Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 698 25 August Augustus 2023 No. 49189

PART 1 OF 2

ISSN 1682-5845

9 771682 584003 49189

Contents

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:*

- **08 December,** Thursday for the issue of Thursday **15 December 2022**
- **15 December,** Thursday for the issue of Friday **23 December 2022**
- **22 December,** Thursday for the issue of Friday **30 December 2022**
- **29 December,** Thursday for the issue of Friday **06 January 2023**
- **06 January,** Friday for the issue of Friday **13 January 2023**
- **13 January,** Friday for the issue of Friday **20 January 2023**
- **20 January,** Friday for the issue of Friday **27 January 2023**
- **27 January,** Friday for the issue of Friday **03 February 2023**
- **03 February,** Friday for the issue of Friday **10 February 2023**
- **10 February,** Friday for the issue of Friday **17 February 2023**
- **17 February,** Friday for the issue of Friday **24 February 2023**
- **24 February,** Friday for the issue of Friday **03 March 2023**
- **03 March,** Friday for the issue of Friday **10 March 2023**
- **10 March,** Friday for the issue of Friday **17 March 2023**
- **16 March,** Thursday for the issue of Friday **24 March 2023**
- **24 March,** Friday for the issue of Friday **31 March 2023**
- **30 March,** Thursday for the issue of Thursday **06 April 2023**
- **05 April,** Wednesday for the issue of Friday **14 April 2023**
- **14 April,** Friday for the issue of Friday **21 April 2023**
- **20 April,** Thursday for the issue of Friday **28 April 2023**
- **26 April,** Wednesday for the issue of Friday **05 May 2023**
- **05 May,** Friday for the issue of Friday **12 May 2023**
- **12 May,** Friday for the issue of Friday **19 May 2023**
- **19 May,** Friday for the issue of Friday **26 May 2023**
- **26 May,** Friday for the issue of Friday **02 June 2023**
- **02 June,** Friday for the issue of Friday **09 June 2023**
- **08 June,** Thursday for the issue of Thursday **15 June 2023**
- **15 June,** Thursday for the issue of Friday **23 June 2023**
- **23 June,** Friday for the issue of Friday **30 June 2023**
- **30 June,** Friday for the issue of Friday **07 July 2023**
- **07 July,** Friday for the issue of Friday **14 July 2023**
- **14 July,** Friday for the issue of Friday **21 July 2023**
- **21 July,** Friday for the issue of Friday **28 July 2023**
- **28 July,** Friday for the issue of Friday **04 August 2023**
- **03 August,** Thursday for the issue of Friday **11 August 2023**
- **11 August,** Friday for the issue of Friday **18 August 2023**
- **18 August,** Friday for the issue of Friday **25 August 2023**
- **25 August,** Friday for the issue of Friday **01 September 2023**
- **01 September,** Friday for the issue of Friday **08 September 2023**
- **08 September,** Friday for the issue of Friday **15 September 2023**
- **15 September,** Friday for the issue of Friday **22 September 2023**
- **21 September,** Thursday for the issue of Friday **29 September 2023**
- **29 September,** Friday for the issue of Friday **06 October 2023**
- **06 October,** Friday for the issue of Friday **13 October 2023**
- **13 October,** Friday for the issue of Friday **20 October 2023**
- **20 October,** Friday for the issue of Friday **27 October 2023**
- **27 October,** Friday for the issue of Friday **03 November 2023**
- **03 November,** Friday for the issue of Friday **10 November 2023**
- **10 November,** Friday for the issue of Friday **17 November 2023**
- **17 November,** Friday for the issue of Friday **24 November 2023**
- **24 November,** Friday for the issue of Friday **01 December 2023**
- **01 December,** Friday for the issue of Friday **08 December 2023**
- **08 December,** Friday for the issue of Friday **15 December 2023**
- **15 December,** Friday for the issue of Friday **22 December 2023**
- **20 December,** Wednesday for the issue of Friday **29 December 2023**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R**3026.32** 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

   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
Extraordinary Gazettes	As required	Any day of the week	*Before 10h00 on publication date*	*Before 10h00 on publication date*
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 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:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**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. 3810 **25 August 2023**

DEPARTMENT OF AGRICULTURE, LAND REFORM & RURAL DEVELOPMENT
PLANT BREEDERS' RIGHTS ACT, 1976
(ACT No. 15 of 1976)

In terms of the provisions of the Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), it is hereby made known that all aspects of plant breeders' rights, of which the particulars appear in the Sections herewith have been processed for the period January to March 2023.
Any objections must be submitted in writing to the Registrar of Plant Breeders' Rights within THREE months with reference to denominations, and within SIX months with reference to applications and grants from the date of publication of this issue, accompanied by the appropriate fees.

The bracketed numbers are reference to the addresses of the applicants and agents which can be found on the plant breeders' rights page, on the www.dalrrd.gov.za website or upon request from the Plant Breeders' Rights Office.

Mr Thapelo Sekele
Acting Registrar of Plant Breeders' Rights

SECTION 1

RECEIPTS OF APPLICATIONS FOR PLANT BREEDERS' RIGHTS

AGRICULTURAL CROPS

Kind of plant: *Brassica napus* L. [Oil seed rape]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9937	PY520TC	Pioneer Overseas [133]	US	Corteva RSA [411]	2023-03-16

Kind of plant: *Glycine max* L. Merrill [Soyabean]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9906	AT329	Coop. Prov. [1669]	AR	Santa Rosa Seed [2023]	2023-02-01
PT 9907	BG914	Coop. Prov. [1669]	AR	Santa Rosa Seed [2023]	2023-02-01
PT 9908	CW1796	Coop. Prov. [1669]	AR	Santa Rosa Seed [2023]	2023-02-01
PT 9909	RA5022BR	Coop. Prov. [1669]	AR	Agri-Seed [1670]	2023-02-01
PT 9910	RA5722BR	Coop. Prov. [1669]	AR	Agri-Seed [1670]	2023-02-01
PT 9911	RA6422R	Coop. Prov. [1669]	AR	Agri-Seed [1670]	2023-02-01
PT 9912	RA6521BR	Coop. Prov. [1669]	AR	Agri-Seed [1670]	2023-02-01

Kind of plant: *Hordeum vulgare* L. [Barley]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9938	Malgas	SABBI [1187]	ZA	SABBI [1187]	2023-03-22

Kind of plant: *Triticum aestivum* L. [Wheat]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9932	PAN 3611	Pioneer Overseas [133]	US	Corteva RSA [411]	2023-03-14
PT 9933	SST0235	Syngenta Crop [1577]	CH	Syngenta SA [809]	2023-03-14
PT 9934	SST0236	Syngenta Crop [1577]	CH	Syngenta SA [809]	2023-03-14
PT 9935	SST 8235	Syngenta Crop [1577]	CH	Syngenta SA [809]	2023-03-14
PT 9936	SST 8236	Syngenta Crop [1577]	CH	Syngenta SA [809]	2023-03-14

Kind of plant: *Solanum tuberosum* L. [Potato]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9939	Paradiso	Agrico [325]	NL	FPD [390]	2023-03-07
PT 9930	Sensation	IPM [517]	IE	Rascal Seed [1434]	2023-03-03
PT 9931	Vanilla	IPM [517]	IE	Rascal Seed [1434]	2023-03-03

VEGETABLE CROPS

Kind of plant: *Brassica oleracea* L. [Broccoli]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9893	Kilimanjaro	Sakata Vegetable [1726]	FR	Sakata Seed SA [1356]	2022-11-21
PT 9894	Rubens	Sakata Vegetable [1726]	FR	Sakata Seed SA [1356]	2022-11-21

Kind of plant: *Brassica oleracea* var. *capitata* L. [Cabbage]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9895	Lunaria	Plennegy [1540]	ZA	Plennegy [1540]	2022-12-12

Kind of plant: *Cucumis* L. [Melon]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9896	Turan	Nunhems B.V. [101]	NL	DM Kisch [124]	2022-12-15

ORNAMENTAL CROPS

Kind of plant: *Rosa* L. [Rose]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9922	Ludbrurique	Ludwig's rose Farm [14]	ZA	Ludwig's rose Farm [14]	2023-03-23
PT 9923	Ludkrilba	Ludwig's rose Farm [14]	ZA	Ludwig's rose Farm [14]	2023-03-23
PT 9924	Ludsubarley	Ludwig's rose Farm [14]	ZA	Ludwig's rose Farm [14]	2023-03-23
PT 9925	Ludwisuvo	Ludwig's rose Farm [14]	ZA	Ludwig's rose Farm [14]	2023-03-23
PT 9926	Kornusedufe	Kordes Soehne Rosenschulen [12]	DE	Ludwig's rose Farm [14]	2023-03-23
PT 9927	Korwiwara	Kordes Soehne Rosenschulen [12]	DE	Ludwig's rose Farm [14]	2023-03-23

FRUIT CROPS

Kind of plant: *Carya illinoinensis* (Wangenh.) K. Koch [Pecannut]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9921	Ga. 00-7-75	Univ. of Georgia [1866]	US	Topnut [229]	2023-03-13

Kind of plant: *Citrus* L. [Lemon]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9899	Benedicto	ICOTEA INMOB SL [1970]	SP	De Chalains IP [1595]	2023-01-04

Kind of plant: *Ficus* L. [Fig]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9903	Blucrimson	One Million Apples Pty Ltd [1969]	ZA	One Million Apples Pty Ltd [1969]	2023-01-13

Kind of plant: *Fragaria x ananassa* Duchesne [Strawberry]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9898	Plared 13120	PLANASA [1081]	Sp	Spoor & Fisher [157]	2023-01-03

Kind of plant: *Persea americana* Mill. [Avocado]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9897	Fundación II	CICTAMEX, SC [1794]	MX	Citrogold [964]	2023-01-26
PT 9920	LM2022DH	Youthrive (Pty) Ltd [1972]	ZA	DM Kisch [124]	2023-03-13

Kind of plant: *Prunus avium* (L.) L. [Sweet cherry]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9913	IFG Cher-one	IFG, LLC [1399]	US	Alwyn van Jaarsveld [1967]	2022-11-12
PT 9914	IFG Cher-five	IFG, LLC [1399]	US	Alwyn van Jaarsveld [1967]	2022-11-12
PT 9915	IFG Cher-seven	IFG, LLC [1399]	US	Alwyn van Jaarsveld [1967]	2022-11-12

Kind of plant: *Prunus persica* (L.) Batsch. var *nucipersica* Schneid. [Nectarine]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9901	Arctic Zee	Zaiger's, Inc. [605]	US	Zaiger SA [1272]	2023-01-16
PT 9902	Polar Burst	Zaiger's, Inc. [605]	US	Zaiger SA [1272]	2023-01-16

Kind of plant: *Prunus persica* (L.) Batsch. [Peach]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9900	Snow Fox	Zaiger's, Inc. [605]	US	Zaiger SA [1272]	2023-01-16

Kind of plant: *Punica granatum* L. [Pomegranate]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9904	Crimsonice	One Million Apples Pty Ltd [1969]	ZA	One Million Apples Pty Ltd [1969]	2023-01-13
PT 9905	Socrimson	One Million Apples Pty Ltd [1969]	ZA	One Million Apples Pty Ltd [1969]	2023-01-13

Kind of plant: *Pyrus* L. [Pear]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9918	HW624	Agriculture & Food, Canada [1730]	CA	Topfruit [229]	2023-03-28

Kind of plant: *Rubus* L. [Raspberry]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9916	BT Rastwo	Berrytech SRL [1971]	IT	Adams & Adams [65]	2023-02-23
PT 9917	BT Rasthree	Berrytech SRL [1971]	IT	Adams & Adams [65]	2023-02-23

Kind of plant: *Vitis* L. [Grape]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9919	Floreal	INRAE [1502]	FR	DM Kisch Inc. [124]	2023-03-27

SECTION 2

APPLICATIONS WITHDRAWN

Kind of plant: *Chrysanthemum* L. [Chrysanthemum]

Application No.	Applicant	Agent	Proposed denomination	Date of Withdrawal
PT 7849	DÜMMEN Group [1796]	Marleen Heus [770]	Fitchryspradsplen	2023-03-27

Kind of plant: *Vaccinium* L. [Blueberry]

Application No.	*Applicant*	*Agent*	*Proposed denomination*	*Date of Withdrawal*
PT 9297	Driscoll's, Inc. [981]	Adams & Adams [65]	DrisBlueNineteen	2023-01-20

SECTION 3

APPLICATIONS REJECTED

Kind of plant:

Application No.	*Applicant*	*Agent*	*Proposed denomination*	*Date of Refusal*

IV. DENOMINATIONS

IV.A Application for variety denominations

Vide I

SECTION 4

APPLICATIONS FOR APPROVAL OF ALTERATIONS OF DENOMINATIONS

Kind of plant: *Macadamia* F. Mueller [Macadamia]

Application/Registration No.	*Applicant*	*Agent*	*Previous denomination*	*Date alteration granted*	*New denomination*
ZA 20227663	IBREED Valleymax [Pty] Ltd [1957]	Balanities [Pty] Ltd [1903]	Mohr	2023-01-04	iB 01

Kind of plant: *Zea mays* L. [Maize]

Application/Registration No.	*Applicant*	*Agent*	*Previous denomination*	*Date alteration granted*	*New denomination*
PT 9164	Pioneer Overseas [133]	Corteva RSA [411]	X25T374W	2023-02-01	PAN 5A-163
PT 9169	Pioneer Overseas [133]	Corteva RSA [411]	X25T372W	2023-02-01	P2383W
ZA 20227766	Pioneer Overseas [133]	Corteva RSA [411]	X30K274WPW	2023-02-01	PAN 5P-985 PW

SECTION 5

NOTIFICATIONS OF CHANGE OF AGENTS

Kind of plant: *Citrus* L. [Valencia]

Application/Registration No.	*Applicant*	*Variety Denomination*	*Previous Agent*	*New Agent*
ZA 981970	NGB Association, Guy Whittaker [669]	Bennie	NGB Association, Guy Whittaker [669]	CGACC [1487]
ZA 20196954	PLANASA [1081]	Plablanec	Stargrow [731]	Spoor & Fisher [157]
ZA 20196894	PLANASA [1081]	Placarinec	Stargrow [731]	Spoor & Fisher [157]
ZA 20135272	PLANASA [1081]	Placastamel	Stargrow [731]	Spoor & Fisher [157]
ZA 20196868	PLANASA [1081]	Plamaqmel	Stargrow [731]	Spoor & Fisher [157]
ZA 20196893	PLANASA [1081]	Platriunnec	Stargrow [731]	Spoor & Fisher [157]
Rejected	PLANASA [1081]	Plawhite 10	Stargrow [731]	Spoor & Fisher [157]
ZA 20135271	PLANASA [1081]	Plawhite 5	Stargrow [731]	Spoor & Fisher [157]
ZA 20135270	PLANASA [1081]	Plazanomel	Stargrow [731]	Spoor & Fisher [157]
ZA 20166199	PLANASA [1081]	Sabrina	Stargrow [731]	Spoor & Fisher [157]
ZA 20083840	PLANASA [1081]	Sabrosa	Stargrow [731]	Spoor & Fisher [157]
ZA 20207010	PLANASA [1081]	Safari	Stargrow [731]	Spoor & Fisher [157]

ZA 20207011	PLANASA [1081]	Sahara	Stargrow [731]	Spoor & Fisher [157]
ZA 20196869	PLANASA [1081]	Zincal 17	Stargrow [731]	Spoor & Fisher [157]

SECTION 6

CHANGES IN THE PERSON OF THE HOLDER OF A PLANT BREEDERS' RIGHT

Kind of plant:

Registration No.	*Date granted*	*Variety Denomination*	*Date of transfer*	*Portion transferred*	*Previous Holder*	*New Holder*

SECTION 7

CHANGES IN THE PERSON OF THE APPLICANT OF A PLANT BREEDERS' RIGHT

Kind of plant:

Application No.	*Application date*	*Variety Denomination*	*Date of change*	*Previous Applicant*	*New Applicant*

SECTION 8

GRANT OF PLANT BREEDERS' RIGHTS

AGRICULTURAL CROPS

Kind of plant: *Lolium* L. [Perennial Ryegrass]

Application No.	*Variety Denomination*	*Grantee*	*Agent*	*Grant No.*	*Date of Grant*	*Expiry Date*
PT 9425	GDP 15011	Grasslands [1547]	DLF Seeds [1821]	ZA 20237898	2023-02-01	2043-02-01
PT 9427	Vast	Grasslands [1547]	DLF Seeds [1821]	ZA 20237899	2023-02-01	2043-02-01

Kind of plant: *Lolium* L. [Italian Ryegrass]

Application No.	*Variety Denomination*	*Grantee*	*Agent*	*Grant No.*	*Date of Grant*	*Expiry Date*
PT 9654	Appeal	Cropmark [1302]	AMS Trust [937]	ZA 20237905	2023-02-09	2043-02-09

Kind of plant: *Lolium* L. [Westerwolds Ryegrass]

Application No.	*Variety Denomination*	*Grantee*	*Agent*	*Grant No.*	*Date of Grant*	*Expiry Date*
PT 9426	Manta	Grasslands [1547]	DLF Seeds [1821]	ZA 20237906	2023-02-09	2043-02-09

Kind of plant: *Secale cereale* L. [Rye]

Application No.	*Variety Denomination*	*Grantee*	*Agent*	*Grant No.*	*Date of Grant*	*Expiry Date*
PT 9119	AgJoan	Agricol [1]	Agricol [1]	ZA 20237903	2023-02-09	2043-02-09
PT 9428	Sito 70	Grasslands [1547]	DLF Seeds [1821]	ZA 20237904	2023-02-09	2043-02-09

Kind of plant: *Vigna unguiculata* (L.) Walp. [Cowpea]

Application No.	*Variety Denomination*	*Grantee*	*Agent*	*Grant No.*	*Date of Grant*	*Expiry Date*
PT 9646	UL-11	Univ. of Limpopo [1798]	Univ. of Limpopo [1798]	ZA 20237914	2023-03-22	2043-03-22
PT 9647	UL-12	Univ. of Limpopo [1798]	Univ. of Limpopo [1798]	ZA 20237915	2023-03-22	2043-03-22

PT 9648	UL-13	Univ. of Limpopo [1798]	Univ. of Limpopo [1798]	ZA 20237916	2023-03-22	2043-03-22
PT 9649	UL-14	Univ. of Limpopo [1798]	Univ. of Limpopo [1798]	ZA 20237917	2023-03-22	2043-03-22
PT 9650	UL-15	Univ. of Limpopo [1798]	Univ. of Limpopo [1798]	ZA 20237918	2023-03-22	2043-03-22
PT 9651	UL-16	Univ. of Limpopo [1798]	Univ. of Limpopo [1798]	ZA 20237919	2023-03-22	2043-03-22

Kind of plant: *Zea mays* L. [White Conventional]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9568	1021A170-01	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237872	2023-02-23	2043-02-23
PT 9614	1024A388-66	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237873	2023-02-23	2043-02-23
PT 9617	P1656W	Pioneer Hi-Bred Int. [1810]	Corteva RSA [411]	ZA 20237874	2023-02-23	2043-02-23
PT 8335	P2553W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237875	2023-02-23	2043-02-23
PT 9591	P2565W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237876	2023-02-23	2043-02-23
PT 9219	P2809W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237877	2023-02-23	2043-02-23
PT 9220	PAN 3M-05	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237878	2023-02-23	2043-02-23
PT 9594	PAN 4M-11	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237879	2023-02-23	2043-02-23
PT 8336	X13K594W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237880	2023-02-23	2043-02-23
PT 8904	P2531W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237881	2023-02-23	2043-02-23
PT 8905	X18K298W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237882	2023-02-23	2043-02-23
PT 8355	X18M094W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237883	2023-02-23	2043-02-23
PT 8351	X23F436W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237884	2023-02-23	2043-02-23
PT 8356	X23H513W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237885	2023-02-23	2043-02-23
PT 8337	X25K085W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237886	2023-02-23	2043-02-23
PT 8330	X25K090W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237887	2023-02-23	2043-02-23
PT 8583	X25N201W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237888	2023-02-23	2043-02-23
PT 8910	X25P292W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237889	2023-02-23	2043-02-23
PT 9169	X25T372W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237890	2023-02-23	2043-02-23
PT 9164	X25T374W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237891	2023-02-23	2043-02-23
PT 9595	X30M355W	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20237892	2023-02-23	2043-02-23

Kind of plant: *Zea mays* L. var. *saccharata* Bailey [Sweetcorn]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9288	Invictus	Plennegy [1540]	Plennegy [1540]	ZA 20237907	2023-03-01	2043-03-01
PT 9444	Renegade	Plennegy [1540]	Plennegy [1540]	ZA 20237908	2023-03-01	2043-03-01

VEGETABLE CROPS

Kind of plant: *Allium* L. [Onion]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 8471	Kitara	Plennegy [1540]	Plennegy [1540]	ZA 20237893	2023-02-01	2043-02-01
PT 8199	ON 2367	Plennegy [1540]	Plennegy [1540]	ZA 20237894	2023-02-01	2043-02-01
PT 8200	ON 2371	Plennegy [1540]	Plennegy [1540]	ZA 20237895	2023-02-01	2043-02-01
PT 8201	ON 2388	Plennegy [1540]	Plennegy [1540]	ZA 20237896	2023-02-01	2043-02-01
PT 8467	Tusker	Plennegy [1540]	Plennegy [1540]	ZA 20237897	2023-02-01	2043-02-01

Kind of plant: *Brassica oleracea* L. [Broccoli]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9289	Royal Jewel	Sakata Seed Corp. [44]	Sakata Seed SA [1356]	ZA 20237901	2023-02-01	2043-02-01
PT 9290	Triton	Sakata Seed Corp. [44]	Sakata Seed SA [1356]	ZA 20237902	2023-02-01	2043-02-01

Kind of plant: *Cucurbita* L. [Squash]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9393	Everglade	Syngenta Crop [1577]	Syngenta SA [809]	ZA 20237900	2023-02-01	2043-02-01

Kind of plant: *Daucus carota* L. [Carrot]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 8881	Spitfire	Nunhems B.V. [101]	DM Kisch [124]	ZA 20237909	2023-03-03	2043-03-03

Kind of plant: *Ipomoea batatas* L. [Sweet potato]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9656	ARC-SP-6	ARC [254]	ARC [254]	ZA 20237910	2023-03-16	2043-03-16
PT 9657	ARC-SP-7	ARC [254]	ARC [254]	ZA 20237911	2023-03-16	2043-03-16
PT 9658	ARC-SP-8	ARC [254]	ARC [254]	ZA 20237912	2023-03-16	2043-03-16
PT 9659	ARC-SP-9	ARC [254]	ARC [254]	ZA 20237913	2023-03-16	2043-03-16

FRUIT CROPS

Kind of plant: *Citrus* L. [Mandarin]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 6479	Queen	Angel Teresa Hermanos [1527]	Southern Fruit Growers [1968]	ZA 20237842	2023-01-03	2048-01-03

