Title, scope and purport
SANS 60317-15:2023 Ed 1	<i>Specifications for particular types of winding wires -Part 15: Polyesterimide enamelled round aluminium wire, class 180.</i> Specifies the requirements of enamelled round aluminium winding wire of class 180 with a sole coating based on polyesterimide resin, which may be modified providing it retains the chemical identity of the original resin and meets all specified wire requirements.
SANS 60143-4:2023 Ed 1	<i>Series capacitors for power systems - Part 4: Thyristor controlled series capacitors.</i> Specifies testing of thyristor controlled series capacitor (TCSC) installation used in series with transmission lines.
SANS 62146-2:2023 Ed 2	<i>Capacitors for high-voltage alternating current circuit-breakers - Part 2: TRV capacitors.</i> Applicable to TRV capacitors used on high-voltage alternating current circuit-breakers with rated voltages above 100 kV with 50 Hz or 60 Hz.
SANS 62282-7-2:2023 Ed 2	<i>Fuel cell technologies - Part 7-2: Test methods - Single cell and stack performance tests for solid oxide fuel cells (SOFC).</i> Applies to SOFC cell/stack assembly units, testing systems, instruments and measuring methods, and specifies test methods to test the performance of SOFC cells and stacks.
SANS 16775:2023 Ed 1	<i>Packaging for terminally sterilized medical devices - Guidance on the application of ISO 11607-1 and ISO 11607-2.</i> Provides guidance for the application of the requirements contained in ISO 11607-1 and ISO 11607-2. It does not add to, or otherwise change, the requirements of ISO 11607-1 and ISO 11607-2. This is an informative document, not normative. It does not include requirements to be used as basis of regulatory inspection or certification assessment activities.
SANS 22441:2023 Ed 1	<i>Sterilization of health care products - Low temperature vaporized hydrogen peroxide - Requirements for the development, validation and routine control of a sterilization process for medical devices.</i> Provides requirements for the development, validation and routine monitoring and control of a low temperature sterilization process for medical devices using vaporized hydrogen peroxide (VH ₂ O ₂) as the sterilizing agent.
SANS 535-2:2023 Ed 1	<i>Telematics Monitoring and Tracking Part 2 Requirements for operations centres and recovery services.</i> Establishes requirements for operations centres and for recovery crews that are used by providers of an asset tracking and recovery service.

Standard No. and year	Title, scope and purport
SANS 11690-1:2023 Ed 2	<i>Acoustics - Recommended practice for the design of low-noise workplaces containing machinery Part 1: Noise control strategies.</i> Outlines strategies to be used in dealing with noise problems in existing and planned workplaces by describing basic concepts in noise control (noise reduction, noise emission, noise immission and noise exposure).
SANS 62271-110:2023 Ed 5	<i>High-voltage switchgear and controlgear - Part 110: Inductive load switching.</i> Applies to AC switching devices designed for indoor or outdoor installation, for operation at frequencies of 50 Hz and 60 Hz on systems having voltages above 1 000 V and applied for inductive current switching.
SANS 1743:2023 Ed 2	<i>Reaction to fire tests for products - Determination of the gross heat of combustion (calorific value).</i> Specifies a method for the determination of the gross heat of combustion (QPCS) of products at constant volume in a bomb calorimeter. Intended to be applied to solid products.
SANS 10373-6:2023 Ed 3	<i>Cards and security devices for personal identification - Test methods - Part 6: Contactless proximity objects.</i> Defines test methods for characteristics of identification cards according to the definition given in ISO/IEC 7810 (published in South Africa as an identical adoption under the designation SANS 7810).

SCHEDULE B.2: AMENDED STANDARDS

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

Standard No. and year	Title, scope and purport
SANS 1005:2023 Ed 2.6	<i>Innerspring mattresses. Consolidated edition incorporating amendment No. 6.</i> Amended to delete the appendix on notes to purchasers, and to update referenced standards.
SANS 321:2023 Ed 4.3	<i>The production of men's boots (Goodyear welted, with stitched or stuck-on outer soles). Consolidated edition incorporating amendment No. 3.</i> Amended to update referenced standards, and to delete the annex on notes to purchasers.
SANS 1050-1:2023 Ed 1.1	<i>Laboratory controlled environments Part 1: Microbiological safety cabinets - Class I. Consolidated edition incorporating amendment No. 1.</i> Amended to modify requirements on performance.
SANS 1717-1:2023 Ed 1.1	<i>The design of detonator initiation systems for use in mining and civil blasting applications Part 1: Electronic initiation systems. Consolidated edition incorporating amendment No. 1.</i> Amended to update referenced standards.
SANS 5197:2023 Ed 3.1	<i>Determination of turbidity in water matrix using Nephelometric method. Consolidated edition incorporating amendment No. 1.</i> Amended to update the title and the clauses on interference, storage of samples, reagents, and on procedure.
SANS 5210:2023 Ed 2.4	<i>Determination of Nitrate and Nitrite in water samples. Consolidated edition incorporating amendment No. 4.</i> Amended to change the title of the standard, and to update technical content on the clauses on reagents and procedure.
SANS 5213:2023 Ed 2.4	<i>Determination of total dissolved solids (TDS) in water using gravimetric method. Consolidated edition incorporating amendment No. 4.</i> Amended to change the title of the standard, to update the clauses on principle and on procedure, and the cross references accordingly.
SANS 5217:2023 Ed 3.4	<i>Determination of free and saline ammonia content in water distillation-acidimetric titration. Consolidated edition incorporating amendment No. 4.</i> Amended to change the title of the standard and to update the clauses on principles and on reagents.
SANS 5218:2023 Ed 2.1	<i>Determination of albuminoidal ammonia content in water using Nessler method. Consolidated edition incorporating amendment No. 1.</i> Amended to change the title of the title of the standard, to update the clauses on principle and reagents.

SCHEDULE B.3: WITHDRAWN STANDARDS

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

Standard No. and year	Title
CKS 238:1980 Ed 2	<i>Weighing scales for patients (doctor's type.)</i>
CKS 241:1985 Ed 2	<i>Mayo's tables.</i>
CKS 373:1973 Ed 1	<i>Recovery beds (x-ray type).</i>

SCHEDULE B4: ESTABLISHMENT OF TECHNICAL COMMITTEES

In terms of the South African Norm for the development of South African National Standards, the following technical committee has been established:

Committee No.	Title	Scope

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

SCHEDULE B5: RETRACTION OF PREVIOUSLY GAZETTED ITEMS

Notice is hereby given that the following standards gazetted for public enquiry have been retracted.

Standard No.	Title	Scope	Date gazetted

SCHEDULE B6: GENERAL

Notice is hereby given that the following standards/draft standard have been renumbered.

Standard/draft No.	Title	Scope	New number/designation

SCHEDULE B7: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

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

DEPARTMENT OF TRANSPORT**NOTICE 2250 OF 2023****DRAFT REGULATIONS REQUIRED BY THE NATIONAL LAND TRANSPORT
AMENDMENT BILL, 2016****NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 of 2009)****DRAFT SECOND NATIONAL LAND TRANSPORT REGULATIONS****DEPARTMENT OF TRANSPORT**

The following draft regulations are hereby published for public comment in terms of section 8(2) of the National Land Transport Act, 2009 (Act No. 5 of 2009). All interested persons are invited to submit comments relating to the draft regulations within 30 days from the date of publication hereof to:

Mr Muzi Simelane
Department of Transport
Private Bag X193
PRETORIA
0001

E-mail: simelanm@dot.gov.za
Tel: 012 309 3002
Fax: 012 323 9370

- [Notes:** 1. *These regulations are required by the National Land Transport Amendment Bill, 2016 (F-Version). The Bill was referred back to Parliament by the President and some provisions regarding contracting for public transport services have been deleted. The amendments to the Bill are currently being considered by the NCOP.*
2. *The National Land Transport Regulations on Contracting for Public Transport Services issued in terms of the NLTA on 31 August 2009 have been incorporated as appropriate.*
3. *Further, these regulations have in detail the new provision of the e-hailing services as required by the new Section 66A of the Amendment Bill.*
4. *Once finalised these regulations will be combined with all other regulations made under the NLTA to form a consolidated and comprehensive set of regulations.*

**GOVERNMENT NOTICE
DEPARTMENT OF TRANSPORT**

No. R

Date:

NATIONAL LAND TRANSPORT ACT, 2009 (ACT No. 5 OF 2009)

SECOND NATIONAL LAND TRANSPORT REGULATIONS

I, Lydia Sindisiwe Chikunga, the Minister of Transport, after consultation with the MECs hereby make the regulations in the Schedule hereto in terms of section 8 of the National Land Transport Act, 2009 (Act No. 5 of 2009) ("the Act").

L S Chikunga

Minister of Transport

Schedule

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Definitions

1. In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act, has the same meaning, and the following words and expressions have the meanings assigned to them:

“Act” or **“the Act”** means the National Land Transport Act, 2009 (Act No. 5 of 2009);

“IPTN” means an integrated public transport network as defined in section 1 of the Act;

“ITP” means an integrated transport plan contemplated in section 36 of the Act;

“Minimum Requirements” means the Minimum Requirements for the Preparation of Integrated Transport Plans, 2016 promulgated in terms of the Act and published under Notice 881 in *Government Gazette* 40174 of 29 July 2016.

“National Land Transport Regulations, 2009” means the National Land Transport Regulations, 2009 made in terms of the Act and promulgated in *Gazette* 32821 of 17 December 2009 under Notice R.1208;

“PRE” means a Provincial Regulatory Entity contemplated in section 23 of the Act, and

“Previous Regulations” means the regulations repealed by regulation 8.

