



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

*Regulation Gazette*

**No. 11647**

*Regulasiekoerant*

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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](mailto:PROCUREMENT@GPW-GOV.ORG)

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

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

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

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

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

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

## Fake Tenders

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

### How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at [www.gpwonline.co.za](http://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](mailto:Annamarie.DuToit@gpw.gov.za)

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

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

# Closing times for **ORDINARY WEEKLY** **REGULATION GAZETTE** **2023**

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

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

## LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

### NATIONAL AND PROVINCIAL

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

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

### EXTRA-ORDINARY

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

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

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

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

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 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 <b>after</b> 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 <b>after</b> submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> 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](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
    - 8.1.5. Any additional notice information if applicable.



### 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](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

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

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

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

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

**LIABILITY OF ADVERTISER**

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

**CUSTOMER INQUIRIES**

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

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

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

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

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

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

### PROOF OF PUBLICATION

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

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

#### Physical Address:

**Government Printing Works**  
149 Bosman Street  
Pretoria

#### Postal Address:

Private Bag X85  
Pretoria  
0001

#### GPW Banking Details:

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

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

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

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

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

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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT****NO. R. 4131****1 December 2023****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: LEVIES RELATING TO  
PECAN NUTS AND PECAN NUT PRODUCTS**

I, Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.

**(MS) A.T. DIDIZA, (MP)****MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

## SCHEDULE

### Definitions

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

“**Exporter**” means a person or entity who exports pecan nuts or pecan nut products from South Africa and includes persons or entities who arranges or handles exports on behalf or in the name of someone else;

“**Grower**” means a person or entity involved in growing pecan nut trees to be sold for commercial gain, i.e. nurseries;

“**Importer**” means a person or entity that imports pecan nuts or pecan nut products into South Africa and includes persons or entities who arranges or handles imports on behalf or in the name of someone else;

“**Packer**” means a person or entity that buys or acquires pecan nuts and/or pecan nut products and packages it for resale; or packs its own products for retail sale;

“**Pecan nut industry**” means all participants and role players in the South African pecan nut industry;

“**Pecan nut kernels**” means shelled pecan nuts;

“**Pecan nut products**” means the processed products obtained from pecan nuts;

“**Pecan nut**” means the stone or pit of the fruit of the Pecan Nut tree Carya illinoensis;

“**Processor**” means a person or entity who sorts and/or cleans and/or shells and/or processes pecan nuts for resale;

“**Producer**” means a person or entity who grows pecan nut trees to produce pecan nuts for commercial gain; and

“**The Act**” means the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996).

### Purpose and aims of statutory measure and the relation thereof to the objectives of the Act

2. The purpose and aims of this statutory measure are to provide financial support to the South African Pecan Nut Producers Association NPS (SAPPA) to fund research projects, information and technology transfer; plant improvement functions and certification; market information and statistics; communication; trade and market access; and transformation and training for the pecan nut industry.

These measures are necessary to ensure that continuous, timeous and accurate information relating to the pecan nut industry is available to all role players in order for them to make informed decisions.

The measure will not be detrimental to the number of employment opportunities or fair labour practice and will support the statutory measures relating to registration and the rendering of returns applicable to pecan nuts and pecan nut products.

The measure will be administered by SAPPA, a non-profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008). SAPPA will implement and administer the measure as set out in the Schedule.

#### **Products to which statutory measure applies**

3. This statutory measure shall apply to pecan nuts and pecan nut products, both from domestic source and on imported product.

#### **Area in which measure shall apply**

4. This measure shall apply in the geographical area of the Republic of South Africa.

#### **Imposition of levy**

5. A levy is hereby imposed on pecan nuts and pecan nut products.

#### **Amount of levy**

6. The amounts of the levies (excluding Value Added Tax) will be as follows:

In shell pecan nuts	1 March 2024 to 28 February 2025	42 c/Kg
	1 March 2025 to 28 February 2026	44 c/Kg
	1 March 2026 to 28 February 2027	46 c/Kg
	1 March 2027 to 29 February 2028	48 c/Kg
Pecan nut kernels	1 March 2024 to 28 February 2025	84 c/Kg
	1 March 2025 to 28 February 2026	88 c/Kg
	1 March 2026 to 28 February 2027	92 c/Kg
	1 March 2027 to 29 February 2028	96 c/Kg

#### **Persons by whom and to whom levy shall be payable**

7. (1) The levy imposed under clause 5 shall –
- (a) be payable by a processor, packer or exporter on behalf of the producer from which such pecan nuts have been procured in respect of all pecan nuts processed, packed or exported;
  - (b) be payable by a processor or packer on behalf of a producer in respect of all pecan nuts sorted and/or cleaned and/or shelled and/or packed and/or processed for and returned to such a producer;
  - (c) be payable by an importer on all pecan nuts and pecan nut products imported; and
  - (d) be payable by a producer who packs his own pecan nuts or pecan nut products for retail sale.
- (2) A levy imposed under clause 5 shall be payable to SAPPA in accordance with clause 8.

**Payment of levy**

8. (1) Payment of the levy shall be made not later than thirty (30) days following the month end wherein the pecan nuts was delivered or imported or sold via any other method.
- (2) Payment shall be made by means of electronic transfer in favour of SAPPA, and shall be paid to the bank account obtainable from SAPPA on request.

**Conditions of approval**

9. This statutory measure is subject to the following conditions:
  - (a) That 70% of levy income be spent on research, information and other functions, at least 20% on transformation (development of emerging farmers), and not more than 10% on administration;
  - (b) That levies be accounted for, in a manner and to the extent acceptable to the Auditor-General, separately from any other funds or assets under the control of SAPPA; and
  - (c) That after the lapsing of the levy, any surplus funds be utilised subject to the approval of the Minister.

**Commencement and period of validity**

10. This statutory measure shall come into operation on the date of publication hereof and will lapse 4 years later.



**DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING****NO. R. 4131****1 Desember 2023****WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)****INSTELLING VAN STATUTÊRE MAATREËL:  
HEFFINGS OP PEKANNEUTE EN PEKANNEUTPRODUKTE**

Ek, Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, handelende kragtens artikels 13 en 15 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996) stel hierby die statutêre maatreël in die Bylae uiteengesit in.