Kind of plant: *Passiflora* L. [Passion fruit]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9294	Isabella	Gradely Farm [1934]	Gradely Farm [1923]	ZA 20237852	2023-02-23	2043-02-23

Kind of plant: *Prunus dulcis* Mill. (D.) Webb. [Almond]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 6914	Marconita	Reg. of UNiv. of California [176]	SAPO [59]	ZA 20237932	2023-03-24	2048-03-24

Kind of plant: *Prunus persica* (L.) Batsch var *nucipersica* Schneid. [Nectarine]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9525	Honey Dream	Zaiger's Inc. Genetics [605]	Zaiger SA [1272]	ZA 20237934	2023-03-01	2048-03-01
PT 9416	Honeylicious	Zaiger's Inc. Genetics [605]	Zaiger SA [1272]	ZA 20237935	2023-03-01	2048-03-01
PT 9670	Honey Rico	Zaiger's Inc. Genetics [605]	Zaiger SA [1272]	ZA 20237936	2023-03-01	2048-03-01
PT 9063	Polar Gem	Zaiger's Inc. Genetics [605]	Zaiger SA [1272]	ZA 20237937	2023-03-01	2048-03-01
PT 9064	Polar Snow	Zaiger's Inc. Genetics [605]	Zaiger SA [1272]	ZA 20237938	2023-03-01	2048-03-01

Kind of plant: *Vaccinium* L. [Blueberry]

Applica-tion No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9048	DrisBlueEighteen	Driscoll's, Inc. [981]	Adams & Adams [65]	ZA 20237856	2023-02-01	2048-02-01

PT 8145	DrisBlueFifteen	Driscoll's, Inc. [981]	Adams & Adams [65]	ZA 20237854	2023-02-01	2048-02-01
PT 9047	DrisBlueSeventeen	Driscoll's, Inc. [981]	Adams & Adams [65]	ZA 20237855	2023-02-01	2048-02-01
PT 8644	FCM12-038	Fall Creek Farm & Nursery [1219]	Adams & Adams [65]	ZA 20237853	2023-02-01	2048-02-01
PT 9024	NS 13-4	Next Progeny [1814]	DM Kisch [124]	ZA 20237857	2023-02-01	2048-02-01
PT 9025	NS 13-5	Next Progeny [1814]	DM Kisch [124]	ZA 20237858	2023-02-01	2048-02-01
PT 9418	NS 14-4	Next Progeny [1814]	DM Kisch [124]	ZA 20237859	2023-02-01	2048-02-01
PT 9026	NS 14-1	Next Progeny [1814]	DM Kisch [124]	ZA 20237860	2023-02-01	2048-02-01
PT 9027	NS 14-7	Next Progeny [1814]	DM Kisch [124]	ZA 20237861	2023-02-01	2048-02-01
PT 9029	NS 15-22	Next Progeny [1814]	DM Kisch [124]	ZA 20237862	2023-02-01	2048-02-01
PT 9032	NS 16-15	Next Progeny [1814]	DM Kisch [124]	ZA 20237863	2023-02-01	2048-02-01
PT 9031	NS 16-8	Next Progeny [1814]	DM Kisch [124]	ZA 20237864	2023-02-01	2048-02-01
PT 9030	NS 16-2	Next Progeny [1814]	DM Kisch [124]	ZA 20237865	2023-02-01	2048-02-01
PT 9343	NS 15-5	Next Progeny [1814]	DM Kisch [124]	ZA 20237866	2023-02-01	2048-02-01
PT 9028	NS 15-13	Next Progeny [1814]	DM Kisch [124]	ZA 20237867	2023-02-01	2048-02-01
PT 9451	NS 16-7	Next Progeny [1814]	DM Kisch [124]	ZA 20237868	2023-02-01	2048-02-01
PT 9260	NS 16-18	Next Progeny [1814]	DM Kisch [124]	ZA 20237869	2023-02-01	2048-02-01
PT 9325	TH-1493	University of Georgia [1220]	Topfruit [229]	ZA 20237870	2023-02-01	2048-02-01
PT 9327	TH-1872	University of Georgia [1220]	Topfruit [229]	ZA 20237871	2023-02-01	2048-02-01

ORNAMENTAL CROPS

Kind of plant: *Beschorneria* Kunth. [Beschorneria]

Application No.	*Variety Denomination*	*Grantee*	*Agent*	*Grant No.*	*Date of Grant*	*Expiry Date*
PT 7404	Besys	Lifetech Labs [691]	Adams & Adams [65]	ZA 20237939	2023-03-22	2043-03-22

Kind of plant: *Bougainvillea* Comm. *ex* Juss. [Bougainvillea]

Application No.	*Variety Denomination*	*Grantee*	*Agent*	*Grant No.*	*Date of Grant*	*Expiry Date*
PT 7412	Rynbo2010001	Rijnplant IP [1260]	Interseeds [770]	ZA 20237845	2023-01-23	2043-01-03

Kind of plant: *Calibrachoa* Llave *ex* Lex [Mini petunia]

Application No.	*Variety Denomination*	*Grantee*	*Agent*	*Grant No.*	*Date of Grant*	*Expiry Date*
PT 7173	US08CJ0202	Ushio Sakazaki [577]	KKHI [422]	ZA 20237844	2023-01-03	2043-01-03

Kind of plant: *Chamelaucium* Desf. [Geraldton wax]

Application No.	*Variety Denomination*	*Grantee*	*Agent*	*Grant No.*	*Date of Grant*	*Expiry Date*
PT 9714	Alouana	Arnelia Farms [1337]	Arnelia Farms [1337]	ZA 20237924	2023-03-01	2048-03-01
PT 9715	Carousel	Botanics Gardens [1442]	Arnelia Farms [1337]	ZA 20237925	2023-03-01	2048-03-01
PT 9716	Cha Cha	Helix AU [1433]	Arnelia Farms [1337]	ZA 20237926	2023-03-01	2048-03-01
PT 9717	Ice Queen	Botanics Gardens [1442]	Arnelia Farms [1337]	ZA 20237927	2023-03-01	2048-03-01
PT 9718	Kalbarri	Botanics Gardens	Arnelia Farms [1337]	ZA 20237928	2023-03-01	2048-03-01

		[1442]				
PT 9719	Local Hero	Botanics Gardens [1442]	Arnelia Farms [1337]	ZA 20237929	2023-03-01	2048-03-01
PT 9720	Niek's Pride	Botanics Gardens [1442]	Arnelia Farms [1337]	ZA 20237930	2023-03-01	2048-03-01
PT 9721	Pinnacle Pink	Botanics Gardens [1442]	Arnelia Farms [1337]	ZA 20237931	2023-03-01	2048-03-01

Kind of plant: *Cuphea hyssopifolia* HBK [False Heather]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 6893	Ruby Lips	Terence Keogh [1591]	PSD [82]	ZA 20237847	2023-01-03	2043-01-03

Kind of plant: *Dianella* Lam. [Flax lily]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 6954	Snersby	JB Steeds & OL Blacha [1601]	PSD [82]	ZA 20237933	2023-03-03	2043-03-03

Kind of plant: *Dianthus* L. [Carnation]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 7488	WP11 TYR04	Carolyn Grace Bourne [1479]	PSD [82]	ZA 20237846	2023-01-03	2043-01-03

Kind of plant: *Hydrangea* L. [Hydrangea]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 4003	Bela	Hydrangea Breeders Association [1095]	Malanseuns [82]	ZA 20237849	2023-01-03	2043-01-03

Kind of plant: *Mandevilla* Lindl. [Chilean jasmine]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 6326	Manbrightpink	Graham Brown [1504]	KKHI [422]	ZA 20237848	2023-01-03	2043-01-03

Kind of plant: *Rosa* L. [Rose]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9398	Oramonilov	Roseraies Orard [592]	Ludwig's [14]	ZA 20237850	2023-02-16	2048-02-16
PT 9399	Orasupol	Roseraies Orard [592]	Ludwig's [14]	ZA 20237851	2023-02-16	2048-02-16
PT 9395	Delludor	Roseraies Delbard [187]	Ludwig's [14]	ZA 20237920	2023-03-27	2048-03-27
PT 9394	Dellujau	Roseraies Delbard [187]	Ludwig's [14]	ZA 20237921	2023-03-27	2048-03-27
PT 9396	Delludrage	Roseraies Delbard [187]	Ludwig's [14]	ZA 20237922	2023-03-27	2048-03-27
PT 9397	Delluramel	Roseraies Delbard [187]	Ludwig's [14]	ZA 20237923	2023-03-27	2048-03-27

Kind of plant: *Solanum rantonetti* (Carriére) Bitter [Blue Potato bush]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 7437	Maltwi	PSD [82]	PSD [82]	ZA 20237843	2023-01-03	2048-01-03

SECTION 9

REFUSAL OF GRANTS FOR PLANT BREEDERS' RIGHTS

Kind of plant:

Application No.	*Applicant*	*Agent*	*Variety Denomination*	*Date of Rejection*

SECTION 10

PLANT BREEDERS' RIGHTS EXPIRED

Registration No.	*Genus & species*	*Common Name*	*Variety Denomination*	*Holder*	*Agent*	*Date Expired*

SECTION 11

PLANT BREEDERS' RIGHTS SURRENDERED

Registration No.	*Genus & species*	*Common Name*	*Variety Denomination*	*Holder*	*Agent*	*Date Surrendered*
ZA 20145683	*Alstroemeria* L.	Alstroemeria	Tesdarklin	Horti Partners [1377]	SAPO [59]	2023-03-24
ZA 20145684	*Alstroemeria* L.	Alstroemeria	Tesmach	Horti Partners [1377]	SAPO [59]	2023-03-24
ZA 20145686	*Alstroemeria* L.	Alstroemeria	Tesnava	Horti Partners [1377]	SAPO [59]	2023-03-24
ZA 20094288	*Alstroemeria* L.	Alstroemeria	Tesrobin	Horti Partners [1377]	SAPO [59]	2023-03-24
ZA 20114839	Chrysanthemum L.	Chrysanth	Champagne Golden	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20135267	*Chrysanthemum* L.	Chrysanth	Delibarca	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20166065	*Chrysanthemum* L.	Chrysanth	Delibarca Red	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20217395	*Chrysanthemum* L.	Chrysanth	DLFCOCO2	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20217393	*Chrysanthemum* L.	Chrysanth	DLFCRS1	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20217392	*Chrysanthemum* L.	Chrysanth	DLFHA14	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20207149	*Chrysanthemum* L.	Chrysanth	DLFLAMP6	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20217384	*Chrysanthemum* L.	Chrysanth	DLFONUT2	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20227589	*Chrysanthemum* L.	Chrysanth	DLFPIP4	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20196968	*Chrysanthemum* L.	Chrysanth	DLFSEDK10	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20196967	*Chrysanthemum* L.	Chrysanth	DLFSTRE7	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20217387	*Chrysanthemum* L.	Chrysanth	DLFVAN2	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20217388	*Chrysanthemum* L.	Chrysanth	DLFVAN3	Deliflor [771]	Marleen Heus [770	2023-03-27
ZA 20227585	*Chrysanthemum* L.	Chrysanth	Dochrycasl	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20217403	*Chrysanthemum* L.	Chrysanth	Dochrycust	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20217398	*Chrysanthemum* L.	Chrysanth	Dochryfer	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20227584	*Chrysanthemum* L.	Chrysanth	Dochrysum	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20217406	*Chrysanthemum* L.	Chrysanth	Dochryyoch	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27

ZA 20083943	*Chrysanthemum* L.	Chrysanth	Figrand Salmon	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20155874	*Chrysanthemum* L.	Chrysanth	Fitcelebrate	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20176542	*Chrysanthemum* L.	Chrysanth	Fitchryspradswe	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20176544	*Chrysanthemum* L.	Chrysanth	Fitmayfair	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20207193	*Dianthus* L.	Carnation	Hilvulca	H Kooij [1386]	SAPO [59]	2023-03-28
ZA 20023634	*Hemerocallis* L.	Day lilly	Berrub	Antony Tesselaar [419]	KKHI [422]	2023-03-01
ZA 20023635	*Hemerocallis* L.	Day lilly	Berstel	Antony Tesselaar [419]	KKHI [422]	2023-03-01
ZA 20207131	*Lactuca sativa* L.	Lettuce	Claragio	Syngenta [1577]	Syngenta SA [809]	2023-02-09
ZA 20186683	*Lactuca sativa* L.	Lettuce	Michelagio	Syngenta [1577]	Syngenta SA [809]	2023-02-09
ZA 2011460	*Malus Mill.*	Apple	Dalinbel	Ligonniere (1145)	Stargrow [731]	2023-01-03
ZA 20114927	*Malus Mill.*	Apple	Dalitron	Elarion (1369)	Stargrow [731]	2023-01-03
ZA 20145637	*Malus Mill.*	Apple	Fenwicks braeburn	Fenwick BM (1336)	Stargrow [731]	2023-01-03
ZA 20207159	*Malus Mill.*	Apple	SJCA38R6A74	Her Majesty The Queen of Canada[1730]	Stargrow [731]	2023-01-03
ZA 20032930	*Phlox* L.	Phlox	Bareleven	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20032929	*Phlox* L.	Phlox	Barfourteen	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20032931	*Phlox* L.	Phlox	Barten	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20032929	*Phlox* L.	Phlox	Bartwelve	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20176400	*Rosa* L.	Rose	Lexetnacorb	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20176401	*Rosa* L.	Rose	Lexifas	Dűmmen Group [1796]	Marleen Heus [770	2023-03-27
ZA 20042986	*Triticum aestivum* L.	Wheat	SST 036	Syngenta SA [809]	Syngenta SA [809]	2023-02-09
ZA 20166082	*Triticum aestivum* L.	Wheat	SST 7156	Syngenta SA [809]	Syngenta SA [809]	2023-02-09
ZA 20166083	*Triticum aestivum* L.	Wheat	SST 7157	Syngenta SA [809]	Syngenta SA [809]	2023-02-09
ZA 20063431	*Triticum aestivum* L.	Wheat	SST 946	Syngenta SA [809]	Syngenta SA [809]	2023-02-09
ZA 20145582	*Vitis* L.	Grape	Arrafour	ARD LLC (1453)	Topfruit [229]	2023-01-17
ZA 20176426	*Vitis* L.	Grape	Arratwentyeight	ARD LLC (1453)	Topfruit [229]	2023-01-17
ZA 20145587	*Vitis* L.	Grape	Arratwo	ARD LLC (1453)	Topfruit [229]	2023-01-17
ZA 20207073	*Vitis* L.	Grape	IFG Four	International Fruit Genetics, LLC [1399]	K Smit-Lotriet [2016]	2023-01-06
ZA 20196834	*Vitis* L.	Grape	Lombardi 129	Lombardi Genetics [1663]	Lombardi Genetics [1663]	2020-10-01
ZA 20176420	*Vitis* L.	Grape	Lombardi 93	Lombardi Genetics [1663]	Lombardi Genetics [1663]	2020-10-01

SECTION 12

PLANT BREEDERS' RIGHTS TERMINATED

Registration No.	*Genus & species*	*Common Name*	*Variety Denomination*	*Holder*	*Agent*	*Date Terminated*

AMENDING GOVERNMENT NOTICE NO: 1373 OF 2017 IN THE GOVERNMENT GAZETTE NO: 41306 DATED 8 DECEMBER 2017

AMENDMENT NOTICE INTERMS OF SECTION 11A {4} OF THE RESTITUTION OF LAND RIGHTS ACT 1994 [ACT 22 OF 1994] AS AMENDED.

Notice is hereby given in terms of **Section 11A [4] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that the office of the **Regional Land Claims Commissioner** is amending the said gazette due to the fact that the property was wrongly gazetted on the said gazette notice. The Land Claim was lodged by Mr. Enock Makhosonke Mabhena [Identity 600414 5916 082] on behalf of his family under file reference KRP 206. The property mentioned hereunder is at Dr JS Moroka Local Municipality, Nkangala District, Mpumalanga Province: The commissioner is hereby amending the said gazette as reflected herein under:

CURRENT PARTICULARS OF THE PROPERTY
ALLEMANSKRAAL 164 JR

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 2	National Government of the Republic of South Africa	T4930/2014	143.8974 ha	None	None	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the land 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 the publication of this notice any comments, or further information to:

Commissioner for Restitution of Land Rights
Private Bag X7201
Witbank
1035

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

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3812 **25 August 2023**

FERTILIZER, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT, 1947
(ACT No. 36 OF 1947)

REGULATIONS RELATING TO AGRICULTURAL REMEDY

I, Angela Thokozile Didiza, acting under section 23 of the Fertilizer, Farm Feeds, Agricultural Remediez and Stock Remedies Act, 1947 (Act No. 36 of 1947), make the regulations in the Annexure hereto.

MRS. AT DIDIZA, MP

MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

INDEX

SCHEDULE

1. Definitions

"active ingredient" means any part of the agricultural remedy that provides the mode of action of the agricultural remedy;

"advertising" means the promotion of the sale and use of agricultural remedy by printed and electronic media, signs, displays, gifts, demonstrations or word of mouth;

"APVMA" means the Australian Pesticides and Veterinary Medicine Authority;

"administrative minor change" means applications that involve changes in registration holder's details; adding or changing emergency numbers, changes in agricultural remedy brand names, artwork changes, addition of any warning or voluntary restrictions on the label; removal of claims on the label; adding or changing resistance codes, adding or changing of distributor and registration details and inclusion of foreign languages, changes in packaging specifications not impacting the type of material and pack size

"adverse reaction" means an unintended or unexpected effect on animals, people or the environment;

"applicant" means a person who is a resident in South Africa in whose name an application for the registration of an agricultural remedy has been made;

"approved label" means a label that meets the conditions of registration and authorised by the Registrar;

"banned agricultural remedy" means an agricultural remedy of which all uses have been prohibited by final regulatory action, in order to protect human health or the environment;

"bonded warehouse" means a customs and excise warehouse licensed in terms of section 19 of the Customs and Excise Act, 1964 (Act No. 91 of 1964);

"CAS registry number" means Chemical Abstract Service Number;

"certificate of registration" means a certificate issued by the Registrar under regulation 6(1);

"co-formulant" means a non-active component of a formulated agricultural remedy;

"container" means any object used to hold an agricultural remedy agricultural remedy;

"date of manufacturer" means the date from which the supplier guarantees a shelf-life of at least 2 years, unless stated otherwise, under actual conditions of storage in the area where the technical grade active ingredient or formulation is to be marketed;

"daughter/parallel registration" means a registration based on details of an agricultural remedy registered by another registration holder with the authorization of the principal registration holder;

"declaration" means a sworn statement by an individual representing him or herself, or such person acting as designated authority of a legal person;

"disposal" means any operation to recycle, neutralize, destroy or isolate agricultural remedy waste, used containers and contaminated materials;

"emergency registration" means a registration of an agricultural remedy that is granted under special circumstances for limited and controlled use, where such a registration is necessary because of urgency a danger which cannot be contained by any other reasonable use;

"environment" means the surroundings within which humans exist and that are made up of—

(a) water and atmosphere of the earth;

(b) micro-organisms, plant and animal life;

(c) any part or combination of (a) and (b) and the interrelationships among and between them; and

(d) the physical. chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"expiry date" means the date up to which an agricultural remedy has been shown to retain the strength and other properties stated on the label and after which the agricultural remedy shall not be sold or used unless extended by the Registrar on presentation of evidence that the chemical and physical parameters and/or biological viability of the product remains within the registered specification;

"EU" means the European Union;

"FAO" means the Food and Agricultural Organization of the United Nations;

"formulation" means the combination of various ingredients designed to render the agricultural remedy useful and effective for the purpose claimed and for the envisaged mode of application;

"FRAC" means the Fungicide Resistance Action Committee;

"Good Experimental Practice (GEP)" means a practice in accordance with the provisions of European and Mediterranean Plant Protection Organisation (EPPO) Guidelines 181 and 152;

"Globally Harmonized System" "or GHS" means the Globally Harmonized System of classification and labelling of chemicals, a guidance document developed by the United Nations for standardising and harmonising the classification and labelling of chemicals globally, as may be updated from time to time, commonly known as the UN Purple Book;

"GHS hazard classification" means the GHS hazard classes and hazard categories assigned to agricultural remedy;

"hazard" means the inherent property of a substance, agent or situation having the potential to cause undesirable consequences (e.g. properties that can cause adverse effects or damage to health, the environment or property);

"hazard category" means a division of criteria within a GHS hazard class;

"hazard class" means the nature of a physical, health or environmental hazard under the GHS;

"hazard pictogram" means a graphical composition, including a symbol plus other graphical elements such as a border, background pattern or colour that is intended to convey specific information, that is assigned in the GHS to a hazard class or hazard category;

"hazard statement" means a statement assigned in the GHS to a hazard class and hazard category describing the nature of the hazards of an agricultural remedy including, if appropriate, the degree of hazard;

"hazardous waste" means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment;

"household agricultural remedy" means an agricultural remedy, which is packed or repacked primarily in a manner and quantity for use by a household consumer or for use in an office;

"HRAC" means the Herbicide Resistance Action Committee;

"Integrated Pest Management (IPM)"means the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keeps agricultural remedy and other interventions to levels that are economically justified and reduce or minimise risks to human and animal health and/or the environment;

"Integrated Vector Management (IVM)"means the rational decision-making process for the optimal use of the sources for disease vector control. It aims to improve efficacy, cost-effectiveness, ecological soundness, sustainability for the control of vector-borne diseases;

"IRAC" means the Insecticide Resistance Action Committee;

"IUPAC" means the International Union of Pure and Applied Chemistry is an international federation of National Adhering Organizations that represents chemists;

"label" means any written, printed or graphic representation attached to or included in a container of an agricultural remedy;

"letter of access and supply" means original document by which the owner of data agrees to use such data under the specific terms and conditions by the Registrar for purpose of granting a registration of agricultural remedy for the benefit of another applicant and understakes to supply the active ingredient should the registration be granted ;

"low risk agricultural remedy" means substance which has been evaluated as having a low risk. Such substances meeting the criteria as set out in annexure A;.