CHAPTER 1: REGULATIONS ON CONTRACTING FOR PUBLIC TRANSPORT SERVICES

Definitions for Chapter 1

2. In this Chapter, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following words and expressions have the meanings assigned to them:

“affected operator” as contemplated in section 41(2) of the Act means an operator who–

- (a) holds valid operating licences or permits to provide the affected services;
- (b) has been providing those services for at least 180 days prior to the date of a notice published in terms of regulation 3(2)(b);
- (c) in the case of a contract contemplated in section 41(1)(a) or (c) of the Act provides services on a route or routes that will be affected by the proposed negotiated contract, and
- (d) in the case of a contract contemplated in section 41(1)(b) of the Act is an operator contemplated in paragraphs (a) and (b) and (c) who also is a small business operator or is a person previously disadvantaged by unfair discrimination;

“appropriate” in section 41(2) of the Act means that operators who are not affected operators must be excluded from the negotiations contemplated in section 41(2) of the Act as contemplated in section 41(2)(a) thereof;

“cross-boundary service” means a public transport service or network of services that crosses the boundary of the area of jurisdiction of one municipality into that of another municipality or municipalities;

“DORA” means the Division of Revenue Act contemplated in section 214(1) of the Constitution for the financial year in question;

“financial year” means 1 April to 31 March of the following year in the case of a province, subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), and 1 July to 30 June of the following year in the case of a municipality, subject to the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“Grant Framework” means the Grant Framework published for the financial year in question in terms of DORA;

“IGRFA” means the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), and

“ITP” in relation to a contracting authority means an ITP which includes the components required by the Minimum Requirements including a transport register, a transport needs assessment, a contracted services plan, an operating licences plan, a transport infrastructure plan, a travel demand management strategy and an IPTN plan and strategy.

Requirements for contracts *[Section 8(1)(d) 8(1)(u) and 42(1) of the Act]*

3. (1) Before entering into a contract in terms of section 41 or 42 of the Act the contracting authority must–

- (a) in the case of a municipality, develop and finalise its ITP and obtain approval thereof as required by section 36 of the Act read with the Minimum Requirements where it has not already done so and, where relevant, update the ITP in the manner required by the Minimum Requirements, but subject to section 93(4) of the Act;
- (b) ensure that the services contemplated in the proposed contract are in line with and are provided for in the relevant sections of the ITP and in particular and where relevant, the transport needs assessment, the contracted services plan the operating licences plan and the travel demand management strategy;
- (c) ensure that the public transport plan component of the ITP encompasses and incorporates an IPTN plan as required by section 8.1 of the Minimum Requirements;
- (d) make provision for the incorporation of the requirements and conditions promulgated in the Grant Framework for the Public Transport Network Grant in respect of the subsidy funding for the proposed services published in terms of the relevant DORA;
- (e) prepare an operational and business plan as contemplated in the Grant Framework that complies with regulation 4;
- (f) conduct surveys on the route or routes or area or areas in question to compile a list, insofar as possible, of affected operators, and a list of the associations that represent those affected operators, and
- (g) consult with the relevant Public Transport Integration Committee (PTIC) or Committees established in terms of the Grant Framework published under the Division of Revenue Act, 2009 (Act No. 12 of 2009) and referred to in subsequent Grant Frameworks published under relevant DORA's.

(2) Before entering into a negotiated contract in terms of section 41 of the Act, the contracting authority must–

- (a) take the steps listed in sub-regulation (1);

- (b) publish a notice in one or more newspapers circulating in the area or areas where the proposed services will be provided inviting affected operators to register with the contracting authority by a date stated in the notice, and
- (c) keep a register of such affected operators with their contact details and, where applicable, the contact details of their representatives or the representatives of the associations to which they belong, if such representatives are authorized in writing by the operator concerned by submission of a special power of attorney.

(3) The contracting authority must then negotiate with such affected operators, either individually or through their representatives or associations, with a view to concluding an agreement with the operators that may include offering them one or more of the following:

- (a) Alternative services to those that will be provided in terms of the contract as contemplated in section 39(1) of the Act;
- (b) shares or loan accounts in the operating company or companies or entity or entities that will be established or appointed to provide the services in terms of the contract, or
- (c) in the case of a contract to be concluded under section 41(1)(a) of the Act, compensation or another appropriate inducement.

(4) The contracting authority may address a written offer to an operator or operators contemplated in sub-regulation (2) stating a date for acceptance of the offer, which notice must be delivered to the operator or his, her or its representative or person representing the operator's association authorised in terms of sub-regulation (2)(c) at the physical or email address registered in terms of that sub-regulation.

(5) Where an operator to whom an offer has been addressed in terms of sub-regulation (4) fails to accept the offer or to reply to the notice by the date stated for acceptance, the operator will be deemed to have rejected the offer and the contracting authority will not be obliged to negotiate with that operator any further.

(6) Where an operator accepts an offer contemplated in sub-regulation (2), the agreement contemplated in that sub-regulation must include an undertaking by such operator to submit the operating licences or permits held by that operator authorising services on the route or routes that will be operated in terms of the proposed contract, for cancellation, amendment or conversion, as the case may be, to remove authorisation for any services that will compete with the services to be provided in terms of the contract.

(7) Where an operator contemplated in sub-regulation (6) continues operating public transport services on a route or routes in violation of an undertaking

given under that sub-section or is otherwise in breach of an agreement contemplated in sub-regulation (2), the operator will forfeit any benefit granted to that operator in terms of sub-regulation (2)(b) or (c) after affording the operator a reasonable opportunity to provide reasons why the benefits should not be forfeited and if such reasons are not acceptable to the contracting authority.

(8) Any benefit accruing to an operator in terms of an agreement contemplated in sub-regulation (2) may not be paid or transferred to the operator until that operator has complied with sub-regulation (6), subject to sub-regulation (7).

(9) Where an operator has concluded an agreement contemplated in sub-regulation (2), the contracting authority may require the vehicles of the operator to be branded as a feeder-service or other component-service of the relevant IPTN at the expense of the contracting authority.

(10) Before entering into a commercial services contract in terms of section 43 of the Act, the contracting authority must take the steps listed in paragraphs (a), (b), (c) and (f) of sub-regulation (1).

Operational and business plan

4. The operational and business plan contemplated in regulation 3(1)(a) must at least deal with—

- (a) the need and desirability for the contract in that the contract is necessary or advisable to address the needs of passengers and employers in the relevant area or on the relevant routes and reasons why existing passenger transport services are inadequate;
- (b) a reference to the transport needs assessment of the relevant ITP or ITPs and how it provides for or gives rise to the need for the contract;
- (c) the estimated financial implications of the proposed contract for the contracting authority specifically and for the fiscus generally and in the case of a negotiated contract or subsidised service contract how the contract will provide value for money in terms of the dispensing of subsidies;
- (d) as regards the financial implications of the proposed contract, a multi-year financial operational plan, approved by the municipal council in the case of a municipality, covering the full duration of the contract for each phase funded by the PTNG and including operating and maintenance costs and universal design access plans;
- (e) verified data on operator revenue and profitability and draft agreements for compensation contemplated in regulation 3(3)(c);

- (f) how the contract will promote fiscally and financially sustainable public transport services by estimating fare revenue and other expected revenue and setting it off against expected expenditure;
- (g) in the case of a negotiated contract, a short description of the negotiation process, the parties with whom negotiations were conducted and the outcome, as well as agreements concluded in terms of regulation 3(2);
- (h) in the case of interprovincial or cross-boundary services, a description of engagements with and agreements between the contracting authority and other relevant provinces or municipalities, and
- (i) the arrangements made or to be made for supervision and monitoring of the services that will be provided in terms of the contract

Transition from existing contracting arrangements *[Section 42(1) and (3) of the Act]*

5. (1) As required by section 42(1) of the Act a contracting authority must commence with the activities contemplated in regulation 3(1) to put in place a new contract not later than one year before the anticipated expiry of a contract where the relevant ITP or ITPs show that passengers on the relevant routes or in the relevant area or areas still require contracted services.

(2) Where an adequate ITP or ITPs is or are not available for the purpose contemplated in sub-regulation (1) the contracting authority must use all other information available to it for the purposes of designing the contract or contracts as contemplated in section 93(4) of the Act.

(3) The contracting authority must synchronize arrangements between the old and new contract and the new contract must be phased in so that there is no break in services to the relevant passengers, and with due regard to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and other applicable labour legislation.

(4) The contracting authority must advise passengers by means of one or more public meetings or by leaflets distributed or left at terminals, bus stops and other facilities, or by notices in local newspapers other appropriate means, of the new operator and of any changed circumstances applicable to the new contract or the changeover to the new contract.

General requirements *[Section 42(6) of the Act]*

6. (1) In negotiating or concluding contracts in terms of the Act the contracting authority must give due regard to—

- (a) any requirements or model tender and contract documents prescribed or provided in terms of section 42(6) of the Act;
- (b) the Regulations Relating to Integrated Fare Systems, 2011 promulgated in *Government Gazette* 32535 of 17 June 2011 (Notice No. R.511);
- (c) universal design and access requirements and standards published by the Department, or by the Minister in terms of section 8(1)(y) of the Act, and those published in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and generally ensure that there is provision for the needs of targeted categories of passengers;
- (d) relevant policies to promote non-motorised transport and accessible transport regarding both public transport operations and infrastructure;
- (e) follow an environmental strategy and consider energy efficiency and environmental aspects such as emission standards and should consider mandatory specifications for average fleet emissions;
- (f) fare integration between different modes and services;
- (g) the need to promote the economic empowerment of small business and persons previously disadvantaged by unfair discrimination and to prevent the rise or continued existence of monopolies created by previous unfair legislation or practices, and
- (h) section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and other applicable labour legislation during the transition from one contract to another.

(2) Contracting authorities must ensure that provision is made for adequate electronic or physical monitoring of the services being provided in terms of contracts involving subsidies in the manner specified in the requirements and model tender and contract documents prescribed or provided in terms of section 42(6) of the Act and in compliance with any grant conditions published in terms of the relevant Division of Revenue Act.

(3) Stopgap contracts contemplated in section 41A of the Act must be used only in exceptional circumstance where they are necessary to provide services in the interim while the contracting authority is in the process of conducting negotiations for a negotiated contract or establishing a network, as contemplated in section 41A(1)(c) of the Act, and should not be used where they are likely to delay the conclusion of appropriate negotiated or subsidised service contracts.

(4) Where services to be provided in terms of a contract will be provided in the areas of jurisdiction of more than one municipality, the municipalities must–

- (a) conclude a written agreement between them providing at least for the financial arrangements applicable to the proposed contract between them and taking into account the provisions of the IGRFA, and
- (b) where appropriate approach the relevant province or provinces for assistance as contemplated in regulation 8.

(5) Where a proposed contract will impose financial obligations on a municipality beyond the three years covered in its annual budget the municipality must follow the procedures required by section 33 of the Local Government: Municipal Finance Management Act, 2003 (Act. No. 56 of 2003).