**(ME) A.T. DIDIZA, (MP)****MINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING**

## BYLAE

### Definisies

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en tensy uit die samehang anders blyk, beteken –

**“Die Wet”** beteken die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No 47 van 1996);

**“Invoerder”** beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte na Suid-Afrika invoer en sluit ook persone of instansies in wat invoere namens of ten behoeve van 'n ander reël of hanteer;

**“Kweker”** beteken 'n persoon of instansie wat pekanneutbome kweek om verkoop te word vir kommersiële gewin;

**“Pekanneutbedryf”** beteken al die deelnemers en rolspelers in die Suid-Afrikaanse pekanneutbedryf;

**“Pekanneut”** beteken die steen of pit van die vrug van die Pekanneutboom Carya illinoensis;

**“Pekanneutkerns”** beteken uitgedopte pekanneute;

**“Pekanneutprodukte”** beteken die verwerkte produkte van pekanneute verkry;

**“Produsent”** beteken 'n persoon of instansie wat pekanneutbome aanplant om pekanneute vir kommersiële gewin te produseer;

**“Uitvoerder”** beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte vanuit Suid-Afrika uitvoer en sluit ook persone of instansies in wat uitvoere namens of ten behoeve van 'n ander reël of hanteer;

**“Verpakker”** beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte aankoop of verkry en verpak met die doel om dit te verhandel, of sy eie produk verpak om te verhandel; en

**“Verwerker”** beteken 'n persoon of instansie wat pekanneute sorteer en/of skoonmaak en/of uitdop en/of verwerk sodat dit aangebied kan word vir verkoop.

### Doelwit en oogmerk van die statutêre maatreël en die verwantskap daarvan met die doelwitte van die Wet

2. Die heffing word deur die Suid-Afrikaanse Pekanneutprodusente Assosiasie NPC (SAPPA) benodig vir die befondsing van navorsingsprojekte, inligting en tegnologie oordrag; plantverbeteringsfunksies en sertifisering; markinligting en statistiek; kommunikasie; handel en marktoegang; en transformasie en opleiding vir die pekanneutbedryf.

Die maatreël is nodig om SAPPA instaat te stel om deurlopende, tydige en akkurate inligting oor die pekanneutbedryf aan alle rolspelers beskikbaar te stel op die terreine soos aangedui.

Die maatreël sal nie nadelig op werksgeleenthede en regverdige arbeidspraktyke inwerk nie en sal die maatreëls met betrekking tot registrasie en die indiening van rekords en verslae van toepassing op pekanneute en pekanneutprodukte ondersteun.

Die maatreël sal deur SAPPA, 'n maatskappy sonder winsoogmerk wat in terme van die Maatskappy Wet (soos gewysig), 2008 (Wet 71 van 2008) opgerig is, administreer word. SAPPA sal die maatreëls implementeer en administreer soos uiteengesit in hierdie Bylae.

#### **Produkte waarop die statutêre maatreëls van toepassing is**

3. Hierdie statutêre maatreël sal toegepas word op pekanneute en pekanneutprodukte wat plaaslik geproduseer word, sowel as enige pekanneute wat ingevoer word.

#### **Area waarin die maatreëls toegepas sal word**

4. Hierdie maatreël sal in die geografiese gebied van die Republiek van Suid-Afrika geld.

#### **Instel van 'n heffing**

5. 'n Heffing word hiermee ingestel op pekanneute en pekanneutprodukte.

#### **Bedrag van heffing**

6. Die bedrag van die heffing (Belasting op Toegevoegde Waarde uitgesluit) is soos volg:

In Dop (Heel) Pekanneute	1 Maart 2024 tot 28 Februarie 2025	42c/kg
	1 Maart 2025 tot 28 Februarie 2026	44c/kg
	1 Maart 2026 tot 28 Februarie 2027	46c/kg
	1 Maart 2027 tot 29 Februarie 2028	48c/kg
Pekanneut Kern	1 Maart 2024 tot 28 Februarie 2025	84c/kg
	1 Maart 2025 tot 28 Februarie 2026	88c/kg
	1 Maart 2026 tot 28 Februarie 2027	92c/kg
	1 Maart 2027 tot 29 Februarie 2028	96c/kg

#### **Persone op wie die heffing van toepassing is en aan wie dit betaal word**

7. (1) Die heffing wat in terme van klousule 5 ingestel word, sal –
- betalbaar wees deur 'n verwerker, verpakker of uitvoerder op alle pekanneute namens die produsent van wie sodanige pekanneute vir verwerking, verpakking of uitvoere bekom is;
  - betalbaar wees deur 'n verwerker of verpakker op alle pekanneute namens 'n produsent wie sy eie pekanneute laat sorteer en/of skoonmaak en/of uitdop en/of verpak en/of verwerk en daarna terugneem.
  - betalbaar wees deur 'n invoerder op alle pekanneute en pekanneutprodukte wat ingevoer is; en
  - betalbaar wees deur 'n produsent wie sy eie pekanneute of pekanneutprodukte verpak en verkoop.
- (2) Die heffings soos ingestel in terme van klousule 5 sal betaalbaar wees aan SAPPA soos aangedui in klousule 8.

**Betaling van heffing**

8. (1) Betaling van die heffing sal geskied nie later nie as dertig (30) dae na die maandeinde waarin die pekanneute gelewer of ingevoer is, of via enige ander wyse verkoop is.
- (2) Betaling sal geskied deur middel van 'n elektroniese oordrag uitgemaak aan SAPPA, en sal in die bankrekening inbetaal word wat op versoek van SAPPA verkry kan word.

**Voorwaardes van goedkeuring**

9. Hierdie statutêre heffings is onderworpe aan die volgende voorwaardes:
- (a) Dat 70% van heffingsinkomste spandeer word aan navorsing, inligting, en ander funksies, ten minste 20% op transformasie (ontwikkeling van swart boere) en nie meer as 10% op administrasie;
  - (b) Dat die heffings bestuur word op 'n manier aanvaarbaar vir die Ouditeur-Generaal, apart van enige ander bates of fondse van SAPPA; en
  - (c) Dat die aanwending van enige surplusfondse wat na die heffingstermyn mag bestaan, onderhewig sal wees aan die goedkeuring van die Minister.

**Inwerkingtreding en periode van toepassing**

10. Hierdie statutêre maatreël sal in werking tree op die datum van publikasie hiervan en sal 4 jaar later verval.

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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT****NO. R. 4132****1 December 2023****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS RELATING TO  
PECAN NUT TREES AS WELL AS DOMESTIC PRODUCTION, PROCESSING, IMPORTS  
AND EXPORTS OF PECAN NUTS AND PECAN NUT PRODUCTS**

I, Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.