"minor use" means the use for which the demand originates with a grower or a group of growers for an agricultural remedy which is intended to be used on a particular pest in connection with a particular host organism, in all of the following circumstances:

(a) the use is for an agricultural purpose ;

(b) government supports the use; and

(c) the use is supported by crop residue data and extrapolation of supporting efficacy data;

"OECD" means Organization for Economic Cooperation and Development;

"OECD GLP" means the OECD Principles of Good Laboratory Practice;

"**packaging"** means the container together with the protective wrapping used to carry an agricultural remedy via wholesale or retail distribution channels to users;

"person" means a natural person or juristic person (company);

"pictogram" means a graphical composition that may include a symbol plus other graphic elements, such as a border, background pattern or colour that is intended to convey specific information;

"precautionary statement" means a phrase prescribed by the GHS that describes recommended measures that should be taken to minimise or prevent the—

(a) adverse effects resulting from exposure to an agricultural remedy; or

(b) improper storage or handling of an agricultural remedy;

"product" means the formulated agricultural remedy [active ingredient(s) and co- formulants] in the form in which it is packaged and sold;

"registration" means the process whereby the Registrar approves the manufacturing, packaging, sale and use of an agricultural remedy following an evaluation of scientific data aimed at demonstrating that the agricultural remedy is effective for its intended purposes and does not pose unacceptable risk to human or animal health or the environment;

"registration holder" means the person whom a certificate of registration in respect of a particular agricultural remedy has been issued to;

"registered name" means the name approved by the registrar under which a agricultural remedy is registered and may be sold;

"restricted agricultural remedy" means an agricultural remedy which the Registrar, out of concern for its human health or environmental risks, has set out additional information to be shown on the label concerning essential conditions in respect of the display, distribution or limitations on use of, or quallfications of persons who may use the agricultural remedy, and such remedy shall comply with the criteria as set out in annexure A;

"recycle" means separation of waste from a waste stream for further use and the processing of that separated material as an agricultural remedy or raw material;

"SACNASP" means South African Council for Natural Scientific Professions Act, 2003 (Act No.27 of 2003);

"small pack" means a pack which is not large enough for all the information required by Regulations 16 and 17 to be presented in legible print;

"signal word" means the word "danger" or "warning" used on a GHS-aligned label to indicate to the reader a potential hazard, as well as the relative severity level of such hazard;

"standards" means those specifications established by the FAO/WHO, APVMA, EU, and USEPA to determine equivalence for active ingredients;

"substances" means chemical elements and their compounds, as they occur naturally or by manufacture, including any impurity inevitably resulting from the manufacturing process;

"substances of concern" means any substance which has an inherent capacity to cause an adverse effect on humans, animals or the environment and is present or is produced in an agricultural remedy in sufficient concentration to present risks of such an effect. Such substances shall comply with the criteria as set out in annexure A.;

"symbol" means graphical element intended to succinctly convey information;

"the Act" means Fertilizer, Farm Feeds, Agricultural remedy and Stock Remedies Act, 1947 (Act No. 36 of 1947) as amended;

"toxicity" means a physiological or biological property which determines the capacity of a chemical to do harm or produce injury to a living organism by other than mechanical means;

"trademark" means a mark to which the holder of the registration has the right either as owner or a registered user thereof, to distinguish his/her agricultural remedy from that of any other manufacturer but excludes the registered name of an agricultural remedy as intended in these regulations.

"UN IMO International Maritime Dangerous Goods Code" means the International Maritime Organization's (IMO's) International Maritime Dangerous Goods (IMDG) Code, which was developed as an international code by the IMO, an agency of the United Nations, for the maritime transport of dangerous goods in packaged and bulk form, with particular reference to the segregation of incompatible substances, as may be updated from time to time;

"UN number" means the four-digit identification number assigned to an agricultural remedy in the UN Transport of Dangerous Goods: Model Regulations, as may be updated from time to time;

"UN proper shipping name" means the proper shipping name of an agricultural remedy as specified in the UN Transport of Dangerous Goods: Model Regulations, most accurately describing the goods, as may be updated from time to time;

"USEPA" means United States Environmental Protection Agency;

"WHO" means World Health Organization;

"withholding period" means minimum permissible time allowed between the last application of an agricultural remedy and harvesting of an edible commodity for human consumption or grazing by livestock.

PART I

APPLICATION FOR REGISTRATION

Application for registration

2. (1) An application in terms of section 3(1) of the Act to register agricultural remedy or amend the registration shall be submitted to the Registrar in duplicate form obtainable from the Registrar's office.

(2) An application may only be made by a person who is a resident in the Republic, or, in the case of a juristic person, who has a registered office in the Republic.

Information to accompany the application

3. An application shall be accompanied by—

(a) applicant's name, business address, e-mail address, telephone number and signature or if the application is made by a representative on behalf of the applicant, both the representative's and the applicant's name and address business address, e-mail address, telephone number and the representatives' signature;

(b) the name and address of place of manufacture of the agricultural remedy;

(c) where relevant, all necessary scientific information as indicated on the application form;

(d) the applicable prescribed application fee;

(e) letter of access and supply, where relevant;

(f) GHS compliant safety data sheet and information presented in accordance sub-regulation 14A(3) of the Hazardous Chemical Agents, 2021, published as in Government Notice No. R. 280 of 29 March 2021;

(g) two printed copies of a typed label, in English;

(h) where relevant, all scientific documentation required to demonstrate the safety, quality and efficacy of the agricultural remedy in respect of any of the following as set out in the guidelines issued by the Registrar's Office:

(i) chemical name, common chemical name and CAS registry number of the active ingredient(s), its percentage of the total weight of the agricultural remedy in which it is contained, the name of each impurity that it contains, and the

percentage of total weight of each impurity; name and address of the supplier(s);

(ii) in case of an agricultural remedy that contains one or more co-formulants, the name of each formulant, its CAS registry number, expressed in gram per litre or gram per kilogram of the total weight of the agricultural remedy, purpose of each whereco-formulants in the agricultural remedy;

(iii) other physical and chemical properties of the agricultural remedy and its active ingredient, or the species or strain and biological properties;

(iv) the size, type and specifications of the container in which the agricultural remedy is to be distributed;

(v) validated methods of analysis for determining the active ingredient, metabolites and impurities;

(vi) results of five batch analysis studies generated in accordance with OECD GLP;

(vii) toxicological, metabolism and exposure data of the active ingredient and agricultural remedy generated in accordance with OECD GLP;

(viii) data on the effect of exposures on children;

(ix) ecotoxicological data wildlife, aquatic organisms and non-target organisms of the active ingredient generated in accordance with OECD GLP;

(x) the environmental fate of the agricultural remedy, including data relating to the degree of persistence, retention, movement, bio-accumulation and metabolic breakdown of its active ingredient in the environment generated in accordance with OECD GLP ;

(xi) chemistry of the residue of the agricultural remedy and its active ingredient on the crop or feed and the methods of extraction, detection and analysis of such residue generated in accordance with OECD GLP;

(xii) proposed Maximum Residue Limit(s) and withholding periods in accordance with the Foodstuffs, Cosmetics and Disinfectants Act (FCDA), 1972 (Act No. 54 of 1972) or a justification for not supplying such information;

(xiii) efficacy and phytotoxicity data generated under the supervision of a person registered with SACNASP;

(xiv) data on the effect on bees and other pollinators generated under the supervision of a person registered with SACNASP;

(xv) an assessment report(s) for each study that has been signed by a person registered with SACNASP;

(xvi) efficacy and phytoxicity must be generated according to GEP;

(xvii) in case of aerial application, risk assessment report to demonstrate clear advantages in terms of reduced impacts on human health and the environment in comparison with other spraying methods;

(xviii) where applicable, proof of compliance with the waste management measure in accordance with the Extended Producer Responsibility Scheme for the Pesticide Sector regulation, 2023, published as in Government Notice No. R. 3177 of 23 March 2023;

(xix) in case where the agricultural remedy has been registered or refused approval for use in any foreign country —

(aa) the name of the foreign country;

(bb) proof of such registration or approval in the form of a registration certificate or approval certificate;

(cc) the limitations, if any, imposed in the foreign country on the use of the agricultural remedy;

(dd) if refused, reasons for such decision; and

(ee) if banned, reasons for such decision.

(xx) checklist demonstrating that dossier provided is complete; and

(xxi) any other information as may be required by the Registrar.

i. The applicant shall sign the declaration that the agricultural remedy does not contain active ingredient(s) and/or co-formulant(s) or biological organisms regarded as a substance of concern or no new scientific evidence is available on the agricultural remedy's potential health effects for vulnerable groups, especially children.

j. The applicant shall sign the declaration that all the information provided is authentic, accurate and complete.

Samples on request

4. On application to register an agricultural remedy or amend the registration, the applicant must, if requested by the Registrar, provide the Registrar with a sample of—

(a) the agricultural remedy;

(b) the technical grade of its active ingredient; and

(c) the laboratory standard of its active ingredient.

Minor use registration

5. The Registrar may, within a reasonable period of time, expedite the review of any application for minor use in respect of an agricultural remedy registration.

Low-risk agricultural remedy

6. The Registrar may, within a reasonable period of time, expedite the review of any application of low-risk agricultural remedy registration.

Prioritisation of suitable alternative products

7. The Registrar shall prioritize the review and registration for suitable alternative solutions for substances of concern.

Approval registration

8. (1) The Registrar must grant the registration if satisfied with the following:

(a) all the information contained and submitted with the application are complete and true in all material particular;

(b) the agricultural remedy will perform its intended function without unreasonable adverse effects on the environment and human health, and that, when used in accordance with widespread and commonly recognized practice, the agricultural remedy will not cause unreasonable adverse effects on the environment and human health risks;

(c) active ingredient complies with the standards;

(d) does not contain substances of concern or agricultural remedy banned in the Republic of South Africa;

(e) the agricultural remedy is effective for the purpose claimed when used according to the label instructions, and its labeling and packaging comply with the applicable requirements of this regulation;

(f) if the proposed labeling bears directions for use on food crops, or if the intended use of the agricultural remedy results or may reasonably be expected to result, directly or indirectly, in agricultural remedy residues (including residues of any active or inert ingredient of the agricultural remedy, or of any metabolite or degradation agricultural remedy thereof) in or on food are in accordance with the Foodstuffs, Cosmetics and Disinfectants Act (FCDA), 1972 (Act No. 54 of 1972); and

(g) the agricultural remedy complies with the requirements of the Act and these regulations, the Registrar shall register the agricultural remedy and issue a certificate in term of Section 3(3) of the Act.

(2) The certificate of registration shall contain the following information relating to the agricultural remedy:

(a) details of the registration holder;

(b) trade name

(c) active ingredients;

(d) registration number; and

(e) any conditions of registration the Registrar may have determibed.

(3) The Registrar may approve a daughter/parallel application that uses data submitted in support of an existing registered agricultural remedy, with the permission of the holder of that registration, on the same conditions as those imposed on the existing registration, assign a registration number thereto, and issue a registration certificate to the applicant.

(4) If the holder of an agricultural remedy registration notifies the Registrar of an administrative minor change and provides a declaration confirming that no other changes in the registration details have been made, the Registrar shall advise the registration holder approval for such change has been granted.

(5) In exceptional circumstances, where there is no other agricultural remedy for the intended use, the Registrar may grant an exceptional registration for the emergency use for period not exceeding 24 months.

(6) Notwiththanding regulation 8(1(d), in exeptional circumstances, where there are no other agricultural remedy, the Registrar may grant registration of an implicated agricultural remedy when the following conditions are met:

(a) the risk to humans, animals or the environment from exposure to the active substance in an agricultural remedy, under realistic worst-case conditions of use, is negligible or,

(b) there is evidence that the active substance is essential to prevent or control a serious danger to human health, animal health or the environment; or

(c) not approving the active substance would have a disproportionate negative impact on society when compared with the risk to human health, animal health or the environment arising from the use of the substance.

(7) In this case, approval of an agricultural remedy may be granted for a specified period, and for restricted uses following publication of the risk assessment report for public comments by the applicant.

Refusal to register

9. The Registrar may refuse to register an agricultural remedy, if the agricultural remedy does not meet the requirements for registration as contemplated in regulation 8.

PART II

PERIOD OF VALIDITY AND RENEWAL

Application for renewal

10. (1) A certificate of registration issued under section 3 of the Act shall, be valid for a period of three years from the date of issue and may thereafter be renewed in terms of section 3(4) of the Act for a additional periods of three years.

(2) The registration holder shall apply for the renewal of registration of the agricultural remedy at least two months (60 days) before the expiry date;

(3) An application referred in sub-regulation (2) shall be accompanied by—

(a) prescribed renewal fee;

(b) registration certificate;

(c) In the case of a registration certificate that was issued in the circumstances described in regulation 8(3), where relevant, a copy of daughter/parallel contract(s) signed and dated within six months of the submission of the renewal application;

(d) information required by regulation 34(4);

(e) declaration that the agricultural remedy does not contains active ingredient(s) and/or co-formulant(s) or biological organisms regarded as a substance of concern;

(f) declaration that no new scientific evidence is available on the agricultural remedy's potential health effects for vulnerable groups, especially children;

(g) where relevant, signed and dated letter from the manufacturing source of the active ingredient(s) issued within six months of renewal submission;

(h) a declaration confirming that the details furnished with such application in respect of the agricultural remedy concerned or of a label which is being used in

connection therewith, do not deviate in any manner whatsoever from the congruent details which have already been registered or approved in relation to that agricultural remedy or label;

(i) where relevant, proof of compliance with the Extended Producer Responsibility Scheme for the Pesticide Sector regulation, 2023, published as in Government Notice No. R. 3177 of 23 March 2023;

(j) where relevant, records of compliance with regulations 37 and 38.

(4) Notwithstanding sub-regulation (2), the Registrar may upon payment of late penalty fees accept an application for the late renewal if it is submitted within 30 days after an expiry date of the registration certificate.

Request for labels

11. The Registration holder shall, if requested by the Registrar, provide the Registrar with an electronic copy of the approved label and printed copies of the commercial label.

Approval to renew a registration

12. (1) If the Registrar is satisfied that an application for the renewal of a registration meets the application requirements under regulation 8(3), the Registrar shall renew the registration and issue the registration certificate subject to conditions of renewal.

(2) In the event that the new registration certificate cannot be issued before the expiry date, the Registrar shall, on request, provide the registration holder with a letter acknowledging receipt of a valid renewal application and confirming the extended validity of the current registration.

Refusal of an application for renewal

13. The Registrar may refuse to renew an agricultural remedy, if -

(a) the agricultural remedy does not meet the requiremements under regulations 8(3)

(b) conditions of registration imposed on the registration certificate are not met.

Return of registration certificate

14. (1) The registration certificate issued in terms of section 3(3) of the Act, shall be returned in terms of section 4A(3) of the Act by the registration holder to the Registrar—

(a) within fourteen days of the date on which:

(i) a person to whom the certificate of registration in question had been issued, was notified in writing of the reasons for the cancellation of such registration or;

(ii) registration of the agricultural remedy concerned has lapsed,

(b) at least 30 days prior to the date on which the registration of an agricultural remedy, is to be transferred to another person or

(c) on cancellation of the registration by the registration holder.

(2) If the original certificate of registration is lost, an affidavit shall be submitted to the Registrar's office within fourteen days of its loss.

PART III

LABELLING AND CONTAINER

General

15. (1) The classification and labelling agricultural remedy shall be in accordance with GHS and the Hazardous Chemical Agents, 2021, published in Government Notice No. R. 280 of 29 March 2021.

(2) The registration holder shall be responsible to ensure the accuracy of the GHS classification of the agricultural remedy. Should there be any reason to question the GHS classification of the agricultural remedy, the Registrar may require an independent review of the classification by a qualified expert at the cost of the registration holder. In the event that such a review finds that the classification is incorrect, the Registrar shall require the correction of the label and, if deemed appropriate, the withdrawal of product with the incorrect label.

(3) No agricultural remedy shall be distributed or sold without a label including the package leaftets approved by the Registrar.

Languages

16. All labels and package leaflets shall be in English but may contain other languages provided that the information given is identical to the approved label.

Label presentation

17. (1) All information on the label that is required to be shown on a label shall appear in a manner that is clearly legible and indelible.

(2) Any written, printed or graphic matter on the label shall not detract from or obscure the required information.

(3) The label of a registered agricultural remedy shall consist of a main panel and a number of secondary panels.

(4) The label layout shall be in terms of the guideline issued by the Registrar's office.

(5) All labels shall be accompanied by information defining what the hazard statement, GHS pictograms and signal symbols/wordson the label mean, and safety behaviours required to reduce exposure risks. These can be in the form of a removable leaflet for containers or part of QR codes (Quick Response Code).

Main display panel

18. The main panel of agricultural remedy shall show the following information:

(a) product name of the agricultural remedy, which may include distinctive brand or trademark and the common name of its active ingredient;

(b) agricultural remedy type, which shall be descriptive of its general purpose;

(c) formulation type of the agricultural remedy;

(d) instruction to the user to read the label which statement shall be in capital letters in the following form—"READ THE LABEL BEFORE USE";

(e) instruction to the user on storage which shall be in capital letters—KEEP OUT OF REACH OF CHILDREN AND ANIMALS;

(f) the statement, as follows:

(i) the word "ACTIVE INGREDIENT:" or ACTIVE INGREDIENTS:" as the case may be;

(ii) the common chemical name of the active ingredient(s) expressed (according to ISO) or other locally used common name, or, in the absence of either, the chemical designation according to IUPAC;

(iii) If the active ingredient is a microbiological organism or macrobiological organism, it must identified by genus and species (and if appropriate, also by subspecies and/or isolate/strain number);

(iv) active ingredient content expressed as "contains X g a.i. per kg" for solids including mosquito coils, viscous liquids, aerosols or volatile liquids) or "contains X g a.i. per litre" (for other liquids). For vaporising mats, contents are expressed as mg/mat;

(v) If the active ingredient is a microbiological or macorbiological organism, content must be expressed as International Toxic Units (ITU) per mg product or as the number of viable units (spores, cells, colony forming units (cfu), etc.) per unit mass or volume product and macrobials insects unit per container at 20 degrees Celsius;

(g) a declaration of net quantity of the agricultural remedy in the contalner. This should be expressed in metric units (e.g. litre, gram, kilogram, which can be abbreviated to L, g and kg), or in number (e.g. for the pheromone dispensers or macro-biological organisms)) in accordance with Legal Metrology Act, 2014 (Act No. 9 of 2014);

(h) registration number of the agricultural remedy concerned together with a reference to the Act expressed as "Reg. No ...Act No. 36 of 1947', which shall appear below or above the trademark or trade name;

(i) where applicable, the registration holder name; company registration registration number, physical contact details and telephone number, where applicable;

(j) information on the date of manufacture, batch number, shelf-life or expiry date, for product with a shelf-life of less than 2 years from the release date; and

(k) where applicable, the UN number in accordance with the National Road Traffic Act, 1996 (Act No. 93 of 1996).

Secondary display panels

19. The secondary panels of the registered agricultural remedy shall show all the following information:

(a) Under SAFETY INFORMATION, the applicable GHS classification, pictogram, signal word, hazard statement(s), precautionary statement(s) and a list of the chemical identities of all co-formulants which contributed to the GHS health effect classification of the agricultural remedy. This shall be followed by the phrase "In case of poisoning, call the following number" with the contact details of a national or provincial poison information centre and the phrase "Emergency number" with the number of the registration holder's own disaster management centre or its contracted disaster management service provider.

(b) under the heading "DIRECTIONS FOR USE", and where applicable resistance warning statement and symbols as per the mode of actions described in IRAC, FRAC and HRAC, IPM/IVM advice,use restrictions, waiting period for follow-up crops, compatibility statements, mixing instructions in the form of a table, the actual uses of the agricultural remedy concerned after such mixing shall be indicated under those headings.

(c) include NOTICE TO THE USER: "This agricultural remedy is to be used only in accordance with the instructions on the label. It is an offence under the Act to use this agricultural remedy for any purpose in a manner contrary with the directions on the label";

(d) reference to the relevant and applicable phrases of the SA National Standard for the aerial application of pesticides SANS 10118 if the agricultural remedy is registered for aerial application; and

(e) where applicable, the statement 'READ ATTACHED PACKAGE LEAFLET BEFORE USING'.

Restricted agricultural remedy— notice

20. If the agricultural remedy designation "RESTRICTED", the notice that is required by regulation 18(c) shall appear prominently at the top of the secondary display panel, followed by the heading "RESTRICTED USES", followed by the directions for use, the application rates, the timing and frequency of application and the limitations on the use of the agricultural remedy to which the restriction relates.

Small pack

21. Where the information required by regulation 18 and 19 cannot fit on the container, the container may be labelled to include the information referred to regulation 18 sub-paragrpahs (a), (b), (c), (d), (f),(g), (h) and (i), and regulation 19 sub-paragraphs (a), (b), (c), and (e) while the rest shall be presented in a brochure/leaflet QR code attached to the container of the agricultural remedy agricultural remedy or a QR code may be e added for access to e-labelling.

Outer packaging

22. A casing in which an agricultural remedy is packed for transport shall, in addition to any labelling or markings required in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996), be labelled with the applicable details as required by regulation 18 sub-paragrahs (a) and (k).

Units of measurements

23. All units of measure shown on every label shall be expressed in accordance to the Legal Metrology Act, 2014 (Act No. 9 of 2014).

Container

24. (1) Every container for an agricultural remedy shall be approved by the Registrar.

(2) Container for an agricultural remedy must satisfy the relevant requirements of the UN Transport of Dangerous Goods with respect to packaging and fastenings, or, where applicable, the UN IMO International Maritime Dangerous Goods Code, including the following requirements—

(a) is in good condition and legibly labelled;

(b) it is sufficiently durable, be designed and manufactured to contain the agricultural remedy safely under normal conditions of storage, display and distribution;

(c) the container shall not resemble any container that commonly contains food or beverages and cannot mistakenly be identified as containing food or beverages;

(d) it must be closed or sealed in the manner that permit the content of an agricultural remedy to be safe to the user;

(e) the container is made of a material that is compatible with the agricultural remedy and will not be adversely affected by the agricultural remedy;

(f) it is constructed to minimize the degradation or change of its contents resulting from any interactions;

(g) it is designed and manufactured to prevent spillage when pouring out the contents in case of a liquid agricultural remedy.

PART IV

IMPORTATION OF AN AGRICULTURAL REMEDY INTO THE REPUBLIC

General

25. (1) No person shall import an agricultural remedy into South Africa unless that person is in possession of registration certificate issued under these Regulations.

(2) No person shall import any agricultural remedy into South Africa unless such the agricultural remedy is registered, packed and labelled according to these regulations.

(3) Notwithstanding what is set out under sub-regulations (1) and (2), the Registrar may in writing permit the import of any consignment of agricultural remedy.

Application for import permit

26. An application for the importation of an agricultural remedy shall contain at least the following:

(a) applicable fees;

(b) name of the agricultural remedy;

(c) common chemical or other name of the active ingredient of the agricultural remedy and the amount it contains in the agricultural remedy;

(d) details of the manufacturer of the active ingredient;

(e) the total amount of the agricultural remedy being imported;

(f) name and address (postal and physical) of the applicant;

(g) designation of the person representing the applicant;

(h) contact details of the applicant (telephone and email address);

(i) where relevant, registration number of agricultural remedy in the country of destination ;

(j) batch number;

(k) purpose of the importation; i.e. research; export to other countries ;

(l) in case of importation for manufacturing, copy of proof of approval by the relevant authority that such agricultural remedy can be manufactured in South Africa;

(m) details of the bonded warehouse, in case it is for export;

(n) copy of foreign registration or authorisation document in case for import for export;

(o) copy of the research plan approved by a suitable qualified person, where applicable; and

(p) where relevant, proof of compliance issued in terms of other applicable South African legislation(s) and regulations governing such agricultural remedy.