(6) A contracting authority may not conclude more than one negotiated contract by applying sections 41(a), (b) and (c) of the Act as alternatives, and thus frustrating the intentions of the Act that such contracts should be concluded once only.

Requirements for tenderers *[Section 42(6)(a) of the Act]*

7. (1) The tender and contract documents contemplated in section 42(6) of the Act must include that to qualify as a tenderer for a subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership control over an operator, or performing services on behalf of, or in the capacity as agent of, an operator must comply with the following requirements:

- (a) Must conduct public transport operations according to business principles with financial ringfencing, and
- (b) must have his, her or its tax affairs in order and be able to furnish a valid tax clearance certificate or PIN issued by the South African Revenue Services.

(2) For the purposes of sub-regulation (1)(a), an operator is financially ringfenced if—

- (a) the business of the operator's undertaking is conducted separately from that of another entity or undertaking or any other organisation;
- (b) the operator keeps separate accounting records, in accordance with generally accepted accounting practice and procedures, of its assets, liabilities, income, expenditure, profits and losses;
- (c) the operator's undertaking is financially sustainable in terms of its financial statements; and
- (d) the operator has no unfair advantage as regards access to financial or other support or resources from any organ of state as defined in section 239 of the Constitution, unless such advantage is part of a scheme which applies generally, approved by the contracting authority, to protect or advance public transport operators disadvantaged by unfair discrimination.

(3) For the duration of a subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership control over an operator, or performing services on behalf of or in the capacity as agent of, an operator, must—

- (a) keep separate record, in accordance with generally accepted accounting practices and procedures, of his or her or its financial position, performance, flow of funds and change in financial position;
 - (b) undergo an annual audit by a person registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005);
 - (c) comply with the requirements of sub-regulation (1);
 - (d) not enjoy an unfair advantage emanating from an organ of state, but any advantage emanating from a subsidised service contract is not deemed to be an unfair advantage for the purposes of this section.
- (4) For the purpose of this regulation—
- (a) “ownership control” means control by one person or entity over another as contemplated in section 2 of the Companies Act, 2008 (Act No. 71 of 2008), and
 - (b) “unfair advantage” means, but is not limited to—
 - (i) the receipt by an operator of any direct or indirect benefit, including funds, resources, donations, grants, consideration or other advantage, whether financial or otherwise, which is not available on the same terms and conditions to all other potential operators;
 - (ii) the direct or indirect guarantee or honouring of any of the obligations of the operator, including the arrangement or facilitation of the granting of any such loan;
 - (iii) the direct or indirect provision of a loan bearing no interest, or interest at a substantially lower rate than would be available commercially to a similar operator under similar conditions, or a loan in respect of which interest payments are deferred for a period of more than six months, including the arrangement or facilitation of the granting of any such loan;
 - (iv) allowing an operator to make use, or failing to prevent an operator from making use, of any public resources, including infrastructure, property, facilities, assets, human resources, systems, expertise or intellectual property, or facilitating such action, which would not be available to another similar operator on the same terms and conditions.
- (5) The contracting authority must consider the fitness of the tenderer as an operator based, among other things, on the latter’s record of convictions for criminal offences of a type considered to be relevant by that authority.

Assistance by provinces *[Section 11(1)(b)(v) and (vi) and 12(1) of the Act]*

8. (1) A province may assist a municipality or more than one municipality with the concluding of a contract or may conclude a contract as agent of a municipality or on behalf of the municipality or municipalities as contemplated by section 238(b) of the Constitution.

(2) In such a case the province and municipality or municipalities, as the case may be, must conclude a written agreement setting out the roles and obligations of the parties, taking into account the provisions of the IGRFA and including, but not limited to–

- (a) the financial arrangements applicable to the proposed contract or contracts;
- (b) measures that will be undertaken by the province to build capacity and resources into the municipality or municipalities as contemplated by section 154(1) of the Constitution and section 11(1)(b)(v) and (vi) of the Act;
- (c) an undertaking by the municipality or municipalities that they commit to availing resources to be capacitated in building municipal capacity or agree to take over resources that may be sourced and trained by the province for that purpose.

(3) The contract or contracts must be provided for in the ITPs of the relevant municipalities and must assist in providing and integrating public transport services to the communities of the municipalities as required by the Act and the Minimum Requirements.

(4) Before signature of the proposed contract it must be submitted to the Department and National Treasury for their comments, and the contracting authority must consider any comments that may be submitted by the Department or National Treasury as may be appropriate.

Transitional provisions *[Section 46(3) of the Act]*

9. (1) A contract concluded before the date of coming into operation of these regulations remains valid despite the provisions of these regulations.

(2) Negotiations conducted with operators by a contracting authority before the date of coming into operation of these regulations remain valid.

Repeal of previous regulations on contracting for public transport services

10. The National Land Transport Regulations on Contracting for Public Transport Services promulgated in *Government Gazette* 32535 on 31 August 2009 (Government Notice No. R.877) are hereby repealed.

CHAPTER 2: REGULATIONS ON ELECTRONIC-HAILING SERVICES

Definitions for Chapter 2

11. In this Chapter of these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following words and expressions have the meanings assigned to them:

“agreement” or **“e-hailing service agreement”** means the agreement between an operator and the e-hailing platform provider contemplated in regulation 16;

“app” or **“application”** means a technology-enabled application contemplated in section 66A(1)(a) of the Act;

“child” means a child as defined in the Children’s Act, 2005 (Act 38 of 2005);

“ECA” means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

“e-hailing platform provider” or **“platform provider”** means a person who provides the application or any technology that is designed or used in enabling the e-hailing public transport service to be provided, including any or all of the value chain elements listed in regulation 16;

“equipment” means equipment as defined in the Type Approval Regulations, 2013;

“identity card” means an identity card as defined in the Identification Act, 1997 (Act No. 68 of 1997);

“NPTR” means the National Public Transport Regulator;

“operator” means a person who is a holder of an e-hailing service operating licence issued in accordance with section 66A of the Act read with these regulations;

“RICA” means the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002 (Act No.70 of 2002), and

“Type Approval Regulations, 2013” means the Type Approval Regulations developed in terms of section 4(1) read with section 35 of the ECA promulgated in *Government Gazette* 36785 of 26 August 2013 under Notice 871.

Application of Chapter 2 [Section 66A(4)(a)(iv) of the Act]

12. (1) The regulations in this Chapter apply to all processes contemplated in this Chapter as well as implementation of the provisions of section 66A of the Act.

(2) Operators of e-hailing services must obtain operating licences specific to e-hailing services in terms of section 66A of the Act and are entitled to such licences on proper application by the applicant in accordance with regulation 11 and granting of such licences by the appropriate regulatory entity.

Requirements for e-hailing services [Section 66A(4)(a)(iv) of the Act]

13. E-hailing services may only be provided where there is an e-hailing platform provider and an operating licence for the vehicle being used for the e-hailing service.

Conversion of operating licences for e-hailing services issued prior to commencement of section 66A of the act [Section 8(1)(bba), 8(1A) and 66A(4)(a)(iv) of the Act]

14. (1) All operators providing e-hailing services in terms of operating licences issued before the coming into operation of these regulations, regardless of how those services are described in such licences, must apply within 180 days of coming into effect of these regulations to the regulatory entity that issued the licence for conversion of the operating licence to an operating licence specific to e-hailing services in terms of sections 66A(4)(a)(iv) and 8(1)(bba) of the Act read with these regulations.

(2) An application made in terms of sub-regulation (1) must be made on the form provided by the regulatory entity and must be accompanied by the applicable application fee.

(3) On receipt of an application in terms of sub-regulation (1) the regulatory entity must check that the application is compliant, that the licence held by the applicant is valid and that it applies to a vehicle that is acceptable for providing e-hailing services that has been issued with a valid and current roadworthy certificate as required by the National Road Traffic Act.

(4) On being satisfied that there is compliance with sub-regulation (3) the regulatory entity must issue an operating licence for the vehicle to the applicant specific to the e-hailing services and notify the applicant that the new licence is available for upliftment.

(5) The new operating licence must be uplifted by the applicant within 30 days of notification in terms of sub-regulation, (4) failing which the licence will lapse.

(6) While waiting for a new operating licence to be issued in terms of sub-regulation (1), the operator may continue to operate the services authorised by the existing licence and must keep the receipt issued by the regulatory entity for the application in the vehicle as well as a certified copy of the operating licence that is to be converted, at all times while the e-hailing services are being provided.

(7) Where an operating licence is not submitted as required by sub-regulation (1) within the period mentioned therein, the relevant regulatory entity must cancel the operating licence.

(8) As from a date calculated as 180 days after the date of coming into operation of these regulations, no operator may operate e-hailing services using an operating licence that was issued before that date unless it has been reissued in terms of sub-regulation (1), and an operator who does so commits an offence.

Requirements for an e-hailing application and e-hailing platform providers
[Section 66A(4)(a)(i) of the Act]

15. (1) The e-hailing application used for e-hailing services must be registered with and approved by the NPTR.

(2) An e-hailing platform provider must be a natural or juristic person with valid South African citizenship or permanent residence or be incorporated in terms of South African laws.

(3) All platform providers must apply for registration with the NPTR by completing the application form provided by the NPTR and providing the information required by it.

(4) On receiving an application under sub-regulation (3) the NPTR must register the platform provider if the application is compliant and the platform provider complies with regulation 17 and the requirements of the ECA and other applicable legislation, and has provided acceptable details of the premises contemplated in sub-regulation (5).

(5) An e-hailing platform provider must have physical premises in each city, town or rural area where it operates to enable operators and drivers to engage with it.

Minimum specifications for e-hailing platform *[Section 66A(4)(a)(i) of the Act]*

16. (1) The platform must have at least the following functionalities for the passenger:

- (a) A user must be able to sign up with the e-hailing platform app.
- (b) Provision for the creation of a trip request with end destination.
- (c) Provision for section of a service including categories where the e-hailing platform management company provides for varying service offerings.
- (d) The user must be able to check the price for the ride beforehand.
- (e) Verification of the trip by the user, including confirmation of the data and the pickup location.
- (f) The user must be able to interact with the driver after the driver has been allocated to the user.
- (g) The user must be able to track the driver's movement before and during the journey.
- (h) Provision for push notifications to keep the user up- to- date with the trip request status, driver arrival time, driver and car details.
- (i) The user must be able to contact the driver through the app.
- (j) The user must be able to book a trip in advance for a selected time of being picked up.
- (k) The platform must enable a user to book the ride for another traveler from own account.
- (l) Payment must be able to be done automatically after the ride is complete.
- (m) The user must be able to select a payment method including adding a credit card or debit card beforehand, where they are the user choice of payment.
- (n) The user must be able to review the driver when the trip is complete.
- (o) The driver must be able to identify the user by means of a recent photograph of the user supplied to the driver by the App or by other means provided for by the platform provider.
- (p) SOS buttons ("panic buttons") must be provided in case of emergency which are connected to relevant law enforcement agencies or private security service providers appointed by the platform provider, and are tested at least once a week to ensure that they are still functional.
- (q) Panic buttons contemplated in sub-paragraph (p) must be capable of being accessed and used by passengers as well as by the driver of the vehicle.