**(MS) A.T. DIDIZA, (MP)**

**MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

## SCHEDULE

### Definitions

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

**“Exporter”** means a person or entity who exports pecan nuts or pecan nut products from South Africa and includes persons or entities who arranges or handles exports on behalf of or in the name of someone else;

**“Grower”** means a person or entity involved in growing pecan nut trees to be sold for commercial gain, i.e. nurseries;

**“Importer”** means a person or entity that imports pecan nuts or pecan nut products into South Africa and includes persons or entities who arranges or handles imports on behalf of or in the name of someone else;

**“Packer”** means a person or entity that buys or acquires pecan nuts and/or pecan nut products and packages it for resale; or packs its own products for retail sale;

**“Pecan nut industry”** means all participants and role players in the South African pecan nut industry;

**“Pecan nut kernels”** means shelled pecan nuts;

**“Pecan nut products”** means the processed products obtained from pecan nuts;

**“Pecan nut”** means the stone or pit of the fruit of the Pecan Nut tree Carya illinoensis;

**“Processor”** means a person or entity who sorts and/or cleans and/or shells and/or processes pecan nuts for resale;

**“Producer”** means a person or entity who grows pecan nut trees to produce pecan nuts for commercial gain; and

**“The Act”** means the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996).

### Purpose and aims of statutory measure and the relation thereof to the objectives of the Act

2. The purpose and aims of the statutory measure is to compel the parties set out herein to keep records and render returns to the South African Pecan Nut Producers Association NPC (SAPPA). This is necessary to ensure that continuous, timeous and accurate information relating to the products as defined, is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on an individual basis, market and production information for the pecan nut industry can be processed and disseminated.

The establishment of the measure will assist in promoting the efficiency of the marketing of products. The viability of the pecan nut industry should thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice. Any information obtained will be dealt with in a confidential manner and no sensitive or

potentially sensitive client-specific information will be made available to any party without the prior approval of the party whose rights may be affected.

The measure will be administered by SAPPA, a non-profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008). SAPPA will implement and administer the measure as set out in the Schedule.

**Products to which statutory measure applies**

3. This statutory measure shall apply to pecan nuts and pecan nut products, both from domestic source and on imported product.

**Area in which measure shall apply**

4. This measure shall apply in the geographical area of the Republic of South Africa.

**Records to be kept and returns to be rendered**

5. (1) All producers, processors, importers and exporters of pecan nuts and pecan nut products as well as growers of pecan nut trees shall keep such records and render the returns as may be required by SAPPA relating to:
- (a) The number of pecan nut trees supplied to producers;
  - (b) The volume of pecan nuts and/or pecan nut products produced;
  - (c) The volume of pecan nuts and/or pecan nut products imported and/or exported; and
  - (d) The volume of pecan nuts and/or pecan nut products processed by processors.
- (2) No records or returns shall be required in terms of this measure which disclose confidential information of a marketing nature, and in particular, no returns disclosing, inter alia, contracting parties; purchasers of pecan nuts products; prices of services or the prices obtained for product, or any similar information, shall be required to be furnished.
- (3) The National Department of Agriculture, Land Reform and Rural Development or its assignee shall render a copy of all export certificates or furnish the information required by SAPPA contained in such certificates within the period specified in sub-clause (4)
- (4) The records referred to in sub-clause (1) shall –
- (a) be recorded on a computer or with ink in a book;
  - (b) be kept at the registered premises of the person required to keep it for a period of at least three years.
- (5) The returns referred to in sub-clause (1) shall be rendered on forms obtainable free of charge for this purpose from SAPPA within fifteen (15) days after the end of the month in which the returns have been requested.
- (a) be submitted, when forwarded by post, to –

SAPPA  
PO Box 163  
PAARL  
7620

- (b) when delivered by hand, be delivered to –

SAPPA  
258 Main Street  
PAARL  
7646

- (c) when sent by telefax, be addressed to –

021 870 2915

- (d) when sent by E-mail, addressed to –

admin@sappa.za.org

**Commencement and period of validity**

6. This statutory measure shall come into operation on the date of publication hereof and will lapse 4 years later.



**DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING****NO. R. 4132****1 Desember 2023****WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)****INSTELLING VAN 'N STATUTÊRE MAATREËL: AANTEKENINGE EN OPGAWES MET  
BETREKKING TOT PEKANNEUT BOME, PLAASLIKE PRODUKSIE, VERWERKING, INVOER  
EN UITVOER VAN PEKANNEUTE EN PEKANNEUTPRODUKTE**

Ek, Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, stel hiermee in terme van artikels 13 en 18 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), die statutêre maatreël in soos uiteengesit in hierdie Bylae.

**(ME) A.T. DIDIZA, (MP)****MINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING**

## BYLAE

### Definisies

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en tensy uit die samehang anders blyk, beteken –

**“Die Wet”** beteken die Wet op die Bemaking van Landbouprodukte, 1996 (Wet No 47 van 1996);

**“Invoerder”** beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte na Suid-Afrika invoer en sluit ook persone of instansies in wat invoere namens of ten behoeve van 'n ander reël of hanteer;

**“Kweker”** beteken 'n persoon of instansie wat pekanneutbome kweek om verkoop te word vir kommersiële gewin;

**“Pekanneutbedryf”** beteken al die deelnemers en rolspelers in die Suid-Afrikaanse pekanneutbedryf;

**“Pekanneut”** beteken die steen of pit van die vrug van die Pekanneutboom Carya illinoensis;

**“Pekanneutkerns”** beteken uitgedopte pekanneute;

**“Pekanneutprodukte”** beteken die verwerkte produkte van pekanneute verkry;

**“Produsent”** beteken 'n persoon of instansie wat pekanneutbome aanplant om pekanneute vir kommersiële gewin te produseer;

**“Uitvoerder”** beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte vanuit Suid-Afrika uitvoer en sluit ook persone of instansies in wat uitvoere namens of ten behoeve van 'n ander reël of hanteer;

**“Verpakker”** beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte aankoop of verkry en verpak met die doel om dit te verhandel, of sy eie produk verpak om te verhandel; en

**“Verwerker”** beteken 'n persoon of instansie wat pekanneute sorteer en/of skoonmaak en/of uitdop en/of verwerk sodat dit aangebied kan word vir verkoop.