Decision on the permit application

27. The Registrar may approve an import permit application made under regulation 26 if the Registrar is satisfied that—

(a) the agricultural remedy does not contain active ingredient(s) and/or co-formulant(s) regarded as a substance of concern or the agricultural remedy is not banned in the Republic; unless if it is for export; and

(b) import is for experimentation, laboratory analysis or some other purpose other than for sale.

(c) Import permits meet the application requirements under regulations 26

Port of entry

28. (1) Unless the Registrar directs otherwise, no person shall import any agricultural remedy in terms of section 16 of the Act into the Republic of South Africa except through one of the following ports of entry:

(a) Cape Town International Airport or Cape Town harbour;

(b) Port Elizabeth International Airport or Port Elizabeth harbour or COEGA harbour;

(c) King Shaka International Airport or Durban harbour;

(d) Richards Bay harbour;and

(e) O.R. Tambo International Airport.

(2) Agricultural remedy imported for export shall be stored in bonded warehouse while in the Republic, unless it is transmitted through the Republic, during which it shall be contained in bonded containers.

PART V

MANUFACTURING ESTABLISHMENTS

Requirements for establishments

29. (1) An establishment where an agricultural remedy is manufactured, controlled, stored, packed or labelled shall have measures to contain fire or spillage to the environment, well-maintained sprinkler systems; run-off containment on the boundaries of the site in the event of flooding and fire management and other appropriate fire management.

(2) The premises of such establishment shall be kept orderly and clean.

(3) The area at such establishment which is used for the performance of a particular function in connection with the manufacture, control, packing or labelling of an agricultural remedy shall be adequate for the proper carrying out of that function.

Practice to be followed at the establishment

30. The Registration holder shall ensure that—

(a) there is compliance with Hazardous Chemical Agents, 2021, published as Government Notice No. R. 280 of 29 March 2021.

(b) the agricultural remedy is manufactured in accordance with the processes and in facilities that were approved for registration;

(c) each agricultural remedy batch is fully tested, including a full qualitative analysis, a quantitative analysis of active ingredient(s) and all the physical tests or controls necessary to ensure quality is in accordance with the data filed and accepted by the Registrar in support of the application for registration of the agricultural remedy;

(d) representative samples of each agricultural remedy on batch is kept under controlled storage conditions for approved shelf life period;

(e) comprehensive records lists and quantities of agricultural remedy under production or storage as well as source(s) indicating the source of the active ingredient(s), details of the raw material(s) used and results of quality controls tests conducted are kept, and shall be—

(i) maintained for five years from the time it is made; and

(ii) made available to the Registrar at such times and in such manner as the Registrar may require.

PART VI

ADVERTISING OF AN AGRICULTURAL REMEDY

General

31. (1) A registered agricultural remedy may be advertised to the public.

(2) No advertisement for an agricultural remedy may contain a statement, which deviates from, conflicts with or goes beyond the scope of the approved label or data filed in support of the application for its registration.

(3) No person shall advertise any agricultural remedy that is not registered under the Act.

(4) No advertisement for an agricultural remedy may contain pictures of children.

(5) An advertisement shall not contain any visual representation of potentially dangerous practices, such as mixing or application without sufficient protective clothing, use near food or use by or in the vicinity of children.

(6) Advertisement shall draw attention to the appropriate warning phrases and symbols. The Warnings on Television must be at least a font size 10 and shown for 10 seconds.

(7) Advertisement shall not guarantee or imply guarantees, such as "more profits with "or "guarantees high yields," unless definite evidence to substantiate such claims is available.

(8) No person shall publish or distribute any false or misleading advertisement relating to an agricultural remedy.

(9) An advertisement shall be deemed false or misleading if it contains one or more of the following or any graphic representation which is likely to be deceiving or misleading:

(a) a statement concerning the effectiveness of the agricultural remedy unless this can substantiated by data that has been approved by the Registrar;

(b) comparison with another agricultural remedy;

(c) statement likely to create misunderstanding about the effectiveness and safety of the agricultural remedy;

(d) use statements such as "non-toxic", "non-harmful", "non-polluting" or "non-hazardous" or similar statements indicating the agricultural remedy as not hazardous, or other statements that are inconsistent with the agricultural remedy's GHS classification on its label or packaging;

(e) any statement directly or indirectly implying that a specific brand of an agricultural remedy is recommended or endorsed by Government or any entity thereof.

Details of advertisements

32. (1) An advertisement for an agricultural remedy referred in regulation 30 shall contain—

(a) the registered name of the agricultural remedy;

(b) where relevant, the restriction category;

(c) the applicable GHS hazard signal word and hazard statement;

(d) the name and amount(s) of the active ingredient(s) which it contains;

(e) the registration number of the agricultural remedy with a reference to the Act as "Reg. No. Act 36 of 1947";

(f) the statement to encourage user to read the label; and

(g) the name, contact details and address of the registration holder.

PART VII

SALE OF AGRICULTURAL REMEDY

General

33. (1) No person may distribute or sell a registered agricultural remedy with a composition, container and labelling not approved by the Registrar.

(2) An agricultural remedy shall be distributed or sold in accordance with the conditions of registration.

(3) Any person in control of an establishment selling, supplying or making available agricultural remedy shall comply with the requirements in terms of the Hazardous Substances Act, 1973 (Act No. 15 of 1973).

(4) A person shall not supply a restricted agricultural remedy, or permit a restricted agricultural remedy to be supplied, to a person who is not authorised to use the agricultural remedy under these regulations.

(5) No person shall sell an agricultural remedy for any purpose or for any manner of application other than those stated by the label of such agricultural remedy.

(6) Any person in control of an establishment that sells agricultural remedy, including through Internet sales, shall provide safety instructions, training and awareness to the distributors, advisors and users of pesticides on safety instructions for human health and the environment.

PART VIII

DISPOSAL OF CONTAINERS AND AGRICULTURAL REMEDY

General

34. (1) No person shall dispose of agricultural remedy and their empty containers or parts in such a manner as to endanger humans and their environment.

(2) Where applicable, all containers must be recycled as a waste management measure as outlined in the the Extended Producer Responsibility Scheme for the Pesticide Sector regulation, 2023, published as in Government Notice No. R. 3177 of 23 March 2023;

(3) Agricultural remedy shall be disposed in terms of the the National Environmental Management Waste Act (Act 59 of 2008).

(4) Comprehensive records of details of empty containers disposed and agricultural remedy as per sub-regulations (2) and (3) including results of quality controls tests conducted shall be kept, and shall be—

(a) maintained for five years from the time it is made; and

(b) made available to the Registrar at such times and in such manner as the Registrar may require.

PART IX

RECORDS AND RETURNS TO BE FURNISHED

Agricultural remedy sales information reporting

35. (1) For the purpose of interpreting these Regulations, a quantity of agricultural remedy sold by the registration holder includes any quantity that the registration holder provides to a distributor for sale on the registration holder's behalf.

(2) The registration holder of an agricultural remedy shall submit sales information report annually and include all the following information:

(a) registration holder's name, postal address and telephone number;

(b) date of the report;

(c) calendar year covered by the report;

(d) name and registration number of the agricultural remedy; and

(e) quantity of agricultural remedy sold in the Republic, expressed in the unit of measurement identified in the declaration of net quantity in accordance to the Legal Metrology Act, 2014 (Act No. 9 of 2014).

(3) A report referred in sub-regulation (2) is for a period of one calendar year and shall be submitted on or before 31st of May the year following the calendar year covered by the report in a form and manner directed by the Registrar.

(4) The registration holder shall keep all original records and supporting data that relate to the sales information included in a report under sub-regulation (2) for five years after the day on which the report is submitted to the Registrar, and shall provide the records and data to the Registrar on request for verification and auditing purposes.

Audited sale records

36. If the Registrar reasonably believes, on the basis of any information available to the Registrar, that the sales information submitted in respect of an agricultural remedy is inaccurate or incomplete, the Registrar shall, at the cost of the registration holder, require the registration holder to submit the sales information for that agricultural remedy in a report prepared by an independent auditor.

Reporting on potentially harmful or unacceptable effects

37. The holder of registration of an agricultural remedy shall immediately notify the Registrar in a form and manner directed by the Registrar of any new information concerning that active ingredient(s) or co-formulant(s) contained in that agricultural remedy, which suggests that the agricultural remedy no longer complies with the criteria set out regulations 8(1) sub-paragraphs (c),(d), and (f).

Reporting on adverse reactions

38. If during the registration process or at any time after the registration of an agricultural remedy, the registration holder has factual or scientific evidence of any adverse effect or risk of the agricultural remedy to human health or the environment, the registration holder shall immediately submit such evidence to the Registrar in a form and manner directed by the Registrar.

Access of Information

39 The Registrar shall provide a quarterly updated list of registered agricultural remedies.

PART X

SAMPLING AND PERMISSIBLE DEVIATIONS

Sampling of agricultural remedy

40.(1) An agricultural remedy that is sold in containers shall be sampled in the presence of the registration holder or representative by selecting at different places from stock of the number of containers required to obtain a significant quantity for a sample, subject to the following conditions:

(a) such containers shall be similarly labelled, and the agricultural remedy therein shall originate from the same batch;

(b) If a sample is composed of the contents of more than one container, such sample shall be thoroughly mixed before being divided in terms of section 15 (3) (c) of the Act.

(c) at least three sealed containers in which an agricultural remedy is sold, may also be taken as the sample of such agricultural remedy and the containers comprising such sample shall, without being opened, be divided in terms of section 15(3)(c) of the Act.

(2) Samples shall be stored at the correct temperature and in containers similar to containers that have been approved by the Registrar for the agricultural remedy, in accordance with registered storage conditions, until delivered to the analyst.

(3) A sample shall be forwarded to an analyst together with a certificate referred in terms of section 15(4)(b) of the Act as set out in Annexure B

(4) A certificate on which the result of a test, examination or analysis of a sample of an agricultural remedy shall be recorded as set out in Annexure C.

(5) A copy of certificate of the designated analyst's analytical report shall be provided to the registration holder of a sample that was taken.

(6) A sample of an agricultural remedy may—

(a) if a certificate referred to in regulation 40(4) indicates that such sample does not possess the chemical, physical or other properties specified in the application for registration, or does not comply with any requirements referred to in these regulations, shall be retained until the action arising from such certificate is concluded; or

(b) otherwise be disposed of according to the conditions contemplated in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and applicable regulations.

Permissible deviations in active ingredient contents

41. (1) Notwithstanding anything to the contrary contained in these regulations, a formulated chemical agricultural remedy shall not be deemed to deviate in its registered active ingredient contents if a certificate referred to in regulation 40(4) in relation to the analysis of a sample of such agricultural remedy indicates that it nominally contains:

Declared content in g/kg or g/L at 20°C ± 2°C	Tolerance
Up to 25	±15% of the declared content for —homogeneous formulations (EC, SC, SL, etc.), or ±25% for —heterogeneous formulations (GR, WG, etc.)
Above 25 to 100	±10% of the declared content
Above 100 to 250	±6% of the declared content
Above 250 to 500	±5% of the declared content
Above 500	±2.5% of the declaired content
Note. In each range the upper limit is included.	

PART XI

APPEAL AGAINST THE DECISION OF THE REGISTRAR

General

42. (1) An appeal in terms of section 6 of the Act shall be submitted to the Minister within 60 days from the date on which the reasons for the decision were made, and shall be furnished in terms of section 5 of the Act.

(2) Such appeal shall:

(a) be in the form of a written affidavit;
(b) state the reference number and date of the documents by means of which such applicant or person was given notice of that decision;

(c) state the grounds on which the appeal is based;

(d) be accompanied by the documents relating to the subject of the appeal; and

(e) be accompanied by prescribed fee.

(3) If such appeal is submitted by a person other than the person in respect of whom the decision concerned was furnished, the appeal concerned shall be accompanied by a statement in which the person concerned discloses his interest in that decision or action.

Address for submission of appeals

43. An appeal referred to in regulation 42(1) shall:

(a) when forwarded by post, be addressed to the Director-General, Department of Agriculture, Land Reform and Rural Development, Private Bag X250, Pretoria, 0001; and

(b) when delivered by hand, be delivered to the Director-General, Department of Agriculture, Land Reform and Rural Development, Agriculture Building, 20 Steve Biko Road, Agriculture Place, Arcadia, Pretoria.

PART XII

GENERAL

Offences and Penalties

44. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and liable on conviction to a fine or imprisonment or to both a fine and imprisonment as contemplated in Section 18 of the Act.

Payment of fees

45. (1) The postage and delivery costs of any application or document submitted in terms of these regulations shall be paid by the sender.

(2) Fees payable in terms of these regulations shall be paid by Cash or Electronic Payment.

(3) Monies paid in terms of these regulations, except in terms of Section 6 of the Act, are not refundable.

Address for submission of documents

46. (1) Any application or document or anything else pertaining thereto, which is required in terms of these regulations to be submitted to the Registrar.

(2) When forwarded by post, be addressed to: The Registrar: Act No. 36 of 1947, Private Bag X 343, Pretoria, 0001; and / or

(3) When delivered by hand, be addressed or delivered to: The Registrar: Act No. 36 of 1947, Agriculture Building, 20 Steve Biko Street, Pretoria.

Repeal of certain regulations

47. The following regulations are hereby repealed:

(a) Regulations relating to Agricultural Remedies, 2006, published as Government Gazette Notice R.935 of 22 September 2006; and

(b) Regulations relating to registration of Fertilizers, Farm Feeds, Agricultural Remedies. Stock Remedies, Sterilising Plants and Pest Control Operators Government Gazette Notice R.1449 of 1 July 1983.

Transitional arrangements

48. Anything done under a provision of a regulation repealed by these Regulations and which could have been done under a provision of the Regulations, is regarded as having been done under the later provision.

Short title and commencements

49. (1) This regulation shall be called the Regulations Relating to Agricultural Remedies, 2023, and shall, except the regulations listed in regulations 3,34,35,37, 38 and 39 come into effect on the date of publication.

(2) Regulations 34, 35, 37 and 38 shall come into effect 6 months after the promulgation of these regulations.

(3) Regulations 8(1) sub-paragraph (d) and regulation 10(3) sub-paragraph (e) shall come into effect on 01 June 2024.

(4) Regulation 3(h) sub-paragraphs (xiii), (xiv), and (xv) and regulation 39 shall come into effect 12 months after the promulgation of these regulations.

(5) Regulation 3(h) sub-paragraphs (vi), (xi) and (xvi) shall come into effect 24 months after the promulgation of these regulations.

ANNEXURE A

CRITERIA FOR LOW RISK PRODUCT, SUBSTANCE OF CONCERNS AND RESTRICTED AGRICULTURAL REMEDY

1. Low risk product

Active substance or micro-organisms fulfils the low risk product criteria when such substance has one or more of the characteristic—

(i) Criterion 1. Active substances without hazardous properties identified;

(ii) Criterion 2. Active substances for which it is not possible to differentiate between the exposure associated with its use as agricultural remedy with its environmental relevant exposure levels or its other uses in the food chain;

(iii) Criterion 3. Active substances for which no consumer exposure linked to the mode of application is foreseen; and

(iv) Creterion 4. Micro-organisms that are not of human or animal health concern.

2. Substance of Concern

Agricultural remedy active ingredients and their formulations fulfils the substance of concern criteria when such agricultural remedy have one or more of the characteristic—

(i) Criterion 1: agricultural remedy active ingredients and their formulations that meet the criteria of carcinogenicity Categories 1A or 1B of the GHS or ;

(ii) Criterion 2: agricultural remedy active ingredients and their formulations that meet the criteria of mutagenicity Categories 1A or 1B of the GHS or;

(iii) Criterion 3: agricultural remedy active ingredients and their formulations that meet the criteria of reproductive toxicity Categories 1A or 1 B of the GHS or;

(iv) Criterion 4: agricultural remedy active ingredients listed by the Stockholm Convention in its Annexes A arend B, and those meeting all the criteria in paragraph 1 of Annex D of the Convention except for dichloro diphenyl trichloroethane (DDT) used for malaria vector control by the Department of Health; and

(v) Criterion 5: agricultural remedy active ingredients listed under the Montreal Protocol

3. Restricted agricultural remedy

Agricultural remedy formulations fulfils the substance of concerns criteria when such agricultural remedy have one or more of the characteristic—

(i) Criterion 1: agricultural remedy formulations that meet the criteria of classes Ia or Ib of the WHO Recommended Classification of Pesticides by Hazard or;

(ii) Creteion 2: agricultural remedy formulation that meet the criteria of acute toxicity catergories 1 or 2 of the GHS;

(iii) Criterion 3: Agricultural Remedy active ingredients and formulations listed by the Rotterdam Convention in its Annex III; and

(iv) Criterion 4: agricultural remedy active ingredients and formulations that have shown a high incidence of severe or irreversible adverse effects on human health or the environment.

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ANNEXURE B

agriculture, land reform & rural development
Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

CERTIFICATE IN RESPECT OF THE TAKING OF SAMPLES IN TERMS OF SECTION 15 OF ACT No. 36 OF 1947

Fertilizer, Farm Feeds, Agricultural Remedies and Stock remedy Act, 1947 (Act No. 36 of 1947)
(To be completed in duplicate)

I here by certify that the accompanying sample of Agricultural Remedy identified by the above serial number, was taken by me on _____day of_____20_____
At _____ in the presence of _____
*(Name of owner/person in charge of stocks/witness)
from the stock of
_____
(Name and address of seller)

PARTICULARS OF AGRICULTURAL REMEDY FROM WHICH SAMPLE WAS TAKEN

1. Name of Registration holder/Company _____
2. Trade name _____
3. Name of agricultural remedy _____
4. Registration number _____.Act 36/1947
5. Manufacturer details _____
6. Composition of Agricultural Remedy
   6.1 Chemical composition
   _____
   (List chemicals which appear on the label)
   _____
   6.2 Physical properties
   _____
   _____
7. Conditions of container from which sample was taken _____
8. Estimated quantity of Agricultural Remedy from which sample was taken:
   8.1 Number of containers
   _____
   8.2 Capacity of containers
   _____
9. Remarks
   _____

_____
Signature of witness **Inspector**

* Delete which ever is applicable.

† Shall be particulars as indicated on the affixed label to the containers from which the sample was taken or as it is marked on such containers, or if the Agricultural Remedy which is sampled, is not sold in containers, as it appears on the invoice which is supplied together with that Stock Remedy.

‡ One copy shall accompany each of the three parts of the sample and the forth copy shall be kept by the officer who took the sample.

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ANNEXURE C

Analyst address

_____

CERTIFICATE OF RESULTS OF ANALYSES OR TEST OF A SAMPLE OF AGRICULTURAL REMEDY BY ANALYST

Fertilizer, Farm Feeds, Agricultural remedy and Stock remedy Act, 1947 (Act No. 36 of 1947)
(To be completed in duplicate)

I (full name)

_____

of

_____

a duly appointed analyst in terms of section 14 of the Fertilizer, Farm Feeds, Agricultural remedy and Stock remedy Act, 1947 (Act 36 of 1947) do hereby make oath and state:

(a) that on _____ I received a sample of _____

from _____ by _____[b] for analyses and/or test;

(b) that the sample was labelled, sealed and marked[c]

_____

_____

(c) that I have analysed and/or tested the said sample and as a result of the analyses and/or test I found it to be constituted as follows:

Pure active ingredient[d]

g/kg

(a) _____ _____|_____

(b) _____ _____|_____

(c) _____ _____|_____

I

Other ingredients (if required)

(a) _____ _____|_____

(b) _____ _____|_____

(c) _____ _____|_____

Remarks

_____

_____

Signature of analyst

_____

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 on the properties mentioned hereunder situated in **Emakhazeni Local Municipality,** under **Nkangala District of Mpumalanga Province as follows:**

Description of Property	Name of Claimant	Identity Number	KRP
Remaining Extent of Portion 1 Sterkstroom 118 JT	• Joseph Sibanyoni	• 530425 5580 08 7	• 11218

CURRENT PARTICULARS OF THE PROPERTY

Description of property and	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
R/E of Portion 1 of the farm Sterkstroom 118 JT	Shall Cross Farm Pty Ltd	T36323/2007	Total Extent 2279.4099ha Claim land **(606 .7814 ha)**	B22612/1995	Absa Bank Ltd Bank	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

or Shop No E8
Saveways Cresent Centre
Cnr OR Tambo and Mandela Street, Witbank
TEL NO: 013 655 1000

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. 3814 **25 August 2023**

GENERAL NOTICE IN TERMS 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 land claim for restitution of land rights has been lodged on the farm Kennedy's Vale 361 KT, situated within the Fetakgomo -Tubatse Local Municipality, Sekhukhune District, Limpopo. The claim was lodged by the late Ms. Mathibele Margaret Mathabathe on behalf of Mbuyane family before the cut-off date of 31 December 1998.