- (2) The platform must have at least the following functionalities for the driver:
- (a) The platform must provide for the driver profile and status which must include—
 - (i) a recent picture of the driver and details of his or her valid driving licence and professional driving permit, including expiry dates and
 - (ii) the street address where the driver lives as well as the motor vehicle details,
 - (b) The driver profile and status must be entered and updated only by the platform administrator.
 - (c) The driver must be able to receive trip orders to accept or decline, including passenger information regarding the location and route.
 - (d) The platform must provide the driver with navigation and route optimisation that offers the best trip route option.
 - (e) There must be driver delivery reports that provide the driver with daily, weekly and monthly information regarding trips and earnings, where applicable.
 - (f) The driver must be able to send and receive messages to and from the passenger using the app.
 - (g) The app may also be capable of charging the user for waiting time starting from a defined parameter as additional cost on top of the base fare.
 - (h) The app must be able to provide the driver with a heat map that enables the driver to be aware of high demand areas.
 - (i) The driver must be able to accept another ride request while completing the current trip, and this capability must be able to be set on defined time parameters of completing the trip.

Minimum requirements for e-hailing platform administration function [Section 66A(4)(a)(i) and (iv) of the Act]

17. The e-hailing platform administration function must at least include the following:

- (a) Appropriate and effective driver and user management;
- (b) Location and fares management using the latest updated maps and satellite technology;
- (c) Management of bookings by users;
- (d) Vehicle management;
- (e) Management of driver orders and payments to the driver;
- (f) Management of notifications between the user and driver and between the driver and platform provider;
- (g) Support to the driver and users by the platform provider;
- (h) Management of payments from the user to the platform provider and from the platform provider to the operator;

- (i) Passenger review management, and
- (j) A help centre managed by the platform provider that is available to users at all times to report passenger experiences.

E-hailing service agreements *[Section 66A(4)(a)(iv) of the Act]*

18. The arrangement between the operator and the e-hailing platform provider must be reduced to writing and include at least the following:

- (a) The legal names of the parties as reflected in the identity card or other identity document acceptable to the regulatory entity in the event of natural persons and names as reflected at the institution where the entity is registered in the event of a juristic person.
- (b) The authorized representatives with their full details must be reflected in the event of juristic persons.
- (c) The type of service and grade contracted for must be reflected in the agreement.
- (d) The agreement must be conditional upon the operator obtaining an operating licence from the relevant regulatory entity authorizing the type of service agreed to between the parties, as required by section 50(1) of the Act.
- (e) The operator must agree to be allowed access to the platform on providing proof of the operating licence and confirm to abide by the conditions of the operating licence.
- (f) The agreement must provide that all the electronic equipment including a mobile phone to be used by the driver must be compliant with the requirement of RICA.
- (g) Where the operator will not be driving the vehicle personally, the agreement must provide that the operator will introduce the driver to the platform who must meet all the requirements meant to be met in terms of these regulations for a driver to provide e-hailing services.
- (h) The agreement must further provide that where the operator, the driver or the motor vehicle used for the service no longer comply with the requirements of the Act or these regulations or the agreement the service will be terminated subject to the platform provider giving notice for such to the regulatory entity that issued the operating licence for cancellation or amendment, as the case may be.
- (i) The agreement must further require the operator to notify the relevant regulatory entity within 24 hours of termination of the e-hailing service agreement and hand over the operating licence to the regulatory entity.

E-hailing platform provider requirements *[Section 66A(4)(a)(iv) of the Act]*

19. (1) The e-hailing platform provider must meet all of the minimum requirements listed in regulation 13.

(2) All the equipment used by the e-hailing platform provider must have been type-approved in terms of the Type Approval Regulations, 2013.

(3) The e-hailing platform provider must comply with ICASA requirements with regard to being incorporated as a legal entity in terms of South African laws governing the corporate entity concerned.

(4) The relevant type approval certificates and proof of registration as a legal entity incorporated in South Africa must be provided to the relevant regulatory entity.

Minimum safety requirements for e-hailing services

20.(1) The regulatory entity receiving an application for an e-hailing operating licence must check, in addition to the requirements of the Act, the National Road Traffic Act and the National Land Transport Regulations, 2009, that—

- (a) the motor vehicle to be used for the service is registered with the platform provider;
- (b) the driver or drivers of the vehicle have been vetted by the platform provider;
- (c) the driver or drivers, as the case may be, have signed a declaration stating that there are no pending criminal investigations against them in South African or in another country that may result in conviction for an offence by a court of law, where such offence could have a bearing on the provision by the driver of public transport services;
- (d) the driver or drivers hold the driving licences and professional driving permits required by the National Road Traffic Act;
- (e) the motor vehicle is fitted with an emergency button as required by regulation 20(1)(p);
- (f) the App provides for identification of the user as contemplated in regulation 16(o), and
- (g) the motor vehicle is marked with the names, street address and mobile telephone number of the proposed holder of the operating licence as well as the name of the platform provider.

(2) The driver must be able to refuse conveying the user if the driver suspects that the proposed user intends to rob or harm the driver or other users in any way.

Requirements to be met for the e-hailing platform provider to grant access to use of its infrastructure and service *[Section 66A(4)(a)(iv) of the Act]*

21. The e-hailing platform provider may only grant access to use of its infrastructure and services if the—

- (a) mobile device operator is registered in the system as part of the agreement referred to in regulation 16.
- (b) mobile device used is compliant with RICA and belongs to the registered driver or operator contracted to the e-hailing platform provider;
- (c) mobile devices used by passengers to hail the service can be adequately accommodated to comply with the Act and these regulations;
- (d) operator is the holder of an operating licence issued by the regulatory entity for the e-hailing service as required by the Act,
- (e) the fares comply with any standards for interoperability between fare collection and ticketing systems set by the Minister in terms of section 5(5) of the Act and any requirements for integrated fare systems prescribed by the Minister in terms of section 8(1)(b) of the Act;
- (f) the calculation of fares is compliant with any direction or requirement imposed in terms of the Economic Regulation of Transport Act, 20... (Act No. of 20....), and
- (g) where the operator has categories of vehicles to provide different standards for passengers, the passengers must be provided the category of the service they ordered.

Suspension or cancellation of access to e-hailing platform *[Section 66A(4)(a)(iv) of the Act]*

22. (1) The e-hailing platform provider must suspend the operator and the operator's drivers as soon as it becomes aware of non-compliance with the access conditions, subject to sub-regulation (3).

(2) Such a platform provider must give notice of such suspension and the reasons to the regulatory entity that issued an operating licence to the operator.

(3) The suspension notice to the operator must give timeframes of not more than 14 days for the operator to remedy the causes for the suspension failing which access will be cancelled.

(4) The e-hailing platform provider must give seven-days' notice to the regulatory entity that issued the operating licence of its intention to cancel the access of the operator.

(5) Where the operator has been suspended from accessing an e-hailing platform service, that operator must and cease to operate until access has been restored and must hand in his, her or its operating licence to the regulatory entity within seven days of the suspension for safekeeping until access has been restored.

Use of more than one e-hailing platform provider *[Section 66A(4)(a)(iv) of the Act]*

23. (1) An operator may have agreements with more than one e-hailing platform provider at the same time.

(2) In such a case the same process of getting the e-hailing platform provider approved by the NPTR must be followed.

(3) Each e-hailing platform provider to be used by an operator must be endorsed on the operating licence by the regulatory entity and within seven days of being endorsed by a new platform provider the operator must submit the operating licence for the vehicle concerned to the regulatory entity that issued them for such endorsement.

(4) While waiting for the operating licences to be endorsed in terms of sub-regulation (3), the operator may continue to operate the services and must keep the receipt issued by the regulatory entity for the endorsement in the vehicle as well as a certified copy of the operating licence relating to the vehicle.

(5) The operator must give notice of registering with another e-hailing platform provider to the current e-hailing platform provider or providers.

(6) Where simultaneous use of more than one e-hailing platform provider using the same equipment may interfere with the proper functioning of the existing e-hailing platform such additional platform provider is not allowed unless the operator terminates with the current provider and replaces it with the new one.

(7) In the event the operator terminates with the current e-hailing platform provider for the purposes of replacing that provider with a new one, the service is suspended until a new e-hailing platform provider has been approved and the operating licence is amended accordingly.

(8) Where an operator concludes an agreement with a new service provider, the operator must hand in the relevant operating licence to the regulatory entity within seven days for amendment of the licence and sub-regulation (4) will apply in such a case with the necessary changes.

Minimum requirements for the regulatory entity to grant an e-hailing service operating licence *[Section 66A(4)(a)(iv) of the Act]*

24. (1) An applicant applying for an e-hailing operating licence must complete the relevant form in terms of the National Land Transport Regulations, 2009.

(2) In addition to any other documents that may be required in terms of the National Land Transport Regulations, 2009, the applicant must ensure that the regulatory entity has been supplied with or is in possession of a copy of the terms and conditions imposed on the applicant by the platform provider, which must comply with the requirements listed in regulation 16.

(3) The applicant must also provide proof that the e-hailing platform provider is approved by the relevant regulatory entity for the purposes of being used for e-hailing services and must submit to the regulatory entity an approval letter issued by the platform provider certifying that the applicant has been approved for providing the relevant e-hailing services.

(4) The vehicle must be suitable for providing e-hailing services as public transport services for the conveyance of passengers in terms of vehicle type, age and any other condition considered relevant by the regulatory entity.

(5) Where the platform provider has categories of vehicles to provide different standards for passengers, the application for an operating licence must indicate that fact and the standards must be incorporated in the operating licence conditions.