### Doelwit en oogmerk van die statutêre maatreël en die verwantskap daarvan met die doelwitte van die Wet

2. Die doelwit en oogmerk van die statutêre maatreël is om die partye soos uiteengesit hierin te verplig om aantekeninge te hou en opgawes aan die Suid-Afrikaanse Pekanneutprodusente Assosiasie NPC (SAPPA) te verstrek. Dit is noodsaaklik om SAPPA instaat te stel om deurlopende, tydige en akkurate inligting oor die produkte soos gedefinieer, beskikbaar te maak aan alle rolspelers. Mark inligting word geag noodsaaklik te wees vir alle rolspelers ten einde ingeligte besluite te kan neem. Deur die kombinerende van verpligte registrasie met die hou van inligting en die indiening van inligting op 'n individuele basis, kan mark inligting vir die totale bedryf verwerk en beskikbaar gestel word en sal dit ook die basis vorm vir die vordering van heffings waar toepaslik.

Die instel van die maatreël sal die doeltreffendheid van die bemarking van pekanneute en pekanneutprodukte bevorder en verbeter. Die lewensvatbaarheid van die pekanneutbedryf sal derhalwe verbeter word. Die maatreël sal nie nadelig op werkseleenthede en regverdige arbeidspraktyke inwerk nie. Enige inligting wat op hierdie wyse verkry word sal vertroulik hanteer word en geen sensitiewe of potensieel sensitiewe kliënt spesifieke inligting sal aan enige party beskikbaar gemaak word sonder die vooraf goedkeuring van daardie partye wie se regte in enige mate geraak kan word nie.

Die maatreël sal deur SAPPa, 'n maatskappy sonder winsoogmerk wat in terme van die Maatskappy Wet (soos gewysig), 2008 (Wet 71 van 2008) opgerig is, administreer word. SAPPa sal die maatreëls implementeer en administreer soos uiteengesit in hierdie Bylae.

### **Produkte waarop die statutêre maatreëls van toepassing is**

3. Hierdie statutêre maatreël sal toegepas word op pekanneute en pekanneutprodukte wat plaaslik geproduseer word, sowel as enige pekanneute wat ingevoer word.

### **Area waarin die maatreëls toegepas sal word**

4. Hierdie maatreël sal in die geografiese gebied van die Republiek van Suid-Afrika geld.

### **Aantekeninge en opgawes wat gelewer moet word**

5. (1) Alle produsente, verwerkers, invoerders, uitvoerders en kwekers moet vir elke kalendermaand volledige aantekeninge hou en opgawes indien soos deur SAPPa verlang in verband met -
  - a) Die aantal pekanneutbome verkoop;
  - b) Die volume van pekanneute en pekanneutprodukte geproduseer; en
  - c) Die volumes van pekanneute en pekanneutprodukte ingevoer en/of uitgevoer; en
  - d) Die volumes van pekanneute en pekanneutprodukte verwerk.
- (2) Geen aantekeninge of opgawes sal in terme van hierdie maatreël verlang word wat enigsins vertroulike inligting van 'n bemarkingsaard, en spesifiek sal geen inligting wat onder andere kontrakterende partye, kopers van pekanneutprodukte, koste van dienste, die pryse van produkte, of enige soortgelyke inligting, verlang word nie.
- (3) Die Departement van Landbou, Bosbou en Visserie of sy agent sal 'n afskrif van alle uitvoer sertifikate en ander inligting wat in sodanige sertifikate vervat is en deur SAPPa verlang word, voorsien binne die periode soos gespesifiseer in sub-klousule (4).
- (4) Die aantekeninge soos verwys na in sub-klousule (1) sal –
  - (a) vasgelê word per rekenaar of met ink in 'n boek;
  - (b) gehou word by die geregistreerde perseel van die persoon van wie dit verlang word om sodanige aantekeninge te hou vir 'n periode van drie jaar.
- (c) Die opgawes waarna verwys word in sub-klousule (1), sal ingedien word op vorms wat gratis by SAPPa verkry kan word binne vyftien (15) dae na die einde van die maand waarin die opgawes aangevra is.

a) ingedien word, wanneer aangestuur word per pos, na –

Posbus 163  
PAARL  
7620

(1) wanneer per hand besorg word, afgelewer word by –

SAPPA  
Hoofstraat 258  
PAARL  
7646

(2) wanneer per telefaks gestuur word, geadresseer aan –

012 870 2915

(3) wanneer aangestuur word per e-pos, geadresseer aan –

[admin@sappa.za.org](mailto:admin@sappa.za.org)

#### **Inwerkingtreding en periode van toepassing**

6. Hierdie statutêre maatreël sal in werking tree op die datum van publikasie hiervan en sal 4 jaar later verval.

**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT****NO. R. 4133****1 December 2023****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF PRODUCERS,  
PROCESSORS, IMPORTERS AND EXPORTERS OF PECAN NUTS AND PECAN NUT  
PRODUCTS**

I, Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 13 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.

**(MS) A.T. DIDIZA, (MP)****MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

## SCHEDULE

### Definitions

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

**“Exporter”** means a person or entity who exports pecan nuts or pecan nut products from South Africa and includes persons or entities who arranges or handles exports on behalf or in the name of someone else;

**“Grower”** means a person or entity involved in growing pecan nut trees to be sold for commercial gain, i.e. nurseries;

**“Importer”** means a person or entity who imports pecan nuts or pecan nut products into South Africa and includes persons or entities who arranges or handles imports on behalf or in the name of someone else;

**“Packer”** means a person or entity who buys or acquires pecan nuts and/or pecan nut products and packages it for resale; or packs its own products for retail sale;

**“Pecan nut industry”** means all participants and role players in the South African pecan nut industry;

**“Pecan nut kernels”** means shelled pecan nuts;

**“Pecan nut products”** means the processed products obtained from pecan nuts;

**“Pecan nut”** means the stone or pit of the fruit of the Pecan Nut tree *Carya illinoensis*;

**“Processor”** means a person or entity who sorts and/or cleans and/or shells and/or processes pecan nuts for resale;

**“Producer”** means a person or entity who grows pecan nut trees to produce pecan nuts for commercial gain; and

**“The Act”** means the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996).

### Purpose and aims of statutory measure and the relation thereof to the objectives of the Act

2. The purpose and aims of the statutory measure are to compel the parties set out herein to register with the South African Pecan Nut Producers Association NPC (SAPPA). Registration is necessary to assist SAPPA in ensuring that continuous, timeous and accurate information relating to the products as defined, is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions. By combining compulsory registration with the keeping of information and the rendering of returns on an individual basis, market information for the whole of the industry can be processed and disseminated and will form the basis for the collection of levies where applicable and appropriate.