The details of the property are as follows:

Farm Name	Portion	Current registered owner	Title Deed	Extent	Bonds/ Endorsements	Holder
Kennedy's Vale 361 KT	Portion 9	RHODIUM REEFS PTY LTD	T87757/1988 PTA	17131 H	KT.365,9PTA	
					K3024/1981SPTA	LANGUAGE JOHANNA MARTHINA
					K4069/1988RMPTA	
					K4094/1986PTA	
					VA697/2015PTA	RHODIUM REEFS PTY LTD
	Portion 12	Joubert Karel Petrus	T44206/2014PTA	513909H	I-8140/2006CPTA	
					KT.361,12PTA	
					K2822/1988SPTA	
					K4576/2003SPTA	
					K5836/2005SPTA	
					K7781/1996SPTA	ROETEBEPALING K2822/1988S
					K9396/2007SPTA	
	Portion 15	RHODIUM REEFS PTY LTD	T87757/1988 PTA	59520000	KT.361,15PTA	
					K3024/1981SPTA	LANGUAGE JOHANNA MARTHINA
					K4094/1986PTA	
					VA697/2015PTA	RHODIUM REEFS PTY LTD
	Portion 19 (Remaining Extent)	RHODIUM REEFS PTY LTD	T87757/1988 PTA	1196520H	KT.361,19PTA	
					K3023/1981SPTA	LANGUAGE HENRY HERBERT
					K3024/1981SPTA	LANGUAGE JOHANNA MARTHINA
					K4094/1986SPTA	
					VA697/2015PTA	RHODIUN REEFS PTY LTD
	PORTION 22		T6739/1988PTA	3280001H	KT.361,22PTA	

		RHODIUM REEFS PTY LTD				K1365/1997SPTA	ROETEBEPALING VAN K3465/92S
						K1588/2004SPTA	
						K1744/1984SPTA	
						K189/2017SPTA	
						K2577/1978SPTA	
						K3049/1976SPTA	
						K3188/1974SPTA	LOUW HUGO LOURENS
						K3465/1992SPTA	
						K358/1987SPTA	
						K547/2002SPTA	
						T24342/1998SPTA	
						VA191/2022	RHODIUM REEFS PTY LTD
						VA1505/1992PTA	T6739/1988
						VA3072/2015SPTA	RHODIUM REEFS PTY LTD
						VA332/2017PTA	RHODIUM REEFS PTY LTD
						VA967/2002PTA	RHODIUM REEFS PTY LTD
						K3188/1974SPTA CONVERTED FROM PTA - FROM PTN10&R/E PTN1 FROM-PTN11&20-21,361KT FROM-PTN13&R/E 7,361KT	
	PORTION 25 (REMAINING EXTENT)	GLENCORE OPERATIONS SOUTH AFRICA PTY LTD	T152201/1999PTA	49469H		I-8140/2006CPTA	GLENCORE OPERATIONS SOUTH AFRICA PTY LTD
						VA9642002PTSA	
	PORTION 28 (REMAINING EXTENT)	RHODIUM REEFS PTY LTD	T114224/1992PTA	17954H		K1354/1978RMPTA	TRANSVAAL VANADIUM CO PTY LTD
						K1355/1978RMPTA	EVRAZ HIGHVELD STEEL & VANADIUM LTD
						K1872/1985RMPTA	
						K189/2017SPTA	
						K1871/1985RMPTA	
						K1991/1981RMPTA	
						K3024/1981SPTA	LANGUAGE JOHANNA MARTHINA
						K4094/1986SPTA	

					K4284/1986SPTA	
					K7015/1992RMPTA	VANADIUM TECHNOLGIESPTY LTD
					VA1610/2015PTA	RHODIUM REEFS PTY LTD
					VA333/2017PTA	RHODIUM REEFS PTY LTD
					CONVERTED FROM PTA	
					FROM -R/E,361 &R/E, PTN18,361KT	
	PORTION 29 (REMAING EXTENT	RHODIUM REEFS PTY LTD	T114225/1992PTA	4214917H	K1588/2004SPTA	
					K189/2017SPTA	
					K3188/1974SPTA	LOUW HUGO LOURENS
					K344/1976SPTA	
					K547/2002SPTA	
					K546/2002SPTA	
					K55/1990SPTA	
					K6117/2000SPTA	
					K7013/1992SPTA	
					K7014/1992SPTA	
					T24342/1988PTA	
					VA191/2022	RHODIUM REEFS PTY LTD
					VA1177/2015PTA	RHODIUM REEFS PTY LTD
					VA680/2017PTA	RHODIUM REEFS PTY LTD
					CONVERTED FROM PTA	
					FROM-R/E,PTN23&R/E,PTN6,361 KT	
	PORTION 30	B C R MINERALS PTY LTD	T68438/2016PTA	1583189H	K16/2020S	

Take further notice 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 Regional Land Claims Commissioner at the addresses set out below under reference number **KRP 4640.**

Take further notice that a meeting of all interested parties will be convened upon publication of this notice, for the purpose of information sharing and outlining of the Restitution process.

The office of the Regional Land Claims
Commissioner: Limpopo
Private Bag x9552
POLOKWANE
0700

Submission may also be delivered to:
13th Floor, 50-58 Thabakgolo
Nedbank Building
Landros Mare Street
POLOKWANE
0700

L H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2023/07/20

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3815 **25 August 2023**

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) DRAFT NATIONAL APPEAL REGULATIONS, 2023

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby publish for public comment, the draft regulations pertaining to the processing, consideration of, and decisions on appeals, in terms of sections 43, section 44(1)*(b)* and 47 of the National Environmental Management Act,1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the Draft National Appeal Regulations, 2023 is invited to do so within 30 calendar days from the date of the publication of this notice in the Gazette or the newspaper whichever is the later date. Comments received after this time may not be considered. The draft regulations are also available on the Department's website at **www.dffe.gov.za/legislation/gazetted_notices**.

All representations and comments must be submitted in writing to the Department:

By hand: The Deputy Director-General: Regulatory Compliance & Sector Monitoring
Attention: Mr Heinrich Muller
Department of Forestry, Fisheries and the Environment
1 East Pier Building, East Pier Road
Victoria & Alfred Waterfront, Cape Town
By e-mail: **draftappealregulations@dffe.gov.za**

By post to: The Deputy Director-General: Regulatory Compliance & Sector Monitoring
Attention: Mr Heinrich Muller
Department of Forestry, Fisheries and the Environment
P.O. Box / Private Bag x4390
Cape Town, 8002

BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

CHAPTER 1
INTERPRETATION AND PURPOSE

CHAPTER 2
ADMINISTRATION AND PROCESSING OF APPEALS

CHAPTER 3
GENERAL PROVISONS

CHAPTER 1
INTERPRETATION AND PURPOSE

1. Interpretation

(1) Unless indicated otherwise in these regulations, a word or expression that is defined in the Act bears the same meaning in these regulations, and in addition—

"**appeal administrator**" means the holder of an office—

(a) in the Department;

(b) in the department responsible for mineral resources;

(c) in the provincial department responsible for environmental affairs; or

(d) in the municipal body,

who administers an appeal on behalf of the appeal authority;

"**appellant**" means any person or organ of state who is entitled to submit an appeal in terms of section 43 of the Act and includes an applicant;

"**appeal authority**" means—

(a) the Minister;

(b) the Minister responsible for mineral resources;

(c) MEC;

(d) a person delegated the power to decide an appeal; or

(e) a municipal body as contemplated in section 43(1C) of the Act,

as the case may be;

"**applicant**" means a person to whom a decision contemplated in section 43 of the Act, has been issued;

"**Biodiversity Act**" means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

"**Environmental Impact Assessment Regulations, 2006**" means the Environmental Impact Assessment Regulations, 2006 published under Government Notice No. R. 385 of 21 April 2006;

"**Environmental Impact Assessment Regulations, 2010**" means the Environmental Impact Assessment Regulations, 2010 published under Government Notice No, R. 543 of 18 June 2010;

"**independent**", in relation to a person appointed as a member of an advisory appeal panel, means—

(a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these regulations other than fair remuneration for work performed in connection with that appeal; or

(b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

"**Integrated Coastal Management Act**" means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

"**registered interested and affected parties**" has the meaning assigned to it in regulation 1 of the Environmental Impact Assessment Regulations, 2014 (Government Notice No. R 982 in *Government Gazette* 38282 dated 4 December 2014, as amended); and

"**the Act**" means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

(2) When a period of days must be reckoned in terms of the regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period between 15 December to 5 January must be excluded from the reckoning of days.

(3) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.

2. Purpose of regulations

The purpose of these regulations is to regulate the procedure contemplated in section 43 of the Act relating to the submission, processing, consideration of, and decisions on appeals in respect of the Act and any specific environmental management Act.

CHAPTER 2
ADMINISTRATION AND PROCESSING OF APPEALS

3. Application of regulations

(1) This chapter is applicable to an appeal against a decision taken in terms of the Act or a specific environmental management Act that is subject to an appeal to the appeal authority in terms of section 43 of the Act.

(2) No appeal is available if the appeal authority issued the decision being appealed.

4. Submitting an appeal

(1) An appellant must submit an appeal—

(a) within 20 days from the date that the decision is sent by the decision-maker, or, where applicable, by the applicant to registered interested and affected parties; or

(b) within 30 days from the date that the decision is sent, where the appeal is submitted in terms of section 43(8) of the Act.

(2) The appellant must submit the appeal—

(a) to the appeal administrator;

(b) to the applicant, where the appellant is not the applicant;

(c) where applicable, to any registered interested and affected party where the appellant is the applicant; and

(d) to any affected organs of state.

(3) An appeal submitted in terms of sub-regulation (1) must—

(a) be in writing;

(b) be in the form obtainable from the appeal administrator;

(c) include a statement setting out the grounds of appeal;

(d) include supporting documentation, which is referred to in the appeal; and

(e) include proof of payment of a non-refundable appeal fee, if prescribed.

(4) An applicant must notify and make a copy of the appeal available to registered interested and affected parties, where applicable, and to

affected organs of state, within 10 days after receipt of an appeal in terms of sub-regulation (2)*(b)*.

5. Responding statement

The applicant, where applicable, and any other person contemplated in regulation 4 may, within 10 days from the date of receipt of the appeal, submit, in the form obtainable from the appeal administrator, a statement responding to an appeal, to the appeal administrator and to the appellant.

6. Answering statement

The appellant may, within 20 days from the date of receipt of the responding statement, submit an answering statement to the appeal administrator to address any relevant new information contained in the responding statement which is not addressed in the appeal.

7. Additional information

The appeal administrator may, within 20 days from the date of receipt of the responding statement or answering statement, where applicable, request any party participating in an appeal process to submit additional information.

8. Decision on appeal

(1) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and, where applicable, any registered interested and affected party and affected organs of state within 30 days of—

(a) the expiry of the time period provided for in regulation 5, 6 or 7, whichever is applicable; or

(b) receiving recommendations from an advisory appeal panel or expert, if appointed.

(2) An appeal decision must contain written reasons for the decision.

CHAPTER 3
GENERAL PROVISIONS

9. Processing of appeal

(1) The appeal administrator must acknowledge receipt of an appeal, responding statement or answering statement, respectively, within 5 working days after receiving either.

(2) The appeal administrator must notify the appellant and the applicant, if applicable, within 5 working days of the appointment of an advisory appeal panel or expert in terms of section 43(5) of the Act, read with regulation 12 of these regulations.

10. Extension of timeframes

The timeframes contemplated in regulations 5, 6 and 7 may be extended, in writing, by agreement between the appellant, the appeal administrator and where applicable, the applicant.

11. Complex appeals

(1) Despite regulation 8(1), the appeal authority may decide an appeal within 50 days of the applicable periods in regulation 8(1)*(a)* or *(b)*, where an appeal is complex.

(2) An appeal is complex where it requires—

(a) the appointment of an advisory appeal panel or an expert to assist the appeal authority to render a decision;

(b) the appeal administrator to undertake a site inspection to properly advise the appeal authority; or

(c) more than one appeal administrator to process the appeal due to the volume of its documents or the technical nature of its subject-matter.

12. Advisory appeal panel

(1) If the appeal authority decides to appoint an advisory appeal panel or expert to consider and advise the appeal authority on an appeal, the appeal administrator must provide the appeal panel or expert with a written instruction within 10 days of being appointed concerning the issues which the advisory appeal panel or expert must advise on.

(2) The advisory appeal panel or expert must, within 10 days of receiving instructions, submit its written recommendations to the appeal administrator.

(3) A member of the advisory appeal panel or an expert must—

(a) be independent; and

(b) have suitable qualifications and experience in relation to the matters that must be considered in the appeal.

(4) A person may not be appointed as a member of an advisory appeal panel or an expert if he or she—

(a) was involved in any way in the making of the decision being appealed;

(b) or any spouse, partner or close family member of that person has a personal or private interest in the outcome of the appeal;

(c) is an unrehabilitated insolvent;

(d) has, as a result of improper conduct, been removed from an office of trust; or

(e) has been declared by a court to be mentally ill or disordered.

(5) The chairperson of the advisory appeal panel must ensure that any dissenting opinion by a member of the panel is recorded in the written report of the panel.

13. Delivery of documents

A person may deliver documents in terms of these regulations by—

(a) delivering a hard copy by hand;

(b) registered post; or

(c) electronic mail.

14. Transitional arrangements

(1) An appeal lodged prior to the commencement of these regulations, and which is still pending when these regulations take effect, must be finalised in terms of the legislation that applied at the time when the appeal was submitted.

(2) Any appeal submitted after the date that these regulations come into effect must be administered in terms of these regulations, read together with the Act.

(3) An appeal lodged after 8 December 2014 against a decision taken—

(a) in relation to a waste management license or integrated in terms of the National Environmental Management: Waste Act 2008 (Act No. 59 of 2008), which followed the processes in the regulations referred to in paragraph *(b)* and *(c)*;

(b) in terms of the Environmental Impact Assessment Regulations, 2006; or

(c) in terms of the Environmental Impact Assessment Regulations, 2010,

must, despite the repeal of the regulations referred to in paragraphs *(b)* and *(c)*, be dispensed with in terms of those regulations as if those regulations have not been repealed.

(4) Where a decision was taken after 8 December 2014, but prior to the publication of the National Appeal Amendment Regulations, 2015, and the applicant was informed in such decision to follow a different appeal process than the process indicated in sub-regulation (3), the appeal process indicated in such decision must be followed.

(5) For all decisions other than decisions contemplated in sub-regulations (3) and (4), an appeal submitted after 8 December 2014 against a decision taken prior to 8 December 2014 must follow the appeal process applicable at the time of the decision.

15. Repeal of regulations

The National Appeal Regulations, 2014 (GN R. 993 of 8 December 2014) and the Integrated Coastal Management Appeal Regulations, 2016 (GN R. 815 of 8 July 2016) are hereby repealed.

16. Short title and commencement

These regulations are called the National Appeal Regulations, 2023 and take effect on the date of publication in the *Gazette*.

DEPARTMENT OF HEALTH

NO. 3816 **25 August 2023**

MEDICINES AND RELATED SUBSTANCES ACT, (101 OF 1965 AS AMENDED)

REGULATIONS RELATING TO A TRANSPARENT PRICING SYSTEM FOR MEDICINES AND SCHEDULED SUBSTANCES: DISPENSING FEE FOR PHARMACISTS

The Minister of Health has, on the recommendation of the Pricing Committee, in terms of Section 22G (2) (b) of the Medicines and Related Substances Act, (No. 101 of 1965 as amended), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In this schedule, "the Act" means the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) and any word or expression to which a meaning has been assigned in the Act shall have such meaning, unless the context indicates otherwise-

   "dispense" means the supply of medicines based on a prescription to a patient or someone on behalf of the patient by a health professional authorized by law to supply medicines and includes-

   (a) the interpretation and evaluation of the prescription.

   (b) the selection, reconstitution, dilution, labelling, recording and the actual supply of the medicine.

(c) the provision of information and instructions to ensure safe and effective use of a medicine by a patient; and

(d) the provision of information as contemplated in section 22F (1)(a) of the Act.

"dispensing fee" means a fee determined in terms of these regulations, exclusive of Value Added Tax, that may be charged to dispense a medicine; and

"the Regulations" means the Regulations Relating to the Transparent Pricing System for Medicine and Scheduled Substances published in terms of Government Notice No. R1102 of November 2005, as amended.

Amendment of Regulation 10

2. The following regulation is hereby substituted for Regulation 10 of the Regulations:

"10. (1) The appropriate dispensing fee as contemplated in Section 22G (2) (b) of the Act to be charged by a pharmacist, must be calculated as follows:

(a) where the single exit price of a medicine or scheduled substance is less than one hundred and twenty-nine rand and forty-three cents (R129.43), the dispensing fee shall not exceed R18.82 plus 46% of the single exit price in respect of that medicine or scheduled substance.

(b) where the single exit price of a medicine or scheduled substance is greater than or equal to one hundred and twenty-nine rand and forty -four cents (R129.44), but less than three hundred and forty-four rand and forty-three cents (R344.43), the dispensing fee shall not exceed R34.93 plus 33% of the single exit price in respect of that medicine or scheduled substance.

(c) where the single exit price of a medicine or scheduled substance is greater than or equal to three hundred and forty-four rand and forty-four cents (R344.44), but less than one thousand two hundred and forty-five rand and ninety-seven cents (R1 245.97), the dispensing fee shall not exceed R99.78 plus 15% of the Single Exit Price in respect of that medicine or scheduled substance;

(d) where the single exit price of a medicine or scheduled substance is greater than or equal to one thousand two hundred and forty-five rand and ninety-eight cents (R1 245.98), the dispensing fee shall not exceed R220.21 plus 5% of the Single Exit Price in respect of that medicine or scheduled substance.

This fee which is exclusive of VAT represents a maximum dispensing fee and doesn't preclude dispensers from charging a lower fee to be added to the SEP of a medicine or scheduled substance thus resulting in a final price to be paid by the consumer.

(2) The provision of sub-regulation (1) must be reviewed annually by the Minister after taking into account-

(a) the need to ensure the availability and affordability of quality medicines and scheduled substances in the Republic.

(b) annual inflation rates published periodically by Statistics South Africa.

(c) information supplied by pharmacists in accordance with guidelines determined by the Minister from time to time by Notice in the Gazette; and

(d) any other information the Minister may deem necessary to consider.

(3) A pharmacist dispensing a medicine must-

(a) by means of a clearly displayed notice in the pharmacy, inform members of the public of the maximum fee structure used by such pharmacist to determine the dispensing fee; and

(b) provide an invoice in respect of each medicine which clearly indicates the-

(i) dispensing fee charged; and

(ii) single exit price.

DR MJ PHAAHLA, MP

MINISTER OF HEALTH

DATE: 20/07/2023

DEPARTMENT OF HEALTH

NO. 3817 **25 August 2023**

MEDICINES AND RELATED SUBSTANCES ACT, 1965

GENERAL REGULATIONS MADE IN TERMS OF THE MEDICINES AND RELATED SUBSTANCES ACT, 1965 (ACT 101 OF 1965): AMENDMENT

The Minister of Health intends, in terms of section 35 of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) (the Act), and on the recommendation of the South African Health Products Regulatory Authority, to make 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 paul.tsebe@health.gov.za), within three months of the date of publication of this notice.

DR M.J. PHAAHLA, MP
MINISTER OF HEALTH
DATE: 01/08/2023

SCHEDULE

ARRANGEMENT OF REGULATIONS

DEFINITIONS

1. In these Regulations a word or expression defined in the Act bears the meaning so assigned and unless the context otherwise indicates:-

"accessory" means an article intended specifically by its manufacturer to be used together with a particular medical device to enable or assist that device to be used in accordance with its intended use;

"adverse event" means any untoward medical occurrence or undesirable incident, that may occur in association with the use of a medical device which—

(a) does not necessarily have a causal relationship with its use; or

(b) may occur due to its malfunction, its deterioration of safety, quality or performance or an error of its use;

"as determined by the Authority" means as determined by the South African Health Products Regulatory Authority (SAHPRA) in a guideline as published from time to time;

"authorised representative" means a natural person, resident in the Republic of South Africa, who—

(a) has the written mandate to represent a manufacturer, distributor or wholesaler in the Republic; and

(b) acts on behalf of a manufacturer, distributor or wholesaler, in whose name the licence in terms of section 22C(1)(*b*) of the Act or certificate of registration is issued;

"batch number" means a unique number or combination of numbers, cyphers or letters allocated to a batch or a lot;

"biological substance" means a substance derived from a human, animal or a micro-organism;

"bonded warehouse" means a customs and excise warehouse licensed in terms of section 19 of the Customs and Excise Act, 1964 (Act No. 91 of 1964);

"Chief Executive Officer" means the Chief Executive Officer of the Authority as appointed in terms of section 3 of the Act;

"clinical trial" means a study in or on human or animal subjects undertaken to assess the safety or clinical performance of the medical device;

"clinical performance assessment" means a study undertaken to establish or confirm the clinical performance of an IVD;

"conformity assessment" means relevant testing, calibration, inspection or certification of a medical device or a quality management system;

"conformity assessment body" means a local or international body corporate or other legal entity, recognised by the Authority as competent to carry out conformity assessment;

"control number" means a number or combination of numbers, cyphers or letters allocated to a unique accessory;

"custom-made medical device" means a medical device specifically made in accordance with—

(a) a written order given by a person authorised to do so by virtue of his or her professional qualification; and

(b) specific design characteristics,

which is intended for the sole use of a particular user, and excludes mass-produced medical devices that only require adaptation to meet the specific requirements of an individual user;

"declaration of conformity" means the attestation of the authorised representative of a manufacturer or distributor that the—

(a) relevant quality management systems fulfil requirements as determined by the Authority; and

(b) medical devices concerned fulfil the essential principles;

"distributor" means a person licensed in terms of section 22C(1)(b) of the Act to import or export a medical device in its final form, wrapping and packaging and sell such medical device to a person other than a manufacturer or distributor;

"essential principles" means the requirements relating to the safety and performance characteristics of medical devices as determined by the Authority;

"expiry date" means the date up to which a medical device retains the properties stated on the label, which properties can change after the lapse of time, and after which date the medical device may not be sold to the public or used;

"family" means medical devices or IVDs that are made by the same manufacturer, that differ only in shape, colour, flavour or size, that have the same design and manufacturing process and that have the same intended use, and excludes a group;

"group" means a medical device comprising a collection of medical devices such as a procedure pack, procedure tray, system, procedure or IVD kit, that are packaged together for a specific intended purpose and sold under a single name;

"health care provider" means a health care provider as defined in section 1 of the National Health Act, 2003 (Act No. 61 of 2003);

"health establishment" means a health establishment as defined in section 1 of the National Health Act, 2003 (Act No. 61 of 2003);

"holder of a certificate of registration" means a manufacturer or distributor in whose name a certificate of registration for a medical device has been granted and who is responsible for all aspects of the medical device, including performance, quality, safety and compliance with conditions of registration;

"identification number" means the number drawn from a—

(a) birth certificate, passport, valid driver's licence;
South African identification document; or any other relevant document issued by the Department of Home Affairs;

"implantable device" means a medical device, which is intended to—

(a) be totally introduced into the body;

(b) be partially introduced into the body through surgical intervention and intended to remain in place after the procedure for at least 30 days;

(c) replace an epithelial surface; or

(d) replace the surface of the eye by surgical intervention, and includes a medical device that is partially or wholly absorbed by the body;

"Instructions for use" means general and technical information to inform the user of the medical device's intended purpose, proper use and of any contra-indications, warnings or precautions to be taken, as provided for in regulations 7 and 8, written in a manner which is easy for the end user to understand;

"intended purpose" means the objective, or use for which a medical device is intended according to the data supplied by the manufacturer or distributor and approved by the Authority;

"ISO 13485" means the International Standard "Medical devices — Quality management systems — Requirements for regulatory purposes"; reference number ISO 13485;

"maintain" means the—

(a) service, repair and re-establishment of the function; or

(b) update of software or hardware,

of a medical device without significantly changing the performance or safety characteristics of a medical device; and "maintenance" has corresponding meanings;

"manufacture" means operations that include the design, purchasing of material, specification development, production, fabrication, assembly, processing, packaging, repackaging, labelling, releasing, installation, maintaining, reprocessing or refurbishing of a medical device, and includes the assembly of a collection of medical devices;

"manufacturer" means a person licensed in terms of section 22C(1)(b) of the Act to manufacture, import or export a medical device and sell such medical device to a licenced wholesaler or end user;

"model" means a number or combination of numbers, cyphers or letters allocated to a medical device;

"modification" in relation to a medical device means—

(a) any change in the purpose and the intended use of a medical device;

(b) any significant change in the safety profile or specifications of a medical device as determined by the Authority;

(c) a change in the materials used in manufacture of a medical device, the design of a medical device, including its performance characteristics, principles of operation and specifications of materials, energy source, software or accessories;

(d) any new or extended use of a medical device;

(e) any addition or deletion of a contra-indication of a medical device; or

(f) any change to the period used to establish the expiry date of a medical device

(g) where significant change may relate to—

(i) the manufacturing process;

(ii) the facility or equipment; and

(iii) the quality control measures used to control the quality and sterility of a medical device;

"nomenclature system code" means the code linked to the common generic description as per the Global Medical Device Nomenclature (GMDN) for medical devices having similar features, characteristics and intended use;

"original manufacturer" means the manufacturer responsible for the design and specification development of a medical device;

"point of care testing" means testing performed outside a laboratory environment by a health care provider or veterinarian; and includes near patient testing;

"radiation" means—

(a) electromagnetic or particle radiation capable of producing ions, directly or indirectly, while passing through matter; or

(b) energy in the form of electromagnetic waves or acoustic waves;

"refurbish" means the substantial rebuilding, re-equipping, reworking or restoring of the whole or part of a medical device, including the substantial updating or modification of software or hardware, which does not significantly change the performance, safety specifications and intended purpose of the medical device;

"research use only" ("RUO") means an IVD which is intended only for research or investigational use and which may not be used for clinical diagnostic purposes;

"reprocess" means the activity carried out on a used medical device to allow its safe re-use including cleaning, disinfection, sterilisation and related procedures, as well as testing and restoration of the technical and functional safety of the medical device;

"SANAS" means the South African National Accreditation System (SANAS) established by section 3 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No.19 of 2006);

"SANS 10386" means the South African National Standard "The care and use of animals for scientific purpose", reference number SANS 10386;

"serial number" means a unique number or combination of numbers, cyphers or letters allocated to a unique medical device or unique accessory to a medical device;

"single use" means one use of—

(a) a medical device on or by an individual; or

(b) an IVD on a sample;

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

"user" means a person or organisation that uses a medical device;

"version number" means a number or combination of numbers, cyphers or letters allocated to unique medical device software; and

"wholesaler" means a person licensed in terms of section 22C(1)(b) of the Act to purchase a medical device from a manufacturer or a distributor, licensed in terms of section 22C(1)(b) of the Act, and sells such medical device as per section 22H of the Act.