(6) In imposing conditions applicable to the operating licence under section 57(5) of the Act the regulatory entity may specify that non-compliance with the conditions may lead to impoundment of the vehicle in terms of section 87 of the Act in the case of offences of a serious nature as determined by the entity.

Minimum requirements for electronic equipment used for e-hailing services *[Section 66A(4)(a)(i) of the Act]*

25. No equipment may be used in the e-hailing service provisioning by the e-hailing platform provider, operator or driver unless—

- (a) it is type approved in terms of the Type Approval Regulations, 2013;.
- (b) it is used in compliance with RICA;
- (c) it is registered to the e-hailing platform provider, operator and driver;
- (d) the registration for RICA compliance is done using the current identification and address of the person in whose name the equipment is being registered, and

- (e) it is fully enabled to access and be used for all relevant services of the e-hailing platform provider.

E-receipt for passengers *[Section 66A(4)(a)(iv) of the Act]*

26. (1) The driver must issue every passenger using and paying for an e-hailing service with an electronic receipt.

(2) The electronic receipt must reflect at least the following details:

- (a) The name and physical address of the operator;
- (b) The registration number of the operator where it is a juristic person, otherwise the identity number if a natural person with South African identity document;
- (c) Where the operator does not hold South African identification documents, the passport number and visa number of the operator;
- (d) The e-hailing platform provider used for the service including its contact details;
- (e) The amount paid for the ride;
- (f) The date and time the receipt was issued corresponding with the time of the ride by the passenger;
- (g) The name of the driver, and
- (h) The make, model and registration numbers of the motor vehicle used for the ride.

(3) For the purposes of this regulation, issuing includes any form of electronic communication accessible to the passenger through which the electronic receipt may be received.

(4) An operator who fail to issue an electronic receipt for an e-hailing service that complies with this regulation commits an offence.

Marking and branding of motor vehicles used for e-hailing services *[Section 66A(4)(b) of the Act]*

27. (1) A motor vehicle used for an e-hailing service must be marked with full details of the operator on both sides of the front doors while providing the service.

(2) The marking must include the full names and physical address of the operator.

(3) The contact telephone or mobile phone number of the operator must be included in the details.

(4) The contact telephone or mobile phone number written on the motor vehicle must be in working order at all times when the service is provided.

(5) The contact telephone or mobile phone number may be that of a call centre used by the operator.

(6) The motor vehicles may be branded according to the operator's requirements or as agreed between the operator and e-hailing platform provider.

(7) A motor vehicle used for an e-hailing service may not be branded for other services than an e-hailing service while it is being used for an e-hailing service.

Notices by regulatory entity to e-hailing platform provider [Section 66A(4)(a)(iv) of the Act]

28. (1) The regulatory entity that approved an e-hailing platform provider may issue a notice to the e-hailing platform provider under the following circumstances:

- (a) Requesting records pertaining to any operator licensed with that provider and using the e-hailing platform provider concerned;
- (b) Requesting any other information or a response arising out of any inquiry where the e-hailing platform provider is involved;
- (c) In the event of any contravention of the Act or these regulations or licensing conditions pertaining to an operator licensed using the e-hailing platform provider, or
- (d) Any other matter that the regulatory entity considers relevant for the purposes of its powers and functions in terms of the Act.

(2) A platform provider who fails to comply with a request under sub-regulation (1) commits an offence.

Transitional arrangements [Section 66A(4)(a)(iv) of the Act]

29. (1) Any operating licence issued for e-hailing service before the coming into effect of these regulations remains valid subject to regulation 16.

(2) An application for an operating licence for an e-hailing service that is before a regulatory entity on coming into effect of these regulations must be finalized in compliance with these regulations.

(3) Any operator using an e-hailing platform that is not approved by the regulatory entity must apply to have such e-hailing platform provider approved, failing which that operator must apply to use an approved e-hailing platform provider.

CHAPTER 3: REGULATIONS ON CONVERSION OF PERMITS AND INDEFINITE PERIOD OPERATING LICENCES TO OPERATING LICENCES REQUIRED BY THE ACT

Definitions for Chapter 3 *[Section 47(7) of the Act]*

30. In this Chapter, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following words and expressions have the meanings assigned to them:

“operating licence for conversion” means an operating licence contemplated in section 47(1) of the Act that was issued in terms of the Transition Act for an indefinite period or a period exceeding seven years, and

“permit” means a permit as defined in the Act.

Application of Chapter 3 *[Section 47(7) of the Act]*

31. This Chapter of these regulations applies to all holders of permits and operating licences for conversion, and to persons operating vehicles conveying passengers for reward without operating licences, where they are required to hold operating licences in terms of the Act.

General conversion *[Section 47(7) of the Act]*

32. (1) As required by section 47 of the Act, all holders of permits and operating licences for conversion must apply for conversion of such permits and operating licences to definite period operating licences, and must do so within 24 months of coming into operation of these regulations.

(2) Application for conversion must be made to the relevant regulatory entity by completing the form prescribed in the National Land Transport Regulations, 2009.

(3) The applicant for conversion must have been providing a service authorised by the permit or operating licence for conversion continuously for 180 days as required in terms of section 47(3) of the Act.

(4) The applicant must provide proof of having operated continuously as required by sub-regulation (3) to the satisfaction of the regulatory entity, as contemplated in sub-regulation (5).

(5) The manner of proving continuous operation for 180 days will be at the discretion of the regulatory entity to which the application is made and may include driver employment records and vehicle service records, bank statements showing regular money deposits, association subscription and membership fees or records or any other records that may, when collectively viewed, suggest sufficient proof that the services have been operated as required to qualify for conversion; Provided that the foregoing is not intended to be exhaustive and the different modes of public transport services may be able to provide proof differently based on how they operate.

(6) The permit or operating licence sought to be converted must be linked to a motor vehicle owned by the holder thereof as required by section 64(1) of the Act and have been used to provide the service authorised by such permit or licence for the minimum duration of 180 days prior to the application for conversion.

(7) A permit or operating licence that cannot be linked to a motor vehicle as required in terms of regulation (6) may not be converted to an operating licence.

Legalisation of operators who do not hold permits or operating licences [*Section 8(1)(bba) and 8(1A) of the Act*]

33. (1) Persons who have been operating public transport services without holding the required permit or operating licence and who qualify in terms of sub-regulation (4) may apply for operating licences to regularise the services they have been operating.

(2) The regulatory entities must issue invitations by a notice or notices in newspapers circulating in the relevant area and by placing notices at their offices and at appropriate public transport ranks or terminals for applications for those who have been operating without permits or operating licences as special applications in terms of this regulation.

(3) The invitations contemplated in sub-regulation (2) must be for a limited period of not more than 90 days for applicants to submit applications for operating licences.

(4) Applicants for legalisation in terms of this regulation must provide proof to the regulatory entity that they have been providing the relevant public transport

services for not less than 180 days prior to the application including details of the motor vehicle or vehicles registered in their names in terms of the National Road Traffic Act that have been used in the provision of the services.

(5) The information contemplated in regulation 30(5) may be provided as proof that the applicant has been operating as required by sub-regulation (4).

(6) The application must be processed as provided for in terms of the Act and the National Land Transport Regulations, 2009 for the type of service applied for.

(7) In the case of a minibus taxi-type service, application for legalisation may be made if the applicant is a member of an association that was provisionally or fully registered in terms of the Transition Act, and only for routes that were so registered.

(8) Operating licences may not be issued for minibus taxi-type services or vehicles who or which were previously refused consideration for operating licences by any regulatory entity or were blocked in any way in the past from applying and obtain operating licences for the relevant services they were rendering or the vehicles in question in terms of the special procedures for legalisation contemplated in section 41 of the Transition Act, or any similar process provided for in provincial legislation.

CHAPTER 4: MORATORIUM ON OPERATING LICENCES FOR MINIBUS TAXI-TYPE SERVICES

Imposition of a moratorium on applications for operating licences *[Section 8(1A)(a) of the Act]*

34. (1) The planning authority intending to impose a moratorium on applications for operating licences or the issuing of operating licences in terms of section 39(1)(b) read with section 55(3) of the Act must—

- (a) conduct a survey on the route targeted for the moratorium, which must include a list of all operators and vehicles using the route for minibus taxi-type services, details of operating licences authorizing such services on the route, a list of vehicles operating such services without operating licences, the names of associations of which the operators are members as well as any other relevant information that the planning authority may consider in compliance with the Act: Provided that such a survey is not necessary if the planning authority has a current ITP that includes already contains the required information;
- (b) compile a list of operators that are lawfully operating on the route as well as the association that is legally registered to operate the route;

- (c) consult with the operators, associations representing legal operators, the MEC and the regulatory authority responsible for issuing operating licences for the route;
- (d) comply with all the local government legislation, to the extent required in arriving at and taking a decision to declare a moratorium;
- (e) request the assistance of the MEC or the Minister where it has identified the need for a moratorium but does not have the relevant ITP or funds to conduct a survey in terms of paragraph (a) above, and
- (f) after consultation in terms of paragraph (c) make a decision that must be communicated to all the consulted stakeholders by written correspondence or through a notice in the *Gazette*.

(2) The planning authorities in a province may enter into an agreement with the province in terms of section 12(1) of the Act to provide for the provincial declaration of moratoria.

(3) Where the province takes responsibility to declare a moratorium as contemplated in sub-regulation (2), the surveys and consultation processes must be conducted by the province on behalf of the planning authorities who are parties to the section 12(1) agreement.

(4) The moratorium may be declared for a definite period of not more than two years at a time.

(5) The declared moratorium may be extended once without following the process provided for in sub-regulation (1)(a), whereafter the survey and consultations must be conducted for further extension of the moratorium.

Effect of the moratorium on pending applications *[Section 8(1A)(a) of the Act]*

35. (1) Where the imposed moratorium is on applications for operating licences and the issuing of such licences, the pending applications may be processed by the regulatory entity but the operating licences may not be issued during the period of the moratorium.

(2) Where the imposed moratorium is only for applications for operating licences, the applications that are already in the process with the regulatory entity may continue being finalised in compliance with the Act and the regulations.

Invitation for new applications for operating licences under special circumstances *[Section 8(1A)(a) of the Act]*

36.(1) Despite the existence of a moratorium, the planning authority may invite applications for new operating licences where new developments or other changed circumstances require public transport services during the course of the moratorium.