The establishment of the measure would assist in promoting the efficiency of the marketing of pecan nuts and pecan nut products. The viability of the pecan nut industry

will thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice.

The measure will be administered by SAPPa, a non-profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008). SAPPa will implement and administer the measure as set out in the Schedule.

#### **Products to which statutory measure applies**

3. This statutory measure shall apply to pecan nuts and pecan nut products, both from domestic source and on imported product.

#### **Area in which measure shall apply**

4. This measure shall apply in the geographical area of the Republic of South Africa.

#### **Registration of parties concerned**

5.
  - (1) All producers, growers, processors, packers, importers and exporters of pecan nuts and/or pecan nut products shall register with SAPPa in the manner prescribed in clause 6.
  - (2) Each person or entity who becomes a producer, grower, processor, packer, importer and/or exporter of pecan nuts and/or pecan nut products shall register with SAPPa.
  - (3) A person shall have a choice to register as either a producer or processor or importer or exporter.
  - (4) A person who is a producer as well as a processor or importer or exporter shall register as a producer and as processor or importer or exporter.

#### **Application for registration**

6. Application for registration shall –
  - (1) be made within thirty (30) days of the commencement of this statutory measure, and in the case of a person becoming a party as contemplated in clause 5 after such date of commencement, within thirty (30) days of becoming such a party;
  - (2) be made on the application form obtainable free of charge from SAPPa;
  - (3) be submitted, when forwarded by post, to –

SAPPa  
PO Box 163  
PAARL  
7620

- (4) when delivered by hand, be delivered to –

SAPPA  
258 Main Street  
PAARL  
7646

- (5) when sent by telefax, be addressed to –

012 870 2915

- (6) when sent by E-mail, addressed to –

admin@sappa.za.org

**Commencement and period of validity**

7. This statutory measure shall come into operation on the date of publication hereof and will lapse 4 years later.



**DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING****NO. R. 4133****1 Desember 2023****WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)****INSTELLING VAN 'N STATUTÊRE MAATREËL: REGISTRASIE VAN PRODUSENTE,  
VERWERKERS, INVOERDERS EN UITVOERDERS VAN PEKANNEUTE EN  
PEKANNEUTPRODUKTE**

Ek, Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, stel hiermee in terme van artikels 13 en 19 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), die statutêre maatreël in soos uiteengesit in hierdie Bylae.

**(ME) A.T. DIDIZA, (MP)****MINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING**

## BYLAE

### Definisies

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en tensy uit die samehang anders blyk, beteken –

**“Die Wet”** beteken die Wet op die Bemaking van Landbouprodukte, 1996 (Wet No 47 van 1996);

**“Invoerder”** beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte na Suid-Afrika invoer en sluit ook persone of instansies in wat invoere namens of ten behoeve van 'n ander reël of hanteer;

**“Kweker”** beteken 'n persoon of instansie wat pekanneutbome kweek om verkoop te word vir kommersiële gewin;

**“Pekanneutbedryf”** beteken al die deelnemers en rolspelers in die Suid-Afrikaanse pekanneutbedryf;

**“Pekanneut”** beteken die steen of pit van die vrug van die Pekanneutboom *Carya illinoensis*;

**“Pekanneutkerns”** beteken uitgedopte pekanneute;

**“Pekanneutprodukte”** beteken die verwerkte produkte van pekanneute verkry;

**“Produsent”** beteken 'n persoon of instansie wat pekanneutbome aanplant om pekanneute vir kommersiële gewin te produseer;

**“Uitvoerder”** beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte vanuit Suid-Afrika uitvoer en sluit ook persone of instansies in wat uitvoere namens of ten behoeve van 'n ander reël of hanteer;

**“Verpakker”** beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte aankoop of verkry en verpak met die doel om dit te verhandel, of sy eie produk verpak om te verhandel; en

**“Verwerker”** beteken 'n persoon of instansie wat pekanneute sorteer en/of skoonmaak en/of uitdop en/of verwerk sodat dit aangebied kan word vir verkoop.

### Doelwit en oogmerk van die statutêre maatreël en die verwantskap daarvan met die doelwitte van die Wet

2. Die doelwit en oogmerk van die statutêre maatreël is om die partye soos uiteengesit hierin, te laat registreer by die Suid-Afrikaanse Pekanneutprodusente Assosiasie NPC (SAPPA). Registrasie is noodsaaklik om SAPPA instaat te stel om deurlopende, tydige en akkurate inligting oor die produkte soos gedefinieer, beskikbaar te maak aan alle rolspelers. Mark inligting word geag noodsaaklik te wees vir alle rolspelers ten einde ingeligte besluite te kan neem. Deur die kombinerende van verpligte registrasie met die hou van inligting en die indiening van inligting op 'n individuele basis, kan mark inligting vir die totale bedryf verwerk en beskikbaar gestel word en sal dit ook die basis vorm vir die vordering van heffings waar toepaslik.

Die instel van die maatreël sal die doeltreffendheid van die bemarking van pekanneute en pekanneutprodukte bevorder en verbeter. Die lewensvatbaarheid van die pekanneutbedryf sal derhalwe verbeter word. Die maatreël sal nie nadelig op werkseleenthede en regverdige arbeidspraktyke inwerk nie.

Die maatreël sal deur SAPPa, 'n maatskappy sonder winsoogmerk wat in terme van die Maatskappy Wet (soos gewysig), 2008 (Wet 71 van 2008) opgerig is, administreer word. SAPPa sal die maatreëls implementeer en administreer soos uiteengesit in hierdie Bylae.

#### **Produkte waarop die statutêre maatreëls van toepassing is**

3. Hierdie statutêre maatreël sal toegepas word op pekanneute en pekanneutprodukte wat plaaslik geproduseer word, sowel as enige pekanneute wat ingevoer word.