IMPORTATION OF MEDICAL DEVICES INTO REPUBLIC

2. (1) A person may not import a medical device into the Republic except through one of the following ports of entry:

(a) Cape Town International Airport or harbour;

(b) Chief Dawid Stuurman International or Port Elizabeth harbour;

(c) King Shaka International Airport or Durban harbour; or

(d) OR Tambo International Airport.

(2) A used medical device, other than a medical device designated by the original manufacturer or as determined by the Authority for single use only, may be imported by a manufacturer for purposes of refurbishing or maintenance through ports of entry, as determined by the Authority, other than those stipulated in sub-regulation (1).

(3) A person may only import a medical device if that person—

(a) is licensed in terms of section 22C(1)(*b*) of the Act to import a medical device; and

(b) in the case of an unregistered medical device, is authorised by the Authority to import such unregistered medical device.

TRANSMISSION OF MEDICAL DEVICES THROUGH REPUBLIC

3. (1) A medical device that is transmitted through the Republic must—

(a) while stored in the Republic, be stored in a bonded warehouse which is licensed in terms of section 22C(1)(*b*) by the Authority to import or export medical devices; and

(b) not be manipulated while in the bonded warehouse unless authorised by the Authority.

(2) A bonded warehouse referred to in sub-regulation (1) must comply with—

(a) good distribution practice; and

(b) licence conditions as determined by the Authority.

CLASSIFICATION OF MEDICAL DEVICES

4. (1) Medical devices are classified by the Authority into the following classes:

(a) Class A - Low Risk;

(b) Class B - Low-moderate Risk;

(c) Class C - Moderate-high Risk; and

(d) Class D - High Risk,

where the risk relates to the patient, user or to public health.

(2) The Authority must determine the classification rules in guidelines published from time to time.

(3) The manufacturer or importer must classify a medical device in accordance with the classification rules as determined by the Authority.

(4) Where the classification of a medical device is inconclusive and places it in more than one class, or between classes, the Authority must place the medical device in the higher of the risk classes.

LABELLING OF MEDICAL DEVICES

5. (1) The label of each medical device must be in at least English and must appear—

(a) on the medical device itself or on the packaging thereof; and

(b) on the packaging of multiple medical devices.

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(2) The label of each medical device must contain the following particulars:

(a) the proprietary name and, where applicable, the model of the medical device;

(b) product description and intended use;

(c) the registration number of the medical device allocated in terms of section 15(5) of the Act;

(d) the name and physical address of the holder of a licence as per regulation 12(1)(*a*)(i) or 12(1)(*a*)(ii), where applicable;

(e) the name and physical address of the holder of the certificate of registration;

(f) where appropriate, an indication that the medical device contains or incorporates a scheduled or biological substance;

(g) the batch number or serial number, where applicable;

(h) for accessories, the serial number may be substituted with a control number and for software it may be substituted with a version number;

(i) the expiry date, where applicable;

(j) where there is no indication of the expiry date, the manufacturing date;

(k) an indication of any applicable special storage or handling conditions;

(l) if the medical device is supplied sterile, an indication of its sterile state and, where appropriate, the sterilisation method;

(m) where relevant, an indication of the net quantity of contents, expressed in terms of weight or volume, numerical count, or any combination of these or other terms which accurately reflect the contents of the package;

(p) warnings or precautions, where applicable; and

(q) where appropriate an indication that the medical device is intended for—

(i) single use;

(ii) clinical trial or premarket clinical performance assessment study;

(iii) non-clinical research, teaching or testing purposes;

(iv) exhibition or appraisal purposes;

(v) *in vitro* diagnostic (IVD) use or laboratory-developed tests; and

(vi) where relevant, "for professional use only" or “near patient testing” or “point of care testing” or “self-testing” or “custom-made”.

(3) If a medical device has been reprocessed, the label must—

(a) identify the medical device as having been reprocessed; and

(b) state the name of the manufacturer responsible for the reprocessing thereof.

(4) If an IVD kit includes individual reagents and articles that may be made available as separate IVDs, such reagents and articles must comply with the requirements set out in sub-regulation (1).

INSTRUCTIONS FOR USE OF A MEDICAL DEVICE WHICH IS NOT AN IVD

6. (1) Instructions for the use of a medical device must—

(a) appear on or be attached to or packed with each medical device,

(b) be in at least the English language;

(c) be in type having a minimum legibility, as determined by the Authority; and

(d) contain the particulars specified in sub-regulation (3).

(2) Instructions for use of a Class A medical device may be included, where applicable as determined by the Authority.

(3) The instructions for use must contain the following information:

(a) the name and proprietary name of the medical device;

(b) the registration number of the medical device allocated in terms of section 15(5) of the Act;

(c) the—

(i) name and physical address of the holder of the licence as per regulation 12(1)(*a*)(i) or 12(1) (*a*)(ii);

(ii) name and physical address of the original manufacturer; and

(iii) name and physical address of the holder of the certificate of registration;

(d) where practical, the approved intended purpose of the medical device and where appropriate, the intended user;

(e) residual risks, contraindications and any expected and foreseeable side effects, including information to be conveyed to the patient in this regard;

(f) any specifications that the user may require in order to use the medical device appropriately, including but not limited to the degree of accuracy claimed in the case of a device with a measuring function;

(g) if the medical device contains, or incorporates, a scheduled substance or a biological substance, identification of that substance, as appropriate;

(h) details of any preparatory treatment or handling of the medical device required before it is ready for use including but not limited to sterilisation, final assembly or calibration;

(i) any requirements for—

(i) special facilities; or

(ii) special training or qualifications of the intended user or other person;

(j) the information needed to verify whether the medical device is properly installed and is ready to perform as intended by the manufacturer, together with, where relevant—

(i) details of the nature, and frequency of preventive and regular maintenance, and of any preparatory cleaning or disinfection;

(ii) identification of any consumable components and how to replace them;

(iii) information on any necessary calibration to ensure that the medical device operates properly and safely during its intended life span; and

(iv) methods of eliminating the risks encountered by persons involved in installing, calibrating or servicing medical devices;

(k) an indication of any special transport, storage or handling requirements;

(l) if the medical device is supplied sterile, instructions in the event of the sterile packaging being damaged before use;

(m) if the medical device is supplied non-sterile with the intention that is sterilised before use, the appropriated instruction for sterilisation;

(n) if the medical device is reusable, information—

(i) on the appropriate processes to allow reuse, including cleaning, disinfection, packaging and, where appropriate, the method of re-sterilisation; and

(ii) to identify when the medical device should no longer be reused including signs of material degradation or the maximum number of allowable reuses;

(o) if a medical device is intended for use together with other medical devices or general-purpose equipment—

(i) information to identify such medical devices or equipment, in order to obtain a safe combination; and

(ii) information on any known restrictions to combinations of medical devices and equipment;

(p) if the medical device emits hazardous, or potentially hazardous levels of radiation for medical purposes—

(i) detailed information as to the nature, type and where appropriate, the intensity and distribution of the emitted radiation; and

(ii) the means of protecting the patient, user, or other person from unintended radiation during use of the medical device;

(q) information that allows the user and patient to be informed of warnings, precautions, measures to be taken and limitations of use regarding the medical device which information must cover, where appropriate—

(i) warnings, precautions and measures to be taken in the event of malfunction of the medical device or changes in its performance that may affect safety;

(ii) warnings, precautions and measures to be taken in regard to the exposure to reasonably foreseeable external influences or environmental conditions, such as magnetic fields, external electrical and electromagnetic effects, electrostatic discharge, radiation associated with diagnostic or therapeutic procedures, pressure, humidity, or temperature;

(iii) warnings, precautions and measures to be taken in regard to the risks of interference posed by the reasonably foreseeable presence of the medical device during specific diagnostic investigations, evaluations, therapeutic treatment or use (e.g., electromagnetic interference emitted by the medical device affecting other equipment);

(iv) if the medical device administers a scheduled substance or a biological substance, any limitations or incompatibility in the choice of substance to be delivered;

(v) warnings, precautions and limitations related to any scheduled substance or biological substance that is incorporated into the medical device as an integral part of the medical device; and

(vi) precautions related to materials incorporated into the medical device that are potentially carcinogenic, mutagenic or toxic, or could result in sensitisation or allergic reaction of the patient, user or any other person;

(r) warnings and precautions to be taken related to the disposal of the medical device, its accessories and the consumables used with it, if any: provided that this information includes, where appropriate—

(i) infection or microbial hazards associated with a medical device which may include an implant which has been removed;

(ii) environmental hazards such as batteries or materials that emit potentially hazardous levels of radiation; and

(iii) physical hazards;

(s) for medical devices intended for use by a person who is not a health care provider, the circumstances when the user must consult with a health care provider or veterinarian;

(t) the date of issue or latest revision of the instructions for use; and

(u) appropriate service and maintenance instructions for the medical device and associated technical equipment, where applicable.

INSTRUCTION FOR USE OF IVD

7. (1) Instructions for the use of an IVD must—

(a) appear on or be attached to or packed with each IVD;

(b) be in at least the English language;

(c) be in type having a minimum legibility, as determined by the Authority; and

(d) contain the particulars specified in sub-regulation (3).

(2) Instructions for ~~the~~ use of a Class A IVD may be included where applicable as determined by the Authority.

(3) The instructions for use must contain the following:

(a) The name and proprietary name of the IVD;

(b) the registration number of the medical device allocated in terms of section 15(5) of the Act;

(c) the—

(i) name and physical address of the holder of the certificate of registration;

(ii) name and physical address of the licensee as per regulation 12(1)(*a*)(i) or 12(1)(*a*)(ii); and

(iii) name and physical address of the original manufacturer;

(d) the intended purpose, including but not limited to—

(i) what is detected;

(ii) the function of the IVD;

(iii) the specific disorder, condition or risk factor of interest that it is intended to detect, define or differentiate;

(iv) whether it is automated or not;

(v) whether it is qualitative or quantitative;

(vi) the type of specimens required (e.g., serum, plasma, whole blood, tissue biopsy, urine); and

(vii) testing population;

(e) an indication that it is for *in vitro* diagnostic use and, where relevant, for "professional use only", for "near patient testing", for "point of care", for "self-testing" or for "research use only";

(f) the intended user, as appropriate;

(g) the test principle;

(h) whether provided as an individual reagent or in a group with other appropriate articles, a description of—

(i) the reagent, calibrators, controls and appropriate articles;

(ii) any limitation upon the use of the reagent or the IVD kit, such as suitability for a dedicated instrument;

(iii) the composition of the reagent by nature and concentration of the active ingredients; and

(iv) A statement, where appropriate, that the medical device contains other ingredients which might influence the measurement;

(i) a list of materials provided and a list of special materials required but not provided;

(j) if intended for use together with other IVDs, medical devices, or general-purpose equipment—

(i) information to identify such IVDs, medical devices or equipment, in order to obtain a safe combination; and

(ii) information on any known restrictions to combinations of IVDs, medical devices and equipment;

(k) an indication of any special transport, storage and handling requirements;

(l) in use stability which may include the storage conditions, and shelf life following the first opening of the immediate container or primary packaging, together with the storage conditions and stability of working solutions, where relevant;

(m) if the IVD is supplied sterile, instructions in the event of the sterile packaging being damaged before use;

(n) information that allows the user to be informed of warnings, precautions, measures to be taken and limitations of use regarding the IVD, which information must cover, where appropriate—

(i) warnings, precautions and measures to be taken in the event of malfunction of the IVD or its degradation as suggested by changes in its appearance that may affect performance;

(ii) warnings, precautions and measures to be taken with regard to the exposure to reasonably foreseeable external influences or environmental conditions, such as magnetic fields, external electrical and electromagnetic effects, electrostatic discharge, radiation associated with diagnostic or therapeutic procedures, pressure, humidity, or temperature;

(iii) warnings, precautions and measures to be taken with regard to the risks of interference posed by the reasonably foreseeable presence of the medical device during specific diagnostic investigations, evaluations, therapeutic treatment including electromagnetic interference emitted by such medical device affecting other equipment, where applicable; and

(iv) precautions related to materials incorporated into the IVD that are carcinogenic, mutagenic or toxic, or could result in sensitisation or allergic reaction;

(o) warnings and precautions related to potentially infectious material that is included in the IVD;

(p) where relevant, requirements for special facilities including clean room environment, radiation safety or particular qualifications of the medical device user;

(q) conditions for collection, handling, and preparation of the specimen;

(r) details of any preparatory treatment or handling of the IVD before it is ready for use including reconstitution and calibration where applicable;

(s) the information needed to verify whether the IVD is properly installed and is ready to perform as intended by the manufacturer, together with, where relevant—

(i) details of the nature, and frequency, of preventive and regular maintenance including cleaning and disinfection;

(ii) identification of any consumable components and how to replace them;

(iii) information on any necessary calibration to ensure that the IVD operates properly and safely during its intended life span; and

(iv) methods of mitigating the risks encountered by persons involved in installing, calibrating or servicing an IVD;

(t) where relevant, recommendations for quality control procedures;

(u) the metrological traceability of values assigned to calibrators and trueness-control materials, including identification of applicable reference materials and reference measurement procedures of higher order;

(v) assay procedure including calculations and interpretation of results and where relevant if any confirmatory testing must be considered;

(w) analytical performance characteristics, as determined by the Authority such as sensitivity, specificity, and accuracy

(x) where relevant, clinical performance characteristics, as determined by the Authority such as diagnostic sensitivity and diagnostic specificity;

(y) where relevant, reference intervals;

(z) information on interfering substances or limitations such as visual evidence of hyperlipidaemia or haemolysis, age of specimen that may affect the performance of the assay;

(aa) warnings or precautions to be taken related to the disposal of the IVD, its accessories, and the consumables used with it, if any, which information must cover, where appropriate—

(i) infection or microbial hazards;

(ii) environmental hazards; and

(iii) physical hazards;

(bb) for an IVD intended for use by a person who is not a health care provider, the circumstances when the user must consult with a health care provider or veterinarian;

(cc) where relevant, a bibliography;

(dd) the date of issue or latest revision of the instructions for use and, where appropriate, an identification number; and

(ee) appropriate maintenance instructions for technical IVD machines, where applicable.

APPLICATION FOR REGISTRATION OF A MEDICAL DEVICE

8. (1) An application for the registration of each type of medical device, family or group or modification thereof as determined by the Authority and published as a notice in the Government *Gazette*, must be made providing details of the class and type of medical device, family or group as the case may be.

(2) A manufacturer or distributor residing in the Republic must submit an application for the registration of a medical device on an application form obtainable from the Authority.

(3) The application referred to sub-regulation (1) must, include the particulars of the authorised representative in South Africa who must be responsible for communication with the Authority.

(4) The application contemplated in sub-regulation (1) must be accompanied by—

(a) the appropriate form which is obtainable from the Authority which has been completed by the applicant;

(b) a proposed label for use on the medical device, if applicable;

(c) the instructions for use of the medical device;

(d) a copy of the licence referred to in regulation12(1)(*a*)(i) or 12(1)(*a*)(ii);

(e) a certified copy of the

(i) certificate(s) issued by a conformity assessment body;

(ii) test result(s); or

(iii) inspection certification,

for the medical device for which the application is made, as determined by the Authority

(f) any other information as may be required by the Authority; and

(g) the applicable application fee.

(5) The information referred to in sub-regulation (4) must be submitted in English.

(6) The application form referred to in sub-regulation (1) must contain at least the following information:

(a) Particulars of the prospective holder of the certificate of registration, including:

(i) name;

(ii) physical address;

(iii) postal address;

(iv) telephone number;

(v) fax number, if applicable;

(vi) e-mail address, if applicable; and

(vii) contact details of the authorised representative referred to in sub-regulation (3); and

(b) particulars of the medical device, including—

(i) proposed proprietary name and group or family name, and make and model, where applicable;

(ii) intended purpose;

(iii) classification as per regulation 4;

(iv) classification and registration status with other regulatory authorities recognised by the Authority;

(v) nomenclature system code;

(vi) in the case of a medical device which contains a medical or scheduled substance, the approved name and quantity of each active ingredient or biological substance; and

(vii) the name and physical address of the original manufacturer.

(7) Where a medical device is registered with a regulatory body outside the Republic, the following information in respect of the medical device must also accompany the application:

(a) A certified copy of the certificate of registration, market authorisation or premarket approval, where applicable;

(b) instructions for use, where applicable;

(c) conditions of registration, where applicable; and

(d) any other information as may be required by the Authority.

(8) A medical device, in respect of which an application for registration is made, must comply with the essential principles.

(9) A declaration of conformity to the essential principles, signed by the Authorised Representative must accompany an application for registration of a medical device as determined by the Authority.

INFORMATION THAT MUST APPEAR IN REGISTER FOR MEDICAL DEVICES

9. The medical device register must, in respect of any registered medical device, contain the following information:

(a) the—

(i) name, group or family name; and

(ii) make and model, where applicable;

(b) the registration number allocated to the medical device;
(c) in the case of a medical device which contains a scheduled substance, the name and quantity of each scheduled substance;
(d) the name of the holder of the certificate of registration;
(e) the name of the licence holder referred to in regulation12(1)(*a*)(i) or 12(1)(*a*)(ii);
(f) the name and physical address of the—
(i) original manufacturer(s); and
(ii) manufacturing facilities;
(g) the date of registration of the medical device;
(h) the conditions of registration of the medical device;
(i) the class of medical device; and
(j) the nomenclature system code allocated to the medical device.

APPLICATION FOR AMENDMENT TO REGISTER FOR MEDICAL DEVICES

10. (1) An application for an amendment of an entry in the register for medical devices in terms of section 15A of the Act must be accompanied by the relevant fee and must contain the following particulars:
(a) the registration number of the medical device;
(b) the name of the holder of the certificate of registration and the authorised representative;
(c) physical address of the holder of the certificate of registration;
(d) declaration by the holder of the certificate of registration that the information furnished is complete and accurate;
(e) the details of the amendment applied for; and
(f) any other information as may be required by the Authority.

(2) Where the provisions of section 11(1) are approved, an amended certificate will be issued in terms of section 15A (3) of the Act.

CERTIFICATE OF REGISTRATION

11. A certificate of registration for a medical device as contemplated in section 15(3) of the Act shall be in a form substantially similar to the form contained in **Annexure 1**.

LICENCE TO MANUFACTURE, DISTRIBUTE OR WHOLESALE MEDICAL DEVICES

12. (1) An application for a licence referred to in section 22C(1)*(b)* of the Act, must—

(a) be made on a form obtainable from the Authority for a licence—
  (i) to act as a manufacturer;
  (ii) to act as a distributor; and
  (iii) to act as a wholesaler.

(b) be submitted to the Authority;

(c) be accompanied by documentary proof of—
  (i) the particulars of the owner of the business;
  (ii) the particulars of the authorised representative;
  (iii) certification by a conformity assessment body to ISO 13485 in the case of an application in terms of sub-regulation (1)*(a)*(i) or 1(*a*)(ii);
  (iv) the payment of the prescribed application fee;
  (v) the physical address of the site; and
  (vi) any other information as may be requested by the Authority; and

(d) specify the—
  (i) name, group or family name; and
  (ii) make and model, where applicable,
  of medical devices to be manufactured, imported, exported and sold.

(2) The applicant contemplated in sub-regulation (1) shall appoint and designate an authorised representative who shall be responsible to the Authority for compliance with the Act.

(3) The Authority may, where applicable, inspect the business premises specified in the application.

(4) The Authority may issue a licence contemplated in sub-regulation (1) once the Authority is satisfied that the requirements of the Act and the regulations have been complied with and the authorised representative is able to provide certified evidence of certification to a quality management system in terms of sub-regulation (12)*(1)*(c)(iii), and as determined by the Authority.

(5) The Chief Executive Officer shall—

(a) keep a separate register for each of the categories of licensees contemplated in section 22C(1)*(b)* of the Act; and

(b) enter the licence number, the name of the licensee and his or her physical and postal addresses, in the register contemplated in paragraph (*a*).

(6) Notwithstanding the period of validity of the licence, the licensee must pay the annual fee in respect of the retention of the licence.

(7) A holder of a licence in terms of sub-regulation (1) must submit to the Authority an application, on a form obtainable from the Authority, accompanied by the prescribed fee, in order to amend any of the following details of the licence:

(a) name of the licence holder;

(b) authorised representative;

(c) physical address of the site;

(d) activities provided for by the licence; or

(e) the medical devices to be manufactured or sold,

as determined by the Authority.

(8) Following receipt of an application referred to in sub-regulation (7) the Authority may issue a revised licence: Provided that—

(a) the Authority is satisfied that the application complies with the provisions of sub-regulation (1) or any other conditions determined by the Authority; and

(b) the applicable licence fee is paid.

(9) An applicant must notify the Authority in writing of any change to any of the particulars furnished in the application contemplated in sub-regulation (1) within 30 days of such change.