(2) The areas for which an invitation contemplated in sub-regulation (1) applies must be outside the surveyed area or areas covered by the relevant information in the ITP or ITPs used to justify the moratorium.

CHAPTER 5: GENERAL PROVISIONS

Rationalising services *[Section 39(1)(a) of the Act]*

37. In rationalising services on a route in terms of section 39 of the Act the planning authority must—

- (a) conduct a survey on the route to compile a list, insofar as possible, of operators providing services on the route, and a list of the associations that represent those operators, if this information is not already available from the relevant ITP or ITPs;
- (b) identify and make a list of organisations representing passengers being conveyed on the route, including those representing targeted categories of passengers;
- (c) consult with the operators, associations and organisations identified and listed under paragraphs (a) and (b) on the proposed rationalisation;
- (d) liaise with and, where appropriate, conclude an agreement with law enforcement authorities in terms of section 85(2) of the Act to identify and prosecute operators using the route without the required operating licences or permits, or contrary to the conditions of those licences or permits, and to take steps in consultation with the relevant PRE to ensure that the operators either obtain the necessary licences or cease operating on the route, and
- (e) as appropriate direct the PRE to impose a moratorium on new applications for operating licences on the route in terms of section 55(3) of the Act.

Offences and penalties *[Section 8(3) of the Act]*

38. In addition to the offences provided for in sections 66A(7) and (8) and section 90 of the Act, a person who contravenes a provision of these regulations commits an offence and is liable on conviction to a fine not exceeding R20 000 in the case of an operator or driver and R100 000 in the case of an e-hailing platform provider.

Short title and commencement

39. (1) These regulations are called the Second National Land Transport Regulations, 2023 and come into operation on the date of their publication in the *Gazette*.

(2) Different provisions of these regulations may be brought into operation on different dates.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 534 OF 2023**NOTICE OF APPLICATION FOR THE AMENDMENT OF THE DEFINITION OF PRODUCTION AREAS
HEMEL-EN-AARDE RIDGE (WARD) AND WALKER BAY (DISTRICT)**

(In terms of Section 6 of the Wine of Origin Scheme published by Government Notice No. R.1434 of 29 June 1990)

Please note that The Cordale Farming Partnership applied to the Wine Certification Authority to extend the boundaries of the production areas Hemel-en-Aarde Ridge (Ward) and Walker Bay (District).

The boundaries of the production areas are extended on the 260 m contour line to include the section 595/12, which is located above the 260 m contour line.

The proposed boundaries can be viewed at www.sawis.co.za – "Certification – News and Information" or contact Jackie Cupido at 021 807 5704.

Anyone having any objection against this application is hereby notified to lodge their objections, with motivations, in writing with Olivia Poonah (olivia@wsb.org.za), Executive Manager, Wine Certification Authority, P O Box 2176, Dennesig, Stellenbosch, 7599 within 30 (thirty) days of publication of this notice.

BOARD NOTICE 535 OF 2023



RULES FOR RE-REGISTRATION WITH THE SACPCMP

Version	1
Revision	
Author	Linda Maruma
Contributors	Sindiswa Kwenaitse
Supporting Policies/Legislation	Project and Construction Management Act 48 of 2000
Owner	Registrar
Date Approved by Management/Executive Committee or Council	
Effective Date	Date of Approval

Revision History

Version Revised	Approval Date

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1. LIST OF ANNEXURES

Annexure A Re-registration application form

Annexure B Affidavit Template

2. LIST OF DEFINITIONS AND ABBREVIATIONS

SACPCMP	South African Council for the Project and Construction Management Professions
Act, the	the Project and Construction Management Profession Act 48 of 2000
Annual fees	Fees prescribed by the Council that are payable annually by registered persons to renew their registration.
Appeal	Refers to an application for reversal or review of a Council decision
Actively practice	To practice on an ongoing basis in one of the categories contemplated in section 18 and includes a person qualified in the project and construction management professions who is employed by any sphere of government or an educational institution
Cancellation/deregistration	Refers to the cancellation of the registration of a registered person and the removal of such a person from the register.
Council, the	South African Council for the Project and Construction Management Professions established by section 2
Registered Person	A person registered under one of the categories referred to in Section 18 of the Project and Construction Management Professions Act 48 of 2000

3. APPLICABLE LEGISLATION AND/OR POLICIES

- 3.1.** The South African Council for the Project and Construction Management Professions (SACPCMP) is empowered by section 36 of the Project and Construction Management Profession Act 48 of 2000 (the Act) to make rules with regard to any matter that is required or permitted to be prescribed in terms of the Act and any other matter for the better execution of the Act or in relation to any power granted or duty imposed by the Act.
- 3.2.** It is understood that re-registration is required following the cancellation of registration as contemplated in section 20 of the Act.
- 3.3.** These rules apply to cancellation of registration as described in section 20 (1) (iii), (3) and (4).
- 3.4.** These rules for Re-registration are premised on section 22 (2) and (3) of the Act.
- 3.5.** In the implementation of these rules the SACPCMP, to give effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution of the Republic of South Africa, applies the principles of the Promotion of Administrative Justice Act, Act 3 of 2000.

4. REQUIREMENTS FOR RE-REGISTRATION

4.1. Eligibility

The rules for re-registration are applicable to a previously registered person who:

- 4.1.1. Was deregistered due to non-payment of annual fees or portion thereof.
- 4.1.2. Temporarily withdrew from professional practice due to extended leave because of illness.

- 4.1.3. Due to relocation no longer necessitating registration with the Council but were actively practicing in other jurisdictions.

4.2. Acceptable period of non-renewal of registration

- 4.2.1. In order for a previously registered person, whose registration was cancelled due to non-payment of annual fees, to be considered for re-registration he/she should not be deregistered for longer than 18 months.
- 4.2.2. In order for a previously registered person, whose registration was cancelled due to temporarily withdrawing from professional practice due to extended leave because of illness to be considered for re-registration he/she should not be deregistered for longer three (3) years before the application for re-registration.
- 4.2.3. Those who do not meet the above criteria will be required to apply for registration using the routes to registration described in the SACPCMP Registration Policy.

4.3. Fees and Penalties relating to re-registration

If a person who was previously registered and whose registration has been cancelled for reasons stated in 4.1 who wishes to re-register or reinstate his/her registration, such a person shall, before the application is approved, be liable for payment of the following fees:

- a) The prescribed fee (administration fee);
- b) Any arrear annual fee or portion thereof, owed up to the time of deregistration;
- c) any expenses incurred by the Council in connection with the recovery of any arrear fees; and
- d) any penalty fees imposed on him/her by the Council.

4.4. Re-registration Applications

A person who was previously registered applying for re-registration shall furnish Council with the following documents upon the request for re-registration:

4.4.1. In the case of previously registered professionals and persons in specified categories deregistered due to non-payment of annual fees

- a) Re-registration application form (Annexure A)
- b) Certified copy of ID.

4.4.2. In the case of previously registered professionals and persons in specified categories temporarily withdrawn from professional practice due to extended leave because of illness

- a) Re-registration application form (Annexure A)
- b) Doctor's or other certified medical practitioner's report
- c) Certified Copy of ID

4.4.3. In the case of previously registered professionals and specified categories actively practicing in other jurisdictions

- a) Re-registration application form (Annexure A)

- b) A copy of an affidavit (commissioned) with a brief summary setting out that the applicant actively practiced during the cancellation/deregistration period.
- c) Certified copies of qualifications.
- d) Curriculum vitae.
- e) Certified copy of ID.
- f) A project profile report.
- g) Referee(s) report on work performed. Referee must be senior to the applicant during the period of cancellation, should have personal knowledge of the applicant's competencies as well as of his experience.
- h) Certified copies of letters of appointment. It is important for an applicant to state the date on which he/she was appointed.

4.4.4. In the case of previously registered candidates deregistered due to non-payment of fees

- a) Re-registration application form (Annexure A)
- b) Certified copies of qualifications.
- c) Curriculum vitae.
- d) Certified copy of ID.

5. RE-REGISTRATION PROCEDURE

- 5.1.** Documents will be reviewed and confirmed by the Registration Department.
- 5.2.** Re-registration application fee is payable upon confirmation of documents has been concluded.
- 5.3.** Full assessment of the re-registration application will be conducted.
- 5.4.** Previously registered person temporarily withdrawn from professional practice due to extended leave because of illness will be required to undergo a re-registration interview.
- 5.5.** If an application is approved, an invoice indicating the total amount payable will be prepared by the Finance Department and sent to the previously registered person for payment. Council will allocate payment.
- 5.6.** The previously registered person whose application is approved and has paid the relevant fees, shall be re-registered as follows:
 - a) retaining the registration number allocated to him/her as at the date of suspension/cancellations of registration.
 - b) A new registration certificate will be made available for downloading on the registered person's profile.
 - c) The registered person's profile will indicate any period of deregistration on their record.

6. DISQUALIFICATION CONDITIONS

Section 19(3)(a) of the Act stipulates that:

- 6.1.** Despite subsection (2), the Council may refuse to register an applicant:
- i. if the applicant has been removed from an office of trust on account of improper conduct;
 - ii. has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both;
 - iii. if the applicant has, subject to paragraph (b) (refers to section 19 (3)(b)), been convicted of an offence in a foreign country and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both;
 - iv. if the applicant is declared by the High Court to be of unsound mind or mentally disordered, or is detained under the Mental Health Act, 1973;
 - v. for as long as the applicant is disqualified from registration as a result of any punishment imposed on him or her under the Act;
 - vi. if the applicant is an un-rehabilitated insolvent whose insolvency was caused by his or her negligence or incompetence in performing work falling within the scope of the category in respect of which he or she is applying for registration.

7. APPEALS

- 7.1.** According to Section 24 of the Act, if an applicant is of the opinion that the SACPCMP in its refusal to register him or her, or to cancel his or her registration did not comply with section 33 of the Constitution, that applicant may appeal to the Council against that decision.
- 7.2.** To appeal the aggrieved applicant must:
- 7.2.1. make payment of the prescribed fees and
 - 7.2.2. lodge the appeal within 30 days from the date on which the refusal came to their knowledge,
- 7.3.** Appeals are governed by the SACPCMP's Appeal Policy.