#### **Area waarin die maatreëls toegepas sal word**

4. Hierdie maatreël sal in die geografiese gebied van die Republiek van Suid-Afrika geld.

#### **Registrasie van geaffekteerde partye**

5.
  - (1) Alle produsente, kwekers, verwerkers, verpakkers, invoerders en uitvoerders van pekanneute en/of pekanneutprodukte sal by SAPPa registreer soos aangedui in klousule 6.
  - (2) Elke persoon wat 'n produsent, kweker, verwerker, verpakker, invoerder en/of uitvoerder van pekanneute en/of pekanneutprodukte word, sal by SAPPa registreer.
  - (3) 'n Persoon sal 'n keuse hê om óf as produsent óf as verwerker óf as uitvoerder óf as invoerder te registreer.
  - (4) 'n Persoon wat 'n produsent sowel as 'n verwerker of uitvoerder of invoerder is, sal as produsent en as 'n verwerker of uitvoerder of invoerder, registreer.

#### **Aansoek om registrasie**

6. Aansoek om registrasie sal –
  - (1) binne dertig (30) dae na die instelling van hierdie statutêre maatreël, en in die geval van 'n persoon/instansie wat 'n party word soos aangedui in klousule 5 na sodanige datum van instelling, binne dertig (30) dae nadat hy sodanige party geword het;
  - (2) gedoen word op die aansoekvorm wat gratis van SAPPa verkry kan word;

- (3) ingedien word, wanneer aangestuur word per pos, na –

SAPPA  
Posbus 163  
PAARL  
7620

- (4) wanneer per hand besorg word, afgelewer word by –

SAPPA  
Hoofstraat 258  
PAARL  
7646

- (5) wanneer per telefaks gestuur word, geadresseer aan –

012 870 2915

- (6) wanneer aangestuur word per e-pos, geadresseer aan –

admin@sappa.za.org

**Inwerkingtreding en periode van toepassing**

7. Hierdie statutêre maatreël sal in werking tree op die datum van publikasie hiervan en sal 4 jaar later verval.

## SOUTH AFRICAN REVENUE SERVICE

NO. R. 4134

1 December 2023

## GENERAL EXPLANATORY NOTE:

[       ] Words that are between square brackets and in bold typeface, indicate deletions from the existing rules

\_\_\_\_\_ Words that are underlined with a solid line, indicate insertions in the existing rules

## CUSTOMS AND EXCISE ACT, 1964

## AMENDMENT OF RULES

Under section 120 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), the rules published in Government Notice R.1874 of 8 December 1995, are herewith amended to the extent set out in the Schedule hereto **with effect from 1 December 2023**.



EDWARD CHRISTIAN KIESWETTER

COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

## SCHEDULE

### Amendment of rule 120.13.01

1. Rule 120.13.01 is hereby amended by the insertion of the following definition after the definition of “authorised dealer”:

**“bank generated advance import payment reference number” or “BGA reference number”** means a reference number in relation to an advance foreign exchange payment issued to an importer by an authorised dealer in circumstances set out in rule 120.13.05A.”.

### Amendment of rule 120.13.03

2. Rules 120.13.03 is hereby amended by the addition of the following paragraph after paragraph (e):

**“(f) This rule is subject to rule 120.13.05A.”.**

### Amendment of rule 120.13.04

3. The following rule is hereby substituted for rule 120.13.04:

#### **“Issuing of APN reference number**

- 120.13.04      **(a)** An importer who submitted an APN as contemplated in rule 120.13.03 is entitled to be notified of –
- [(a)](i)** the outcome of any data validation process conducted by SARS in respect of the APN; and
- [(b)](ii)** the APN reference number assigned in respect of a validated APN.
- (b)** An APN reference number referred to in paragraph **(a)(ii)** must be referenced on that importer’s application to effect an advance payment submitted to an authorised dealer.
- (c)** The authorised dealer indicated on the APN is entitled to be notified by SARS of the APN reference number assigned in respect of a validated APN.

(d) Paragraphs (b) and (c) are subject to rule 120.13.05A in circumstances described in that rule.”.

#### Insertion of rule

4. The following rule is hereby inserted after rule 120.13.04:

**“Requirements for authorised dealers in relation to advance payments**

- 120.13.04A (a) An authorised dealer may not grant an application to effect an advance import payment if such application does not reflect an APN reference number.
- (b) An authorised dealer intending to effect an advance payment must, by making use of the APN reference number received in terms of rule 120.13.04(c), verify information supplied by an applicant for advance payment.
- (c) Paragraph (a) and (b) are subject to rule 120.13.05A in circumstances described in that rule.”.

#### Insertion of rules

5. The following rules are hereby inserted after rule 120.13.05:

**“Requirements and procedures for authorised dealers issuing bank generated advance import payment reference numbers**

- 120.13.05A (a) This rule applies –
- (i) in exceptional circumstances where the authorised dealer who is to effect an advance payment on behalf of an importer considers obtaining an APN reference number from SARS before payment is effected as impracticable; or

- (ii) where the importer is unable to notify the Commissioner of the importer's intention to submit an application for advance payment to an authorised dealer in order to obtain an APN reference number as required in terms of rule 120.13.03, due to a SARS systems failure;
  - (iii) where the importer included an APN reference number on that importer's application to an authorised dealer to effect an advance payment as required in terms of rule 120.13.04A(a), which that authorised dealer could not verify with SARS as contemplated in rule 120.13.04A(b), due to a SARS systems failure; or
  - (iv) where the importer applied to an authorised dealer to effect an advance payment of an amount not exceeding R50 000,00 in respect of which no APN is required, which amount subsequently exceeded R50 000,00 due to currency fluctuations before payment could be effected by the authorised dealer.
- (b) An authorised dealer may in circumstances set out in paragraph (a) –
  - (i) generate and issue a BGA reference number to an importer; and
  - (ii) effect the advance import payment despite rule 120.13.04(b) which requires the authorised dealer to verify information supplied by an applicant for advance payment.



**Requirements and procedures for importers where authorised dealers issued bank generated advance import payment reference numbers**

- 120.13.05B (a) An importer to whom a BGA reference number was issued in terms of rule 120.13.05A(b) must prior to submission of the bill of entry notify the Commissioner of the issuance of the BGA reference number by the authorised dealer by –
- (i) submitting an APN and indicating the BGA reference number in the case where no APN was submitted before payment was made by the authorised dealer, or
  - (ii) amending the APN previously submitted and also indicating the BGA reference number in the case where an APN had been submitted but the APN reference number could not be verified.
- (b) An importer may, despite rule 120.13.03(d), when amending a previously submitted APN in terms of paragraph (a)(ii), amend information indicated on such APN to reflect current circumstances, subject to any restrictions on key information fields indicated on the APN.”.