(10) Any entry into the register in terms of sub-regulation (5) which is proved to the satisfaction of the Authority to have been made in error or through misrepresentation or in circumstances not authorised by the Act, may be removed from the register.

(11) A person in respect of whose entry a removal as contemplated in sub-regulation (10) has been made shall be notified of such removal and any licence issued in respect of this regulation shall be deemed to be cancelled as from the date on which notice has so been given.

(12) The Chief Executive Officer may make known to the public any information that pertains to the suspension or revocation of any licence referred to in this regulation in a manner which he or she thinks fit.

PERIOD OF VALIDITY AND RENEWAL OF LICENCE

13. (1) A licence issued in terms of section 22C(1)(*b*) and referred to in regulation 12 must, provided that the holder pays the applicable annual fee, be valid for a period of five years from the date of issue.

(2) A licence referred to in sub-regulation (1) may be renewed by application to the Authority.

(3) An application for the renewal of a licence must—

(a) contain at least the information or documentation referred to in regulation 12(1)(*c*) and 12(1)(*d*);

(b) be accompanied by a prescribed fee in terms of section 35(1)(xxxii) of the Act; and

(c) be made at least 90 days before the expiry of the existing licence.

CONFORMITY ASSESSMENT BODY

14. (1) The Authority must determine the criteria and standards required for recognition of a conformity assessment body.

(2) The criteria in sub-regulation (1) must include—

(a) certification of the conformity assessment body either by SANAS or an international accreditation body; and

(b) any other information as determined by the Authority.

(3) The Authority must publish the name and physical address of a conformity assessment body recognised by the Authority.

REPLACEMENT, MAINTENANCE, REFURBISHMENT AND SINGLE USE OF MEDICAL DEVICES

15. (1) A person who sells an article intended specifically to replace an identical or similar integral part or component of a medical device must ensure that the article complies with specifications applicable to that medical device as defined by the original manufacturer or as determined by the Authority.

(2) Where an article in sub-regulation (1) significantly changes the performance or safety characteristics of the medical device, the medical device shall be considered to be a different medical device.

(3) A person who maintains a medical device must keep records of such maintenance and on request, make the records available to the Authority.

(4) A person who refurbishes a medical device must—

(a) ensure that any article used to replace an integral part or component of the medical device is consistent with specifications applicable to that medical device as defined by the original manufacturer;

(b) follow procedures as defined by the original manufacturer relating to the refurbishment of the medical device; and

(c) keep records of such refurbishment and on request, make the records available to the Authority.

SINGLE USE MEDICAL DEVICE

16. (1) A medical device designated by the original manufacturer or as determined by the Authority for single use only —

(a) must be disposed of after use; and

(b) may not be reprocessed.

(2) If the sterility of a medical device designated by the original manufacturer or as determined by the Authority for single use only, is compromised it—

(a must be disposed of before use and

(b) may not be reprocessed.

DESTRUCTION OF MEDICAL DEVICES

17. (1) A medical device may only be disposed into a municipal sewerage system conditional to meeting the requirements of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), municipal by-laws regulating sewerage systems and disposal and according to the instructions provided by the original manufacturer.

(2) The destruction or disposal of a medical device must be conducted in such a manner to ensure that the medical device cannot be salvaged or reprocessed.

(3) A medical device which contains a scheduled substance must only be destroyed by a waste treatment facility authorised in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

(4) A medical device which contains a scheduled substance shall be destroyed in accordance with the provisions of regulation 44 of the General Regulations made in terms of the Act (*Government Gazette* 41064, Government Notice 859) 2017 as amended.

(5) The waste treatment facility must issue a certificate and maintain a record of the destruction contemplated in sub-regulation (3) which shall contain the following information:

(a) the name of the medical device which contains a scheduled substance, if known; or and the schedule of the scheduled substance concerned;
(b) the quantity of the medical devices destroyed;
(c) the date of destruction of the medical device
(d) the name and designation of the person in whose presence such destruction took place; and
(e) any other information as determined by the Authority.

CONDUCT OF CLINICAL TRIAL OR CLINICAL PERFORMANCE ASSESSMENT

18. (1) A person desiring to initiate or conduct a—

(a) clinical trial in respect of a medical device; or
(b) clinical performance assessment in respect of an IVD,

must apply on an application form obtainable from the office of the Chief Executive Officer to the Authority for authorisation to conduct such a clinical trial or clinical performance assessment.

(2) The application referred to in sub-regulation (1) must be accompanied by the prescribed fee and must contain at least the following information:

(a) A clinical trial or clinical performance assessment protocol;

(b) an investigator's brochure containing, where applicable, relevant pre-clinical, mechanical, electrical and radiation data and where applicable, human or animal safety and performance clinical data about the medical device concerned;

(c) the curriculum vitae of the investigator;

(d) a signed declaration by the applicant and the investigator that they are familiar with, and understand the protocol, and will, in the conduct of the clinical trial, comply with Good Clinical Practice as determined by the Authority;

(e) participant information form and informed consent documents in the case of human trials or owner consent document in the case of animal trials;

(f) approval of the clinical trial and clinical performance assessment by—

(i) any health research ethics committee registered with the National Health Research Ethics Council in terms of the National Health Act, 2003 (Act No, 61 of 2003); or

(ii) in the case of research on animals, an Animal Ethics Committee, which must conform to SANS 10386; and

(g) the name and physical address of the institution where the clinical trial or clinical performance assessment will be conducted.

(3) The clinical trial or clinical performance assessment protocol referred to in sub-regulation (2)(*a*) must contain at least the following information:

(a) The number of human or animal subjects, as applicable, to be involved in the clinical trial or clinical performance assessment;

(b) the names of all the investigators who must be—

(i) appropriately qualified and competent persons;

(ii) resident in the Republic; and

(iii) in charge of the sites where clinical trials or clinical performance assessments are conducted;

(c) the quantity of the medical devices under investigation to be used in the clinical trial or clinical performance assessment;

(d) information in respect of the design, manufacture and expected performance of the medical device;

(e) proof of current training in Good Clinical Practice of all investigators;

(f) in the case of trials involving human participants, proof of current, relevant and appropriate-

(i) study insurance for all participants undertaken by the applicant referred to in sub-regulation (1);

(ii) professional indemnity insurance for investigators; and

(g) any other information determined by the Authority.

(4) A clinical trial or a clinical performance assessment must be conducted in accordance with the guidelines for good clinical practice determined by the Authority.

(5) A person may not conduct a clinical trial or a clinical performance assessment referred to in sub-regulation (1), without the authorisation of the Authority.

(6) The person conducting the clinical trial or clinical performance assessment must submit to the Authority—

(a) progress reports after every six months from the date when the clinical trial or clinical performance assessment was started, and 30 days after the completion or termination of the clinical trial or clinical performance assessment; and

(b) adverse event reports immediately or as soon as practically possible.

(7) The Authority may—

(a) request additional information;

(b) inspect the site of a clinical trial or clinical performance assessment; or

(c) withdraw the authorisation to conduct a clinical trial or clinical performance assessment, if the Authority is of the opinion–

(i) that the safety of the subjects of the clinical trial or clinical performance assessment is compromised; or

(ii) that the scientific reasons for conducting the clinical trial or clinical performance assessment, have changed.

(8) The following information for a medical device referred to in sub-regulation (1) must be provided, where applicable:

(a) The intended purpose of the medical device under investigation in the proposed clinical trial or clinical performance assessment;

(b) the populations and indications for which the medical device under investigation is intended;

(c) the name or number of the model or type, including software version and accessories, if any, to permit full identification; and

(d) a description as to how traceability is to be achieved during and after the clinical trial or clinical performance assessment such as by assignment of batch numbers, or serial numbers.

(9) The medical device under investigation must—

(a) where practical, be labelled with the name and physical address of the premises where the clinical trial or clinical performance assessment is to be carried out; and

(b) be labelled "for investigational use only".

(10) The Authority may, subject to such conditions as may be determined by the Authority, authorise the conduct of a clinical trial or clinical performance assessment and may require approval in terms of section 21 of the Act.

VIGILANCE

19. (1) A holder of a licence in terms of section 22C(1)(*b*) or a holder of a certificate of registration in respect of a medical device, must inform the Authority, in the manner and within the time frame as determined by the Authority, of any—

(a) new or existing quality, safety or performance concerns related to any medical device, including but not limited to adverse events; and

(b) risk management activities associated with paragraph (a).

(2) An authorised representative of a holder of a licence in terms of section 22C(1)(*b*) or a holder of a certificate of registration referred to in sub-regulation (1) must maintain or have access to records of the reports and case reports referred to in sub-regulation (1) above.

(3) A health care provider, veterinarian or any other person should inform the Authority, in the manner as determined by the Authority, of any—

(a) suspected adverse events; or

(b) new or existing safety, quality or performance concerns,

occurring as a result of the use of any medical device.

(4) Any person referred to in sub-regulation (1) must-

(a) whenever requested by the Authority, conduct a concise critical analysis of the safety, quality or performance of the medical device submit the results thereof to the Authority within a specified time frame;

(b) in the case where, after receipt of the results referred to in paragraph (*a*), the Authority determines that the medical device may not be safe to use, submit to the Authority, if required to do so—

(i) case reports of all suspected or actual adverse events in respect of the medical device;

(ii) where applicable the usage figures of the medical device, as well as periodic safety update reports and performance studies; and

(iii) any other data as requested by the Authority; and

(c) keep and maintain or have access to records of the adverse event data in respect of the medical device.

(5) Sub-regulations (1), (2) and (3) apply in the case of registered and unregistered medical devices sold or used.

(6) A user who becomes aware of an adverse event caused or suspected of being caused by a medical device during the process of using or conducting post-marketing surveillance, must report the event to the holder of a licence in terms of section 22C(1)(*b*), holder of a certificate of registration in respect of a medical device, the authorised representative or the Authority.

(7) Nothing in this regulation must be interpreted as prohibiting any person from reporting any adverse event, safety, quality or performance concern caused or suspected of being caused by a medical device.

A MEDICAL DEVICE THAT IS CUSTOM-MADE

20. (1) A medical device that is custom made may only be manufactured, imported or exported and sold in compliance with the guidelines as determined by the Authority.

RECORD OF CLASS D MEDICAL DEVICE, IMPLANTABLE CUSTOM-MADE MEDICAL DEVICE OR ACTIVE CUSTOM-MADE MEDICAL DEVICE

21. (1) A permanent record in respect of a Class D medical device, implantable custom-made medical device or an active custom-made medical device must be kept by the health establishment where such medical device is sold to the patient, and must contain the following information:

(a) the name and model of the medical device used;
(b) the nomenclature system code, where applicable;
(c) the name of the manufacturer of the medical device used;
(d) the batch number or serial number of the medical device used, where applicable;
(e) the expected life of the medical device used;
(f) the name, identification number and physical address of the patient;
(g) where applicable, the name of the user and, in the case of an implantable medical device, the person responsible for the implantation of the medical device;
(h) the name and physical address of the health establishment;
(i) the name of the designated health care provider or veterinarian; and
(j) the date of use of the medical device.

(2) The permanent record in terms of sub-regulation (1) must be retained by the health establishment or health care provider or veterinarian for a period of at least five years beyond the expected life of the medical device.

(3) In the case of a Class D medical device, implantable custom-made medical device or an active custom-made medical device a record must be kept and shall contain the following particulars:

(a) the date of sale;

(b) the name, make and model of the medical device;

(c) the name and physical address of every purchaser;

(d) the quantity sold; and

(e) the nomenclature system code, batch number, or serial number, where applicable.

(4) A record referred to in sub-regulation (3) must be kept–

(a) in the case of a Class D medical device by the holder of a licence in terms of section 22C(1)(*b*); or

(b) in the case of an implantable or an active custom-made medical device, by the person authorised by virtue of his or her professional qualification to order the manufacture of such medical device, for a period of fifty years from the date of sale.

(5) For the purposes of this regulation "active custom-made medical device" means any custom-made medical device for which the operation depends on a source of electrical energy or any source of power, other than that directly generated by the human body or gravity which acts by converting this energy.

ADVERTISING OF MEDICAL DEVICES

22. (1) A medical device may be advertised to a health care provider or veterinarian.

(2) A Class A and Class B medical device may be advertised to the public.

(3) A Class C and a Class D medical device may only be advertised to the public as determined by the Authority.

(4) An advertisement for a medical device may not contain a statement or claim which deviates from, is in conflict with or goes beyond—

(a) in the case of a registered medical device, evidence submitted in the application for registration of the medical device with regard to its safety, quality, or performance where the evidence has been—

(i) accepted by the Authority in respect of the medical device; and

(ii) incorporated into the approved instructions for use of the medical device; or

(b) in the case of an unregistered medical device, evidence available to meet the essential principles.

(5) An advertisement for a medical device must contain—

(a) the name of the medical device;

(b) the intended purpose of the medical device;

(c) any contra-indication or warning;

(d) in the case of a written advertisement—

(i) the class of the medical device;

(ii) the name of the licence holder in terms of Section 22C(1)(*b*), where applicable; and

(iii) in the case of a registered medical device, the name and physical address of the holder of the certificate of registration and the registration number allocated to the medical device; and

(e) in the case of a Class C or Class D medical device, written information including at least the information referred to in regulation 6 or regulation 7, as the case may be, must be available to the health care provider or veterinarian.

EXHIBITION OR APPRAISAL OF MEDICAL DEVICES

23. (1) A Medical device made available for exhibition or demonstration may not be used for clinical purposes and must be clearly labelled "***For exhibition / demonstration purposes only – Not for clinical use***"—

(a) on the medical device itself or on the packaging of each unit; and

(b) on the packaging of multiple medical devices.

(2) A medical device may be made available for appraisal which may include training on the use of the medical device, provided that—

(a) the quantity supplied is limited to the quantity required for the purpose of such appraisal;

(b) such medical device is made available only to a health care provider or veterinarian that is appropriately qualified and informed in order to use or direct the use of the medical device;

(c) the full instruction for use of the medical device is available;

(d) a record of the:

(i) name and make of the medical device and model of the medical device, as applicable;

(ii) name of the original manufacturer of the medical device;

(iii) classification of the medical device as per regulation 4;

(iii) nomenclature system code of the medical device;

(iv) batch number or serial number of the medical device;

(v) control number or version number of the accessory or software as applicable;

(vi) name and qualification of the health care provider or veterinarian who conducts the appraisal;

(vii) name of the health establishment or place where the appraisal is conducted;

(viii) date of appraisal of the medical device; and

(ix) a written report of the appraisal, is available; and

(e) any adverse event experienced during the appraisal of the medical device is reported to the Authority.

APPEAL AGAINST THE DECISION OF THE AUTHORITY

24. (1) An entity or person who is aggrieved by the decision or lack of decision of the Authority may according to section 24A (1) and (2) of the Act, lodge an appeal to the Chief Executive Officer.

(2) Such appeal shall be submitted to the Chief Executive Officer within 30

days of becoming aware of the Authority's decision: -

(a) The appellant must submit a letter of appeal regarding the Authority's decision on the company's letterhead (where it is applicable), and the letter should be accompanied by supporting documents/information where possible;

(b) The Chief Executive Officer must within 30 days of receipt of the appeal meet and hear the applicant's grievance or complaint, in the absence of legal representatives, to try and resolve the matter;

(c) The Chief Executive Officer shall consider the applicant's submission and take a decision;

(d) The Chief Executive Officer shall inform the applicant of the outcome of the appeal in writing; and

(e) The Chief Executive Officer may uphold or reject an appeal, and in the event the appeal is rejected, the Chief Executive Officer must provide the applicant with written reasons thereof.

(3) Should the Chief Executive Officer and the appellant fail to resolve the matter, Section 24A (3) of the Act, provides that the appellant shall within 30 days of being notified by the Chief Executive Officer of the failure to resolve the matter and upon payment of a prescribed fee, request the Minister in writing to convene an appeal committee in terms of Section 24A (3) of the Act.

(4) The appeal committee shall: -

(a) be appointed within 30 days of receipt of the notice referred to above;

(b) determine the procedure for its hearings; and

(c) if it deems necessary, call for oral evidence or argument or summon any person who:-

(i) in its opinion may be able to give information concerning the subject of the appeal; or

(ii) it believes has in his or her possession or under control any document which has a bearing on the subject of the appeal, to appear before it at a time and place specified in the summons, to be asked questions or to produce any such document.

(d) if it calls for oral evidence or argument, -

(i) determine the date, time and place for the appeal and shall communicate these in writing to the appellant and the Minister; and

(ii) administer an oath to or accept an affirmation from any person called as a witness at the appeal.

(5) Persons appearing before an Appeal Committee may be represented by a legal practitioner.

(6) The Appeal Committee may –

(a) set aside or confirm the decision of the Authority;

(b) vary the decision of the Authority;

(c) direct the Authority to reconsider any matter; or

(d) make any finding that is just and equitable in the circumstances.

INVESTIGATIONS

25. The Authority may conduct an investigation with regard to a medical device if—

(a) the medical device is recalled in South Africa or any other country;

(b) an adverse event is reported in South Africa or any other country;

(c) the medical device is suspected or found not to comply with the requirements of the Act;

(d) there is an international alert with regard to the medical device; or

(e) for any other reason, the Authority considers it necessary to conduct an investigation on the medical device.

METHOD OF TAKING A SAMPLE DURING INVESTIGATION, CERTIFICATE TO BE ISSUED AND REPORTING OF RESULTS

26. (1) A sample taken in terms of section 28(1)(*b*) of the Act must—

(a) be taken in the presence of the authorised representative, or in the absence of that person, in the presence of any witness present;

(b) suitably labelled or marked;

(c) be taken and stored in such a manner as to ensure its integrity during the entire examination process of the sample;

(d) packed, sealed or transmitted, as applicable in such a manner as its nature may permit; or

(e) be transmitted by any suitable means to a person referred to in section 27 of the Act.

(2) An inspector may, in terms of these Regulations, identify and take the required sample during a routine inspection, from a holder of a licence issued in terms of section 22C(1)(*b*) or the holder of a certificate of registration of a medical device, for testing, examination or analysis.

(3) Any sample in sub-regulations (1) and (2) must be accompanied by the certificate in terms of section 28(2)(*a*)(iii) of the Act signed by the inspector, a copy of which shall be issued to the person in sub-regulation(1)(*a*) by the inspector.

(4) The certificate in sub-regulation (3) shall be supplied to the Chief Executive Officer within seven days from the date of issue.

(5) The person authorised in terms of section 27 of the Act must, as soon as possible after receipt of the sample, test, examine or analyse the sample and report the results of such test, examination or analysis to the Authority.

(6) The Authority may require a holder of a licence in terms of section 22C(1)(*b*), the holder of a certificate of registration of a medical device or a health establishment to supply the Authority with a sample of a particular medical device in order to test, examine or analyse the sample.

(7) In the case of a medical device where a sample cannot be taken, an onsite test, examination or analysis may be conducted by an inspector or a person authorised in terms of section 27 of the Act.

COMPLIANCE WITH REQUIREMENTS

27. (1) Every medical device must comply with—

(a) the essential principles as determined by the Authority; and

(b) any declaration of conformity furnished to the Authority, with regard to such medical device.

(2) Any proposed change or deviation related to the essential principles or declaration of conformity in sub-regulation (1) must be submitted and approved as determined by the Authority.

OFFENCES AND PENALTIES

28. (1) A person who fails to comply with, contravenes the provisions of, or wilfully furnishes incorrect information in respect of—

(a) regulation 2 or 3 with regard to the importation or transmission of medical devices;

(b) regulation 5 with regard to the labelling of medical devices;

(c) regulation 6 with regard to the instructions for the use of a medical device which is not an IVD;

(d) regulation 7 with regard to the instructions for use of an IVD;

(e) regulation 12 with regard to the licence to manufacture, distribute or wholesale medical devices;

(f) regulation 17 with regard to the destruction of medical devices;

(g) regulation 18 with regard to the conduct of clinical trials;

(h) regulation 19 with regard to reporting of adverse events and vigilance;

(i) regulation 22 with regard to the advertising of medical devices; or

(j) regulation 27 with regard to the compliance with requirements,

is guilty of an offence and upon conviction is liable to a fine, or to imprisonment for a period not exceeding 10 years or to both fine and imprisonment.

(2) A person who sells a medical device that has expired is guilty of an offence and upon conviction is liable to a fine, or to imprisonment for a period not exceeding 10 years or to both fine and imprisonment.

TRANSITIONAL ARRANGEMENTS REGARDING UNREGISTERED MEDICAL DEVICES

29. (1) An unregistered medical device sold in the Republic subject to regulation 8, is considered to be sold legally until such time as the call-up notice period referred to in sub-regulation (2), for the medical device, has expired.

(2) The Authority must from time to time, issue a notice in the Gazette calling for the registration of medical devices which notice must stipulate which class of medical device must be registered.

(3) Despite sub-regulation (1), the Authority may require a medical device to comply with the requirements that the Authority may determine in order to ensure that the medical device meets the essential principles.

REPEAL OF LAWS

30. Regulations Relating to Medical Devices and in vitro Diagnostic Medical Devices (IVD), Government Notice No. 1515 published in Government *Gazette* No. 40480 of 09 December 2016 are hereby repealed.

SHORT TITLE

31. These Regulations are called Regulations relating to Medical Devices, Amendment 2023.

SCHEDULES

Annexure 1

Certificate of registration for a medical device

MEDICINES AND RELATED SUBSTANCES ACT 1965, (ACT NO. 101 OF 1965)

MEDICAL DEVICE REGISTRATION CERTIFICATE

It is hereby certified that registration of the medical device described below has been approved by the Authority subject to the conditions indicated.

1. Product Name.....
2. Registration number .....
3. Class of medical device.....
4. In the case of a medical device which contains a scheduled substance the name and quantity of the active ingredient(s), or biological substance(s)
5. Nomenclature system code .....
6. Conditions under which the medical device is registered .....
7. Registered in the name of (holder of certificate of registration) .....
8. Name and physical address of the original manufacturer .....
9. Name and physical address of the licensed manufacturer or distributor .....
10. Date of registration.....

Chief Executive Officer

Issued

at.....on.....20.....

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 3818 **25 August 2023**

HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)

NOTICE PUBLISHED IN TERMS OF REGULATION 18(1) OF THE REGULATIONS FOR THE REGISTRATION OF PRIVATE HIGHER EDUCATION INSTITUTIONS, 2016 READ WITH SECTIONS 62(1) AND 63(a) AND (b) OF THE HIGHER EDUCATION ACT, 1997: PUBLICATION OF CANCELLATION OF THE REGISTRATION OF STELLENBOSCH GRADUATE INSTITUTE (PTY) LTD AS A PRIVATE HIGHER EDUCATION INSTITUTION

I, Dr Nkosinathi Sishi, Director-General of the Department of Higher Education and Training and the Registrar of Private Higher Education Institutions, in terms of Regulation 18 (1) of the Regulations for the Registration of Private Higher Education Institutions, 2016 (the Regulations) read with sections 62(1) and 63(a) and (b) of the Higher Education Act, 1997 (Act No. 101 of 1997) (the Act), hereby publish the decision to cancel the registration of Stellenbosch Graduate Institute (Pty) Ltd as a private higher education institution, by Notice in the Government Gazette, since it has voluntarily ceased to provide higher education as contemplated in the Act read with the Regulations.