ANNEXURE A



APPLICATION FOR REREGISTRATION

A. PREVIOUSLY REGISTERED PERSON'S DETAILS

Title (Dr/Mr/Mrs/Ms/Prof)		
Name/s		
Surname		
ID or Passport no.		
Registration no.		
Professional Designation		
Postal Address		
Contact details	Tel.	
	Mobile	
	E-mail	

B. DEREGISTRATION DETAILS

Reason for deregistration (tick ✓ applicable option)	Non-payment of annual fees	
	Temporary withdrawal from professional practice - extended leave necessitating withdrawal from professional practice due to illness	
	Relocation	
	• Actively practicing in another jurisdiction	
	• Not actively practicing	
Period of deregistration (tick ✓ applicable option)	18 months or less	
	Between 19 months to 36 months	
	Other	
	State number of years here not if options above are not applicable	

For Office Use

C. DOCUMENT VERIFICATION (ADMINISTRATOR)*Confirmation of supporting documents (tick ✓ if submitted)*

All Applications		Certified copy of ID	
i	Extended leave because of illness	Doctor's or other certified medical practitioner's report	
ii	Practicing in other jurisdictions	Affidavit	
		A project profile report	
		Referee(s) report	
		Certified copies of letters of appointment	
		Curriculum vitae	
		Certified copies of qualifications	
iii	Candidates	Curriculum vitae	
		Certified copies of qualifications	

D. APPLICATION VERIFICATION (COORDINATOR)

Verified by:	
All required supporting documentation submitted (Y/N)	
Supporting documentation meets criteria (Y/N)	
Comments:	
Date	
Signature	

E. RE-REGISTRATION APPLICATION ASSESSMENT OUTCOME

Decision made by:	
Decision (tick (✓) appropriate option and provide reason for decision)	
Re-registration application approved	
Reasons	
Re-registration application rejected	
Reasons	
Date	
Signature	

ANNEXURE B**AFFIDAVIT TEMPLATE**

I, _____ ID number, _____

do hereby declare that:

brief summary setting out that the applicant actively practiced during the cancellation/deregistration period here...

Under penalty of Professional Code of Conduct violation, I hereby declare that the above stated facts, to the best of my knowledge, are true and correct. I am executing the affidavit fully aware that I will be subject to criminal, civil and/or administrative liabilities for any fraud or misrepresentation on my application for re-registration with the SACPCMP.

Dated this _____ day of _____ 20 _____

Signature: _____

Name of Commissioner of
Oaths: _____

Force No./Rank: _____

Physical/Postal Address: _____

Commissioner of Oath/South African Police Service
Station Stamp:



RULES FOR RE-REGISTRATION: CALL FOR COMMENT

This submission of comments (call for comments) must be submitted, no later than 16:00 on 15 January 2024, to: Ms Mapula Ramolotja, SACPCMP Operations Office via email: Mapula.Ramolotja@sacpcmp.org.za

Name & Surname	
Designation	
Organisation	
Contact Detail (should clarification be sought)	
Comments or queries	
1. Comment:	
Suggested Amendment:	
2. Comment:	
Suggested Amendment:	
3. Comment:	
Suggested Amendment:	
4. Comment:	

Suggested Amendment:
5. Comment:
Suggested Amendment:
6. Comment:
Suggested Amendment:
7. Comment:
Suggested Amendment:
Any other comments, suggestions and amendments:

BOARD NOTICE 536 OF 2023



RULES FOR INQUIRY INTO ALLEGED IMPROPER CONDUCT

Version	2
Revision	1
Author	Linda Maruma and Sindiswa Kwenaithe
Contributors	
Supporting Policies/Legislation	Project and Construction Management Act 48 of 2000
Owner	Registrar
Date Approved by Management/Executive Committee or Council	
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1. LIST OF ANNEXURES

Annexure A Affidavit to Lodge a Complaint of Improper Conduct

2. LIST OF ABBREVIATIONS AND DEFINITIONS

SACPCMP	South African Council for the Project and Construction Management Professions.
Act, the	Refers to the Project and Construction Management Professions Act 48 of 2000.
Appeal	Refers to an application for reversal or review of Council decision.
Complainant	Refers to a party/person making a formal complaint of alleged improper conduct against a registered person.
Council, the	South African Council for the Project and Construction Management Professions established by section 2.
Disciplinary Hearing	Refers to a hearing in terms of section 31 of the Project and Construction Management Professions Act 48 of 2000.
Disciplinary Tribunal	A tribunal appointed in terms of section 30 of the Project and Construction Management Professions Act 48 of 2000.
Inquiry	An official investigation conducted in terms of section 28 of the Project and Construction Management Professions Act 48 of 2000.
Investigation Committee	Committee established by the Council according to section 17 of the Project and Construction Management Professions Act 48 of 2000, to investigate allegations of improper conduct against registered persons.
Prima Facie	"at first sight", "at first view", or "based on first impression", before investigation. or sufficient to establish a fact or raise a presumption unless disproved or rebutted
Registered Person	A person registered under one of the categories referred to in Section 18 and 19 of the Project and Construction Management Professions Act 48 of 2000, and in good standing under the Act.
Respondent	Party/registered person against whom an allegation of improper conduct is filed.
Specified Categories	the SACPCMP recognises specified categories in the South African built environment that may fall under its ambit, linked to section 18 (1)(c) of the Act, read in conjunction with sections 19, 20 and 21.

3. APPLICABLE LEGISLATION AND/OR POLICIES

- 3.1. The South African Council for the Project and Construction Management Professions (SACPCMP) is empowered by section 36 of the Project and Construction Management Profession Act 48 of 2000 (the Act) to make rules with regard to any matter that is required or permitted to be prescribed in terms of the Act and any other matter for the better execution of the Act or in relation to any power granted or duty imposed by the Act.
- 3.2. The Rules for Inquiry into Alleged Improper Conduct are based on sections 17, 27, 28, 29, 30 and 31 of the Project and Construction Management Act, Act No. 48 of 2000.
- 3.3. With regards to complaints received through the SACPCMP Fraud Hotline, the Protected Disclosure Act, Act 26 of 2000 (as amended) may apply.
- 3.4. Information obtained in the course of any inquiry will be protected under the Protection of Personal Information Act, Act 4 of 2013 and the Promotion of Access to Information Act, Act 2 of 2000.

- 3.5. In the implementation of these rules the SACPCMP, to give effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution of the Republic of South Africa, applies the principles of the Promotion of Administrative Justice Act, Act 3 of 2000.

4. REQUIREMENTS FOR INQUIRY INTO IMPROPER CONDUCT

- 4.1. It is acknowledged that the Council is mandated to take any steps it considers necessary for the protection of the public and the environment in their dealings with registered persons for the maintenance of the integrity and the enhancement of the status of the Project and Construction Management Professions and specified categories under the Act.
- 4.2. In pursuance of the Council's right and obligation mentioned in 4.1. above, the Council must investigate an act of alleged improper conduct by a registered person and/or investigate a complaint, charge or allegation of improper conduct against a registered person brought by any person.
- 4.3. An investigation mentioned in 4.2 above is directed towards the professional conduct of a registered person and is thus predicated on obtaining evidence to determine whether a charge or charges may be preferred against a registered person with regards to the gazetted Rules of Conduct for Registered Persons (Board Notice 139 of 2017).
- 4.4. An investigation mentioned in 4.2 above is directed towards the professional conduct of a registered person and does not intend to recover damages on behalf of any person or enforce specific performance against any person and as such, is not meant to replace civil and/or criminal litigation.
- 4.5. An investigation is an administrative process and not a court process. Given the nature of the process, investigations may take several months to conclude.
- 4.6. It is furthermore acknowledged that the Council may take any steps which it considers necessary where, as a result of project and construction management related undertakings, public health and safety is prejudiced.

5. CLARIFICATION OF IMPROPER CONDUCT

- 5.1. The professional conduct of registered persons is guided and informed by the gazetted Rules of Conduct for Registered Persons (Board Notice 139 of 2017) to which all registered persons must adhere and comply.
- 5.2. The Council can only investigate a complaint related to an allegation against a Registered Person. As such, the Council cannot investigate the conduct of unregistered persons.
- 5.3. The Council can only investigate a complaint related to a transgression of the Rules of Conduct for Registered Persons (Board Notice 139 of 2017).

6. INQUIRY PROCEDURE

6.1. Information and complaints/allegations of improper conduct

- 6.1.1. Any person lodging a complaint of improper conduct against a registered person with the Council must lodge the complaint in the form of an affidavit (Annexure A) or an affirmation, must detail the specific act or acts relating to the alleged improper conduct and must submit evidence in support of it.

- 6.1.2. The Registrar, upon receipt of a complaint referred to in paragraph 6.1.1. which prima facie points to the improper conduct by a registered person or information of conduct which prima facie points to improper conduct by a registered person, must refer the complaint or the information to the Investigation Committee to determine whether the registered person should be charged.
- 6.1.3. Once the matter is referred to the Investigation Committee the Registrar must inform the complainant and the respondent (registered person), within five (5) working days that the case has been received by Council and of the inquiry process to follow.

6.2. Information in relation to whistleblowing – SACPCMP Fraud Hotline reports

With regards to whistleblowing using the SACPCMP Fraud Hotline:

- 6.2.1. Disclosures may be lodged using the SACPCMP Fraud Hotline as it relates to section 8 (c) of the Protected Disclosure Act.
- 6.2.2. Protected disclosures may be lodged anonymously through the SACPCMP Fraud Hotline.
- 6.2.3. Whistle blowers lodge disclosures on a voluntary basis using the SACPCMP Fraud Hotline and as such the SACPCMP shall not be liable for any damages or otherwise suffered by a whistleblower directly relating to the lodging of the disclosure with the SACPCMP.
- 6.2.4. The SACPCMP will take all reasonable steps to protect the whistleblower/s with regards to the processing of any personal information or identifying information that may place a whistle blower at risk of danger or occupational detriment.
- 6.2.5. Whistle blowers will be protected under the Protected Disclosure Act if:
- a) the complaint is lodged in good faith,
 - b) the complaint is lodged with the reasonable belief that the concern falls within the mandate of the SACPCMP,
 - c) the information and allegations are substantially true, and
 - d) the nature of the conduct in the complaint is raised about crime, failure to comply with any legal duty, miscarriage of justice, danger to health and safety, damage to the environment, discrimination and the deliberate cover-up of any of these.
 - e) It applies to concerns about past, present and future malpractice.
- 6.2.6. It is an offence under section 9b of the Protected Disclosure Act amendment bill, if a whistleblower knowingly makes a false disclosure, who should have been reasonably aware that the information they provided was false, where there was an intention to cause harm, and where harm was suffered; this person may be liable to a fine, to imprisonment for up to two years, or to both a fine and imprisonment.
- 6.2.7. It will be determined, based on sections 4 and 5 of these rules whether a protected disclosure is within the jurisdiction of the SACPCMP to investigate.