**SOUTH AFRICAN REVENUE SERVICE**

NO. R. 4135

1 December 2023

**GENERAL EXPLANATORY NOTE:**

- [       ] Words that are between square brackets and in bold typeface, indicate deletions from the existing rules
- \_\_\_\_\_ Words that are underlined with a solid line, indicate insertions in the existing rules
- 

**CUSTOMS AND EXCISE ACT, 1964  
AMENDMENT OF RULES**

Under sections 64E and 120 of the Customs and Excise Act, 1964 (Act 91 of 1964), the rules published in Government Notice R.1874 of 8 December 1995, are herewith amended to the extent set out in the Schedule hereto **with effect from 8 December 2023**.



**EDWARD CHRISTIAN KIESWETTER**  
**COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE**

**SCHEDULE****Amendment of rule 64E.01**

1. Rule 64E.01 is hereby amended –
  - (a) by the substitution for the definition of “Accreditation Agreement” of the following definition:

**“Accreditation Agreement”** means an agreement in accordance with the contents of the pro forma agreement prescribed in terms of rule 64E.18 in relation to Level 1 accredited client status and Level 2 accredited client status respectively;”;

- (b) by the insertion of the following definition after the definition for “application”:  
**“branch front end capturing” or “BFE capturing”**, in relation to an application, means the electronic capturing by an officer at a Customs and Excise Office as indicated on the SARS website, of information provided by the applicant as may be required for the application on the internal SARS electronic system used for purposes of processing applications;”;

- (c) by the insertion of the following definitions after the definition for “customs activity”:

**“eFiling”** means a SARS software application available on the SARS website which enables SARS and registered electronic users to generate and deliver electronic filing transactions;

**“electronic application”** means –

- (a) an eFiling application or an application via another electronic communicative system administered by SARS, as may be applicable; or  
(b) an application via the internal SARS electronic system used for purposes of BFE capturing;”.

#### **Amendment of rule 64E.05**

2. The following rule is hereby substituted for rule 64E.05:

##### **“Applications for accredited client status**

64E.05 (1) Application for accredited client status must be made electronically via –

- (a) eFiling or another electronic communicative system administered by SARS, as may be applicable; or  
(b) BFE capturing by visiting a Customs and Excise Office where this service is available, as indicated on the SARS website [on form DA 186 as published on the SARS website, submitted –  
(a) at any Customs and Excise Office where a Client Relationship Manager is located, as indicated on the SARS website; or

**(b) by e-mail directed to the e-mail address indicated on the SARS website for receipt of such applications].**

(2) An application referred to in subrule (1) must be supported by—

**(a) [the following documents, available on the SARS website and completed in accordance with any instructions provided on the website in this regard:**

**(i) A Customs Accreditation Self-Evaluation Questionnaire;**

**(ii) a Systems Questionnaire; and]**

**(iii)] a signed copy of the relevant Accreditation Agreement, available on the SARS website, uploaded on the system upon request; and**

**(b) [an application to make a booking for the competency assessment referred to in rule 64E.06; and]**

**(c) any other supporting documents that may be necessary for proving compliance with the criteria prescribed in rule 64E.12 or 64E.13 for the relevant level of accredited client status, as may be required by the Commissioner or as indicated on the electronic application [form].”.**

### **Amendment of rule 64E.06**

**3. Rule 64E.06 is hereby amended**

**(a) by the substitution in subrule (2) for paragraph (a) of the following paragraph:**

**“(a) An applicant must, subject to paragraph (b), apply for a competency assessment on eFiling in accordance with any instructions as set out on the system[a booking form published on the SARS website for this purpose , submitted together with the application for accredited client status, as is contemplated in rule 64E.05(2)(b)]”;** and

**(b) by the substitution for subrule (5) of the following subrule:**

**“(5) [A] The holder of accredited client status may from time to time in order to maintain sufficient knowledge of customs laws and procedures make application for the competency test on eFiling[by submitting the booking form –**

**(a) at any Customs and Excise Office where a Client Relationship Manager is located, as indicated on the SARS website; or**

**(b) by e-mail directed to the e-mail address indicated on the SARS**

**website for receipt of such applications].”.**

**Amendment of rule 64E.08**

4. Rule 64E.08 is hereby amended by the substitution in subrule (2) for paragraph (b) of the following paragraph:

“(b) if the holder of the accredited client status is no longer compliant with any of the criteria contemplated in paragraph (a) or if any of the information provided by the holder on the application form has subsequently changed, such holder must promptly notify the Commissioner of the non-compliance or change by submitting in terms of rule 64E.05 the electronic application [form DA 186] and the required supporting documents reflecting the relevant details in respect of the non-compliance or change; and”.

**Amendment of rule 64E.11**

5. Rule 64E.11 is hereby amended by the substitution for subrule (2) of the following subrule:

“(2) All the provisions applicable to an application in these rules apply with the necessary changes for purposes of an application for renewal of accredited client status, provided that in the case of a SARS systems breakdown, the 30 day period will automatically be shortened by the duration of the breakdown.”.

**Insertion of rule**

6. The following rule is hereby inserted after rule 64E.11:

**“64E.11A Communication through eFiling or another electronic communicative system for receipt of applications**

(a) The rules for electronic communication published in terms of section 255 of the Tax Administration Act by Government Notice No. 644 dated 25 August 2014, apply for purposes of electronic communication contemplated in these rules, subject to paragraph (b).

- (b) The rules for electronic communication referred to in paragraph (a) apply with any necessary changes as the context may require, and in such application any reference in those rules to—
- (i) a tax Act must be read as including a reference to the Customs and Excise Act or the rules thereunder;
  - (ii) an electronic filing system must be read as including a reference to eFiling or another electronic communicative system administered by SARS for purposes of submission of applications in terms of these rules;
  - (iii) an electronic filing transaction must be read as including a reference to an electronic communication permitted in terms of the rules under these rules;
  - (iv) an electronic communicator or registered electronic user must be read as including a reference to a person registered in terms of section 59A as an electronic user;
  - (v) a registered tax practitioner must be read as including a reference to a person registered in terms of section 59A as an electronic user and who submits applications electronically as a clearing agent, registered agent or other representative on behalf of another; and
  - (vi) a taxpayer must be read as including a reference to the holder of accredited client status.
- (c) In the event of any inconsistency between a provision of these rules and the rules for electronic communication referred to in paragraph (a), the provision of the former prevails.”.