- 6.2.8. The Registrar, upon positive determination of paragraph 6.2.6 above, must refer the complaint or the information of conduct to the Investigation Committee to determine whether the registered person should be charged.
- 6.2.9. Feedback regarding a protected disclosure will be provided to the whistleblower through the SACPCMP Fraud Hotline within 21 days.
- 6.2.10. Once the matter is referred to the Investigation Committee the Registrar must inform the complainant and the respondent (registered person), within five (5) working days, that the case has been received by Council and of the inquiry process to follow.

6.3. Role Players in Inquiry process

- 6.3.1. The **Investigation Committee** is constituted according to section 17 of the Act to investigate a matter brought against a registered person. Thus, the committee considers all complaints that are lodged, directs investigation thereof to ensure consideration of all relevant facts and will resolve to make recommendations to Council for a decision.
- 6.3.2. The Investigation Committee will appoint a **Panel of Investigators** from which an investigator or company will be delegated to gather evidence regarding a matter brought against a registered person on behalf of the Investigation Committee.

6.4. Conflict of Interest

- 6.4.1. All investigations must be conducted without bias, in an impartial and objective manner. No-one with an actual or perceived conflict of interest should be appointed or remain the investigator on any matter. Thus, the investigator must be someone as independent of the events being investigated as possible.
- 6.4.2. Once a potential conflict of interest becomes apparent to any of the parties involved in the inquiry it is required of that person to immediately inform the Investigation Committee of this conflict.
- 6.4.3. The Investigation Committee, once it is made aware of any potential or confirmed conflict of interest with regard to the inquiry must address such immediately to resolve the conflict of interest.

6.5. Investigation

- 6.5.1. Once the committee has reviewed the nature of the complaint of improper conduct against a registered person, the Registrar must within seven (7) working days furnish any registered person whose conduct is the subject of a complaint received in terms of sub-rule 6.1. and 6.2. or who has committed an act which may render him or her guilty of improper conduct, a written copy of the complaint and/or information related to the conduct.
- 6.5.2. The Registrar must inform the registered person –
 - a) Of the right to be represented or assisted by another person; and
 - b) That he/she is not obliged to make any statement and any statement so made may be used in evidence against the registered person.

- 6.5.3. The Investigation Committee must investigate a matter brought against a registered person; and obtain evidence to determine whether or not in its opinion the registered person concerned may be charged and, if so, recommend to the council the charge or charges that may be preferred against that registered person.
- 6.5.4. The Investigation Committee will consider the investigation report of the delegated investigator on a matter in determining whether to prefer charges against a registered person. With regards to investigation reports the following applies:
- a) Investigation reports are strictly intended for SACPCMP investigation purposes only and are under no circumstances available to any other party.
 - b) These reports are privileged documents in terms of section 37 of the Promotion to Access Information Act (Act no 2 of 2000) and belong to the SACPCMP.
 - c) The complainant and respondent will be notified of the outcome of the investigation once concluded.
- 6.5.5. The Investigation Committee must afford the registered person the opportunity to respond to the complaint and all other evidence considered against him/her. The registered person will have ten (10) days to respond in every instance.
- 6.5.6. The Investigation Committee or persons assigned by the Investigation Committee including people appointed to investigate the complaint may, with due consideration of the provision section 28 (3) of the Act, question the registered person concerned.
- 6.5.7. The Investigation Committee must consider whether the matter ought to be reported to any of the other Councils in the Built Environment or to any other stakeholder.

6.6. Findings of the Investigation Committee

The findings of the Investigation committee, after consideration of the evidence obtained during an investigation and report thereof, may be one of the following:

6.6.1. No prima facie evidence of improper conduct

This decision does not in any way mean that a valid dispute does not exist between the parties, which may be pursued through civil/ criminal litigation. The decision means no transgression/breach of the code of conduct was found.

6.6.2. Decision to conduct peer counsel with the respondent

The decision arises when there is either insufficient evidence of improper conduct or that the conduct given all the circumstances, does not warrant charges to be preferred. The finding implies, however, that the respondent's behaviour warrants advice or guidance from his/her peers which would be handled by peers nominated by the Investigation Committee who are practicing in the same discipline as the respondent.

6.6.3. An advisory letter to the registered person

Where the outcome of the investigation establishes that conduct took place that warrants formal reprimand/caution, a letter shall be sent to the registered person in this regard. A letter shall only be sent where in the light of all circumstances, in the opinion of the Investigation Committee, the conduct does not warrant formal charges to be preferred.

6.6.4. Recommendation to prefer charges

The recommendation arises when the Investigation Committee finds prima facie evidence of improper conduct. It will then recommend to the Council to prefer charges against the respondent.

Should the Council take the decision to prefer charges in terms of Section 30 of the Act, the council must appoint a disciplinary tribunal to hear a charge of improper conduct if a person charged:

- a) denies the charge; or
- b) fails to comply with section 29(3)(b) of the Act.

6.7. Council decision regarding Investigation Committee recommendation

6.7.1. The Council must, after considering a report of the Investigation Committee in terms of section 28(2)(b) and (4) of the Act, charge a registered person with improper conduct if the council is convinced that sufficient grounds exist for a charge to be preferred against such a registered person.

6.7.2. The registered person concerned will be furnished with a charge sheet within 21 days which must inform the registered person charged:

- a) of the details and nature of the charge;
- b) that he or she must, in writing, admit or deny the charge;
- c) that he or she may, together with the admission or denial, submit a written explanation regarding the improper conduct with which he or she is charged; and
- d) of the period, namely, within seven (7) days of being furnished with the charge sheet, within which his or her written plea in terms of paragraph 6.6.4 must be submitted to the Council.

6.7.3. The registered person against whom charges are preferred are advised to fully acquaint and familiarise themselves with the stipulations of the Act including, but not limited to sections 29 and 33.

6.8. Proof of service

6.8.1. A party must prove that a document was served in terms of these rules by, providing:

- a) A copy of proof of mailing the document by registered post to the other party
- b) If a document was served by hand:
 - i. With a copy of a receipt signed by, or on behalf of, the other party clearly indicating the name and designation of the recipient and the place, time and date of service, or
 - ii. With a statement confirming service signed by the person who delivered a copy of the document to the other party or left it at any premises
- c) If a document was sent by electronic mail, electronic acknowledgement of receipt by the respondent or other party.

6.8.2. If proof of service in accordance with paragraph 6.7.2 is provided, it is presumed, until the contrary is proved, that the party on whom it was served has knowledge of the contents of the document.

6.8.3. The Council may accept proof of service in a manner other than prescribed in this rule as sufficient.

7. APPEALS

- 7.1. According to section 33 of the Act, a registered person is found guilty of improper conduct may appeal to the Council against a finding of the disciplinary tribunal or against the sentence or both.
- 7.2. To appeal the aggrieved registered person must:
 - 7.2.1. make payment of the prescribed fees and
 - 7.2.2. lodge the appeal within 30 days after the disciplinary tribunal has informed the registered person of its decision.
- 7.3. Appeals are governed by the SACPCMP's Appeal Policy

ANNEXURE A

AFFIDAVIT TO LODGE A COMPLAINT OF IMPROPER CONDUCT IN TERMS OF SECTION 28 OF THE PROJECT AND CONSTRUCTION MANAGEMENT PROFESSIONS ACT

For Office Use Only	
Date Complaint Received	
Case number	

I, the undersigned, _____ (*Full names*), an adult (*male/female*) residing at

_____, with ID number:

Telephone/cell phone number: _____

and email address: _____

do hereby state the following under oath/ affirmation:

1.

I am the complainant in this matter and the facts deposed to in this affidavit are within my personal knowledge and are both true and correct:

2.

2.1. The person against whom this complaint is lodged (is _____ (*Full names*), an adult

(*male/female*) _____ (*Category of registration if known*) who resides at

_____.

2.2. The registered person has ordinarily carried on business at _____

_____ (*name and address of company that registered person works for*)

3.

Other persons involved in this matter are; (*details of others involved in the matter, e.g Project Manager*) are

4.

I am dissatisfied with (*Outline clearly what you are dissatisfied with, provide specific information, which have been allegedly transgressed according to Board Notice 139 of 2017*)

5.

I have attached the following documents;

1.	
2.	
3.	
4.	
5.	
6.	

6.

The following are my witnesses:

1. Name: _____

Relationship: _____

Contact number: _____

Email address: _____

Allegation to support:

2. Name: _____

Relationship: _____

Contact number: _____

Email address: _____

Allegation to support:

3. Name: _____

Relationship: _____

Contact number: _____

Email address: _____

Allegation to support:

I know and understand the contents of this declaration

I have no objection to taking the prescribed oath.

I consider the prescribed oath as binding on my conscience.

DEPONENT

It is hereby certified that the aforesaid declaration was signed and sworn in my presence

on this the ____ day of _____ 20__, at _____, the deponent having confirmed and acknowledged:-

- a) That he/she knows and understands the contents of this declaration;
- b) That he/she has no objection to taking the prescribed oath;
- c) That he/she considers the prescribed oath as binding on his/her conscience.

COMMISSIONER OF OATHS

Full names: _____

Address: _____

Rank/office held: _____

Area for which appointed: _____



RULES FOR INQUIRY INTO IMPROPER CONDUCT: CALL FOR COMMENT

This submission of comments (call for comments) must be submitted, no later than 16:00 on 15 January 2024, to: Ms Mapula Ramolotja, SACPCMP Operations Office via email: Mapula.Ramolotja@sacpcmp.org.za

Name & Surname	
Designation	
Organisation	
Contact Detail (should clarification be sought)	
Comments or queries	
1. Comment:	
Suggested Amendment:	
2. Comment:	
Suggested Amendment:	
3. Comment:	
Suggested Amendment:	
4. Comment:	

Suggested Amendment:
5. Comment:
Suggested Amendment:
6. Comment:
Suggested Amendment:
7. Comment:
Suggested Amendment:
Any other comments, suggestions and amendments:

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