#### **Amendment of rule 64E.14**

7. Rule 64E.14 is hereby amended –

- (a) by the substitution in paragraph (b) for subparagraph (ii) of the following paragraph:

- “(ii) provided that consent has been given by the holder on the electronic application [form DA 186] for the sharing of such information as may be necessary to assure effective and continued mutual recognition; and”
- and
- (b) by the substitution for the words in paragraph (c) following the introductory words:
- “[(aa)](i) to the extent provided for in memoranda of understanding between SARS and such agencies; and
- [(bb)](ii) provided that consent has been given by the holder on the electronic application [form DA 186] for the sharing of such information as may be necessary for the facilitation of the co-ordinated intervention.”.

#### **Amendment of rule 64E.15**

8. Rule 64E.15 is hereby amended –
- (a) by the substitution in paragraph (a) for item (bb) of subparagraph (xi) of the following item:
- “(bb) provided that consent has been given by the holder on the electronic application [form DA 186] for the sharing of such information as may be necessary for the facilitation of the co-ordinated intervention; and”; and
- (b) by the substitution in paragraph (b) for subparagraph (ii) of the following subparagraph:
- “(ii) provided that consent has been given by the holder on the electronic application [form DA 186] for the sharing of such information as may be necessary to assure effective and continued mutual recognition.”.

#### **Repeal of form DA 186**

9. Item 202.00 of the Schedule to the Rules is hereby amended by the deletion of form DA 186:
- “DA 186 Application for accredited client status under section 64E of the Customs and Excise Act, 1964”.

## PROCLAMATIONS • PROKLAMASIES

## PROCLAMATION 144 OF 2023



by the  
PRESIDENT of the REPUBLIC of SOUTH AFRICA

**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT: GERT SIBANDE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING COLLEGE**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"), have been made in respect of the affairs of the Gert Sibande Technical and Vocational Education and Training College ("the College");

AND WHEREAS the College suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule in respect of the College, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the College;
- (b) improper or unlawful conduct by employees of the College;
- (c) unlawful appropriation or expenditure of public money;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the College; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2019 and the date of publication of this Proclamation or which took place prior to 1 January 2019 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the College, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 10<sup>th</sup> day of November Two thousand and twenty three.



**MC Ramaphosa**

**President**

By Order of the President-in-Cabinet:

**RO Lamola**

**Minister of the Cabinet**

#### **SCHEDULE**

1. Serious maladministration in connection with the affairs of the College, including the causes of such maladministration, arising from the procurement of, or contracting for goods, works or services in relation to—

- (a) the development and implementation of an online learning and assessment system and a human resource management, recruitment and record keeping system in terms of a Memorandum of Agreement dated 1 July 2020;
- (b) the rendering of programme and project management services aligned to innovation and special projects in terms of a Service Level Agreement dated 12 May 2021;
- (c) the acquisition of fraud and risk management software and additional services in 2019;
- (d) the acquisition of an encrypted communications solution in 2019;
- (e) the acquisition of the Head Office main server in 2020; and
- (f) the development of a business continuity process and an information technology strategy in 2020,

by or on behalf of the College and payments made in respect thereof in a manner that was—

- (i) not fair, competitive, transparent, equitable or cost-effective; or
- (ii) contrary to applicable—
  - (aa) legislation;
  - (bb) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or
  - (cc) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the College,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the College.

2. Any irregular, improper or unlawful conduct by—

- (a) employees or officials of the College; or
- (b) any other person or entity,

in relation to the allegations set out in paragraph 1 of this Schedule.

**PROKLAMASIE KENNISGEWING 144 VAN 2023**

**van die  
PRESIDENT van die REPUBLIEK van SUID-AFRIKA**

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID: GERT SIBANDE TEGNIESE EN PRAKTIESE OPVOEDING- EN OPLEIDINGSKOLLEGE**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as "die Wet"), gemaak is in verband met die aangeleenthede van die Gert Sibande Tegniese en Praktiese Opvoeding- en Opleidingskollege (hierna na verwys as "die Kollege");

EN AANGESIEN die Kollege verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die Kollege, vir ondersoek na die Spesiale Ondersoekeenhede ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenhede is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Kollege;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Kollege;
- (c) onregmatige bewilliging of besteding van publieke geld;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Kollege; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2019 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2019 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenhede toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Kollege gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die tiende dag van November Twee duisend-en-drie-en-twintig.

**MC Ramaphosa**

**President**

Op las van die President-in-Kabinet:

**RO Lamola**

**Minister van die Kabinet**

**BYLAE**

1. Ernstige wanadministrasie in verband met die aangeleenthede van die Kollege, insluitend die oorsake van sodanige wanadministrasie, voortspruitend uit die verkryging van, of kontraktering vir, goedere, werke of dienste in verband met—

- (a) die ontwikkeling en implementering van 'n aanlyn leer- en assesseringstelsel en 'n menslike hulpbronne bestuur-, werwing- en rekordbewaring stelsel ingevolge 'n Memorandum van Ooreenkoms gedateer 1 Julie 2020;
- (b) die lewering van program- en projekbestuur dienste in lyn met innovasie en spesiale projekte ingevolge 'n Diensvlakoooreenkoms gedateer 12 Mei 2021;
- (c) die aanskaffing van bedrog- en risikobestuur sagteware en addisionele dienste in 2019;
- (d) die aanskaffing van 'n enkripte kommunikasieoplossing in 2019;
- (e) die aanskaffing van die Hoofkantoor hoof-bediener in 2020; en
- (f) die ontwikkeling van 'n besigheids kontiniteitsproses en 'n inligtingstegnologie strategie in 2020,

deur of namens die Kollege en betalings in verband daarmee gemaak op 'n wyse wat—

- (i) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
- (ii) strydig was met toepaslike—
  - (aa) wetgewing;
  - (bb) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of betrokke Provinsiale Tesourie uitgevaardig is; of
  - (cc) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Kollege van toepassing is,

en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilte uitgawes wat deur die Kollege aangegaan is.

2. Enige onreëlmatige, onbehoorlike of onwettige optrede deur—

- (a) beamptes of werknemers van die Kollege; of
- (b) enige ander persoon of entiteit,

ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.

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