Dr N Sishi
Director-General: Higher Education and Training
Date: 2023 / 07 / 15

DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATIONS

NO. 3819 **25 August 2023**

AFRICAN RENAISSANCE AND INTERNATIONAL COOPERATION FUND ACT, 2000 (ACT NO. 51 OF 2000)

AFRICAN RENAISSANCE AND INTERNATIONAL COOPERATION FUND AMENDMENT BILL, 2022

The Minister of International Relations and Cooperation intends to publish the African Renaissance and International Cooperation Fund Amendment Bill in the Government Gazette for public comment.

Interested persons are invited to submit, within 30 days from the date of the publication of this Notice, any written comments or representations on the proposed ARF Amendment Bill to the Director-General, Department of International Relations and Cooperation, Private Bag X152, Pretoria, 0001 (for attention of Mr Zane Dangor), or hand deliver to 460 Soutpansberg Road, Rietondale, Pretoria, 0084 (For attention of Abigail Mulanndwa) or alternatively email to ARFAmendmentBill@dirco.gov.za).

G.N.M. Pandor

DR GNM PANDOR
MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION
DATE 2-8-2023

REPUBLIC OF SOUTH AFRICA

AFRICAN RENAISSANCE AND INTERNATIONAL CO-OPERATION FUND AMENDMENT BILL, 2022

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

(MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION)

[Bill - 2022]

GENERAL EXPLANATORY NOTE:

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

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

B I L L

To amend the African Renaissance and International Co-operation Fund Act 51 of 2000 so as to amend and insert certain definitions; to rename the African Renaissance Fund to the South African Development Partnership Agency; to provide for the management, support and facilitation of South Africa's outgoing development cooperation and assistance and to provide for matters connected therewith.

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

Amendment of section 1 of Act 51 of 2000

1. Section 1 of the African Renaissance and International Co-operation Fund Act, 2000 ("hereinafter referred to as the Principal Act") is hereby amended by-

(a) the insertion of the following definitions before the definition of "Department":

"**'Agency'** means the South African Development Partnership Agency;";

"**agreement'** means a memorandum of understanding, service level agreement, contract or international agreement;

"Chief Executive Officer' means the Chief Executive Officer of the Agency referred to in section 5;

"Committee' means the Advisory Committee referred to in section 5(1) ;";

(b) the substitution for the definition of "Department" of the following definition:

"Department' means the Department of **[Foreign Affairs]** International Relations and Cooperation;";

(c) the insertion after the definition of "Director-General" of the following definition:

"development partner' means an entity that includes, but is not limited to, organs of state, private enterprises, foreign governments, foreign agencies, individuals, foundations or charitable organisations;";

(d) the substitution for the definition of "Fund" of the following definition:

"Fund' means the African Renaissance and International Co-operation Fund **[established by section 2]**;";

(e) the substitution for the definition of "Minister" of the following definition:

"**Minister'** means the **[Minister of Foreign Affairs]** Minister of International Relations and Cooperation;";

(f) the deletion of the definition of **"officer"**; and

(g) the insertion after the definition of "previous Fund" of the following definition:

"PFMA' means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(h) the insertion before the definition of "repealed Act" of the following definition:

"**Public Service Act'** means the Public Service Act, 1994 (Proclamation No. 103 of 1994);".

Substitution of section 2 of Act 51 of 2000

2. The following section is hereby substituted for section 2 of the Principal Act:

"**Renaming of Fund to South African Development Partnership Agency**

2. (1) The Fund is hereby renamed as the South African Development Agency, which is a juristic person and substitutes the Fund listed as an entity in

Schedule 3 to the PFMA .

(2) The money allocated to the Agency consists of –

(a) money appropriated by Parliament to the Agency;

(b) money received by way of repayment of any loan made from the funds of the Agency;

(c) interest received on any loan made from the funds of the Agency, including interest derived from any investment of money standing to the credit of the funds of the Agency;

(d) interest or dividends accruing to the money;

(e) money donated, loaned and invested by Development Partners;

(f) donations or contributions received by the Agency;

(g) the amount appropriated for the operational budget of the Agency"; and

(h) money accruing to the Agency from any other source.;

(3) Any unexpended money held or standing to the credit of the Fund prior to its renaming is hereby ceded, assigned and transferred to the Agency.".

Amendment of section 4 of Act 51 of 2000

4. Section 4 of the Principal Act is hereby amended by-

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

"**Objects of Agency**";

(b) the substitution for the words preceding paragraph (a) of the following:

"The Agency must ensure the efficient and effective management, administration, utilisation and disbursement of the money referred to in section 2(2) in order to advance and enhance South Africa's national interest through –

(c) the substitution for paragraph (a) of the following paragraph:

(a) co-operation between the Republic and other countries **[in particular African countries]**;".

Amendment of section 5 of Act 51 of 2000

5. Section 5 of the Principal Act is hereby amended by-

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

" **Utilisation of money**";

(b) the substitution in subsection (1) for paragraphs (a) to (c) of the following paragraphs:

"(a) the Chief Executive Officer or his or her representative;

(b) the Director-General of the Department or his or her representative;

(c) two additional representatives of the Department;"; and

(c) the addition after paragraph (c) of the following paragraph:

"(d) two representatives of National Treasury.";

(d) the substitution for subsection (2) of the following subsection:

"(2)(a) The Minister must appoint a Chairperson from amongst the members of the Committee.

(b) The Chief Executive Officer may, on an *ad hoc* basis, invite a person who has the relevant expertise or experience in such areas as he or she may determine, to advise the Committee in its consideration of a particular matter.

(c) The Committee must make recommendations to the Minister and the Minister of Finance on the disbursement of funds through loans or other financial assistance as contemplated in subsections (3) and (4).".

(*e*) the substitution for subsection (3) of the following subsection:

"(3) The money must be made available or disbursed upon the recommendation of the Committee and approved by the Minister in consultation with the Minister of Finance.".

Substitution of section 6 of Act 51 of 2000

6. The following section is hereby substituted for section 6 of the Principal Act:

"**Chief Executive Officer**

6. (1) The Minister must appoint a fit and proper and suitably qualified South African citizen as the Chief Executive Officer and accounting authority of the Agency.

(2) The Chief Executive Officer is appointed for a term of five years and may be reappointed for one additional term of five years.

(3) The appointment of the Chief Executive Officer is subject to the conclusion of a written performance agreement entered into between that person and the Minister.

(4) The Minister must determine the remuneration and conditions of service of the Chief Executive Officer.

(5) The Minister may terminate the employment of the Chief Executive Officer in accordance with applicable labour law.

(6) The Chief Executive Officer is entitled to the pension and retirement benefits calculated on the same basis as those of a head of a department in the public service.

Insertion of sections 6A, 6B and 6C in Act 51 of 2000

7. The following sections are hereby inserted after section 6 of the Principal Act:

"**Functions of Chief Executive Officer**

6A.(1) The Chief Executive Officer is responsible for the-

(a) management of the Agency subject to the direction of the Minister;

(b) performance of functions, including the provision of secretarial services to the Committee in order to give effect to the objects of the Agency as provided for in section 4;

(c) compilation of a business and financial plan, including the procedures for the mobilisation of funding, receipt of donations and investments for approval by the Minister;

(d) preparation of internal rules and directives in respect of the management of the Agency and making recommendations in this respect to the Minister;

(e) development of a human resource policy for the Agency for approval by the Minister; and

(f) management of the members of staff of the Agency.

CONTINUES ON PAGE 130 OF BOOK 2

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 698 25 August Augustus 2023 No. 49189

PART 2 OF 2

ISSN 1682-5845

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(2) The Chief Executive Officer is accountable for the management and utilisation of the appropriated operational budget of the Agency, as well as for the disbursement of the money referred to in section 2.

(3) The Chief Executive Officer is accountable to the Minister and must report to him or her on the activities of the Agency.

(4) If the Chief Executive Officer is for any reason unable to perform any of his or her functions, the Minister must, in writing, appoint another person as Acting Chief Executive Officer until the Chief Executive Officer is able to resume those functions.

(5) The Chief Executive Officer may, in writing and on such conditions as he or she may determine, delegate any power or duty of the Chief Executive Officer to a senior member of the staff of the Agency.

Staff of Agency

6B.(1) The Chief Executive Officer must appoint members of staff of the Agency in accordance with the human resource policy of the Agency referred to in section 6A(1)(e).

(2) The Minister must, after consultation with the Chief Executive Officer, determine a code of conduct applicable to members of staff of the Agency to ensure compliance with the applicable law and for the promotion and maintenance of a high standard of professional ethics.

(3) A person employed by the Agency becomes a member of the Government Employees' Pension Fund mentioned in section 2 of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996) and is entitled to a pension and retirement benefits as if that person were employed in a post in terms of the Public Service Act.

(4) The Agency may utilise persons seconded or transferred from the public service in accordance with the provisions of the Public Service Act.

Conflict of interest

6C.(1) A member of staff of the Agency, including the Chief Financial Officer, must on appointment, submit to the Agency a written statement in which he or she declares whether or not he or she has any direct or indirect interest, financially or otherwise, which-

(a) may constitute a conflict of interest in respect of his or her functions as a member of staff of the Agency; or

(b) may reasonably be expected to compromise the Agency in the performance of its functions.

(2) If a member of staff of the Agency, including the Chief Executive Officer, acquires an interest contemplated in subsection (1), he or she must immediately in writing declare that fact to the Minister.

(3) A member of staff of the Agency, including the Chief Executive Officer, may not be present at, or take part in, the discussion of or the taking of a decision on any matter before the Agency in which that member has an interest contemplated in subsection (1).

(4) A member of staff of the Agency, including the Chief Executive Officer, may not use his or her position or privileges, or confidential information obtained as a member of staff of the Agency, for personal gain or to improperly benefit another person.

(5) A member of staff of the Agency, including the Chief Executive Officer, who fails or refuses to comply with subsections (1), (2), (3) or (4) may be subjected to disciplinary measures provided for in the applicable employment and labour laws and the PFMA.

(6) The Agency must keep a register of the interests of members of staff disclosed in terms of subsection (1) and must update that register from time to time.".

Substitution of section 7 of Act 51 of 2000

8. The following section is hereby substituted for section 7 of the Principal Act:

"**Unexpended money**

7.(1) Any money referred to in section 2 which is not required for immediate use, must be invested by the Chief Executive Officer and may be withdrawn when required.

(2) Any unexpended money at the close of any financial year must be carried forward as a credit to the next succeeding financial year.".

Short Title and commencement

9. This Act is called the African Renaissance and International Co-operation Fund Amendment Act, 2022 and takes effect on a date determined by the

President by proclamation in the *Gazette*.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3820 **25 August 2023**

COMPETITION COMMISSION SOUTH AFRICA

NOTICE IN TERMS OF SECTION 10(6) OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED): THE SOUTH AFRICAN GUILD OF ACTORS AND THE PERSONAL MANAGERS ASSOCIATION

1. Notice is hereby given in terms of section 10(6)(a) of the Competition Act, No. 89 of 1998, as amended ("the Competition Act") that, the South African Guild of Actors ("SAGA") and its members and the Personal Managers Association ("the PMA") and their members (collectively referred to as the "Applicants") has applied to the Competition Commission ("the Commission") for an exemption in terms of Sections 10(3)(b)(ii) and 10(3)(b)(v) of the Competition Act.

2. On 17 October 2022, SAGA and the PMA filed for an exemption in terms of section 10(1) of the Competition Act which allows a firm to apply to the Commission to exempt an agreement, a practice and/or a category of agreements from the provisions of Chapter 2 of the Competition the Act.

3. SAGA and the PMA are non-profit organisations registered with the Companies and Intellectual Property Commission under registration number 2012/1073405/108. SAGA was established in 2012 with the main purpose being to represent and protect the legal and economic rights of professional performers in the film, television, stage, commercial, voice over and corporate sectors. SAGA's principal place of business at 357 Cork Avenue, Ferndale Randburg.

4. The PMA was established in 1980 with its main objective to implement and facilitate ethical best practice, cooperation and communication among agents/managers and all role-players in the entertainment industry for the benefit and betterment of professional performers and the industry. PMA's principal place of business at 93 Clovelly Road, Greenside, Johannesburg.

5. SAGA membership is open to final year students at tertiary institutions studying performing arts, aspirant professionals in the early stages of their career, and any actor legally entitled to work in South Africa, who is engaged or about to be engaged as an actor in the film/television/theatre/radio industry. PMA membership is open to professional performers' agencies in South Africa.

6. In their exemption application, SAGA and PMA rely on the objectives set out in:

   6.1 Section 10(3)(b)(ii) of the Competition Act, which allows for the promotion of the effective entry into, participation in or expansion within a market by small and medium businesses, or firms controlled or owned by historically disadvantaged persons; and

   6.2 Section 10(3)(b)(v) of the Competition Act, which allows the competitiveness and efficiency gains that promote employment or industrial expansion.

7. SAGA and PMA submit that in the case of Performers, standardised agreements may, on the face of it, substantially lessen or prevent competition but may aid the industry with the promotion of employment and expansion of Performers in the entertainment industry immensely.

8. The exemption application covers the following practices by SAGA and PMA:

   8.1. To collectively coordinate, communicate and exchange information to design guideline rate cards with minimum rates for Performers as related to the skill and experience of a Performer when they provide intellectual property services in the entertainment industry;

8.2. To collectively coordinate, negotiate and conclude collective agreements as relating to trading conditions in industry standard agreements with Production Houses, Broadcasters, Studios, Advertisers, or Private Companies;

8.3. To collectively negotiate and implement standardised trading terms in in the industry standard contracts between Performers and Production Houses, Broadcasters, Studios, Advertisers or Private Companies); and

8.4. to pool resources in order to achieve all of the above to benefit Performers whilst still maintaining the individual brands of the Applicants.

9. SAGA and the PMA are not competing associations, but they represent competing Performers (persons). In the case of SAGA, it represents individual Performers who mostly are historically disadvantaged persons. In the case of the PMA, it represents Agents/Managers who are contracted to individual Performers and receive a commission for managing the Performers. Accordingly, the above conduct(s) may constitute a prohibited practice and contravention of Sections 4(1)(a), 4(1)(b)(i), and 5(1) of the Competition Act.

10. SAGA and the PMA submit that the conduct is necessary to achieve the objectives under Sections 10(3)(b)(ii) and 10(3)(b)(v) of the Competition Act. It is imperative that the exemption be granted so as to allow the Applicants through their collective coordination, communication, exchange of information on trading conditions in standard agreements and in developing minimum fees rate cards would enable a platform to negotiate trading conditions for Performers that ensures effective entry, participation and expansion of junior, intermediate, and senior performers, who mostly are historically disadvantaged persons, within the market of the provision of intellectual property services in the entertainment industry. The rate cards and the standardised trading conditions in standard agreements would transform an industry that has been plagued by Performers who are not, at times, remunerated correctly and/or are pressured into accepting remuneration/fees that do not ensure their effective participation in the entertainment industry thus meaningful transformation of the sector in terms of remuneration or fees, particularly for historically disadvantaged persons.

11. SAGA and the PMA are requesting the Commission to grant them an exemption of 5 (five) years from date of the Commission's decision.

12. Notice is hereby given in terms of section 10(6)(b) of the Competition Act to allow interested parties twenty (20) business days from the date of the publication of this notice to make written representations to the Commission as to why the exemption should, or should not, be granted.

13. All representations, queries and submissions must be directed to:

Ms Nyadzani Mabasa/ Mr Godknows Giya

Competition Commission South Africa

Market Conduct Division

Private Bag X23

Lynnwood Ridge

0040

or by email: GodknowsG@compcom.co.za / NyadzaniM@compcom.co.za

In correspondence kindly refer to the following case number: 2022OCT0030

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3821 **25 August 2023**

NOTICE IN TERMS OF SECTION 10(7) OF THE COMPETITION ACT NO. 89 OF 1998 (AS AMENDED): MARANG AFRICA HEALTHCARE PROPRIETARY LIMITED GRANTED CONDITIONAL EXEMPTION

Previous Conditional Exemption 1 June 2021 – 1 December 2022

1. On 5 October 2020, Marang Healthcare Proprietary Limited ("Marang Health") filed an application for exemption ("the application") in terms of section 10(1) of the Competition Act 89 of 1998, as amended ("the Act") to be exempted from certain provisions of chapter 2 of the Act for a period of 10(ten) years.

2. Marang Health is a wholly owned subsidiary of Marang Global Capital Proprietary Limited (Marang Global) that was established in 2015 as a financial advisory firm focusing on healthcare investments, healthcare finance, and healthcare asset finance. Marang Health is a private company registered in accordance with the laws of South Africa.

3. The application for the exemption relates to the agreements and/or practices between Marang Health and Mediclinic Southern Africa Proprietary Limited (Mediclinic) under the establishment of an operating company ("OpCo") which will include the determination and negotiation of tariffs by Mediclinic on behalf of Marang Health and each of the Marang Health Hospitals.

4. Marang Health requested permission to:

   4.1. Enter into a partnership agreement where Mediclinic obtains a 25% equity stake in the OpCo; and

   4.2. Have Mediclinic manage and operate the OpCo which includes negotiating and setting tariffs on behalf of Marang Health and each of Marang Health's hospitals. The exemption sought was for a period of 10 years.

5. In its application, Marang Health relied on the objectives set out in section 10 (3)(b)(ii) of the Act which allows the exemption of agreements and/or practices that promote effective entry into, participation in or expansion within a market by small and medium businesses or firms controlled or owned by HDPs.

6. The Commission's investigation revealed the following:

6.1. The envisaged conduct of Marang Health and Mediclinic would result in a contravention of section 4(1)(b)(i) of the Act.

6.2. There are funding challenges facing Marang Health as a potential new entrant into the private healthcare sector. Furthermore, the Commission considered the importance of access to private healthcare in the township communities and the stringent conditions placed by investors as prerequisites to providing funding.

6.3. The Commission considered the impact of not granting the exemption would have regarding access to quality private health care in the four townships (KwaMashu Durban, Kagiso Johannesburg, Motherwell Port Elizabeth and Khayelitsha Cape Town).

6.4. The Commission remained concerned about some unintended consequences that could occur by granting a long-term exemption without any due consideration of actual agreements at our disposal. Given the history of acquisitions of smaller hospital players by large hospital groups, the Commission remains concerned about incumbent entities taking over running the hospitals for extended period of time. This practice is detrimental to new entrants and limited skills transfer may occur which reverses the grounds on which this exemption is anchored on. Equally, the Commission remained concerned about other practises by established hospital groups such as acquiring hospital licences from new entrants which may not lead to transformation in the private healthcare industry.

6.5. The proposed period of 10 (ten) years was therefore problematic because a) there is no firm agreement between Marang Health and Mediclinic b) currently there is no clear plan that will facilitate Mediclinic's exit after the exemption period and, c) a skills transfer strategy still has to be developed to facilitate Marang Health to take over the hospital operations when the exemption expires. It is therefore appropriate that the Commission took caution by not granting this exemption for a period of 10 years without assessing the agreements. In addition, the Commission requires thorough assessment of any agreements that are entered into with any of the established hospital groups given the concentrated private health care market in South Africa and the history of acquisitions.

7. In light of the above, the Commission granted Marang Health a conditional exemption for 18 months commencing on 01 June 2021 and ending on 01 December 2022 ("**Previous Conditional Exemption**"). The Previous Conditional Exemption was granted based on the information submitted to the Commission by Marang Health and other stakeholders.

Therefore, this exemption does not prevent Marang Health from being investigated and prosecuted under the Competition Act for any conduct outside the scope of the application.

Current Conditional Exemption 09 December 2022 – 10 June 2023

8. The Commission is aware of the difficulties Marang and Mediclinic have encountered during the due diligence process. These difficulties have resulted in delays which meant that Mediclinic has not been able to conclude its due diligence and enter into the final agreements for the Commission to review before 01 December 2022 as required by the Previous Conditional Exemption.

9. The Commission considered the practical issues encountered by the parties in their attempts to comply with the terms of the Previous Conditional Exemption and found that a further 18-month period is appropriate to enable Marang Health to continue engaging in further discussions with Mediclinic and to conclude all the necessary agreements.

10. Accordingly, the Commission grants a conditional exemption on the basis of the same application which was considered and granted on 1 June 2021, for a further period of **18 months from 09 December 2022 to 10 June 2024** to allow for the finalisation of all agreements between Marang Health and Mediclinic. The granting of the Current Conditional Exemption is thus occasioned by the expiration of the Previous Conditional Exemption and the request for an extension by the parties.

11. As part of the Conditions attached to the Current Conditional Exemption, Marang Health is required to submit to the Commission an update report every six months from the date of the granting of this Exemption detailing the progress they have made in compliance with the purpose of the granting of the Current Conditional Exemption, namely, to conclude the due diligence process and finalise the agreements.

12. Accordingly, notice is hereby given in terms of Section 10(7) of the Competition Act regarding the Commission's decision to grant this exemption. The Applicant and any other person with a substantial material interest affected by this decision may appeal it to the Competition Tribunal in the prescribed manner in terms of Section 10(8) of the Competition Act.

13. Further queries should be directed to:

Derrick Bowles

Market Conduct Division

Email: DerrickB2@compcom.co.za

14. Kindly refer to the following case number: **2020Oct0008** when sending correspondences in relation to this Notice.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

GENERAL NOTICE 1987 OF 2023

PLEASE FIND SET OUT BELOW A LIST OF BARGAINING COUNCILS THAT HAVE BEEN ACCREDITED BY THE CCMA IN TERMS OF THE PROVISIONS OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED) FOR CONCILIATION AND/ OR ARBITRATION AND/ OR INQUIRY BY ARBITRATOR, WITH THE TERMS OF ACCREDITATION ATTACHED FOR THE PERIOD 01 SEPTEMBER 2023 TO 31 AUGUST 2026

BARGAINING COUNCILS ACCREDITED TO CONDUCT CONCILIATION AND ARBITRATION, SUBJECT TO CONDITIONS WHERE APPLICABLE
(RENEWAL OF ACCREDITATION AS WELL AS THE SUBSIDY AMOUNT PAYABLE PER CLOSED CASE IS R736.75 AS FROM 01 APRIL 2023 (FOR 2023/2024 FINANCIAL YEAR ONLY))

Name of Council	Accredited Functions
PRIVATE SECTOR BARGAINING COUNCILS	
National Bargaining Council for the Civil Engineering Industry	Accredited for conciliation and arbitration (which includes inquiry by arbitrator) from **01 September 2023 until 31 August 2026** on condition that the Dispute Resolution Agreement is extended to non-parties. Subject to the terms set out in the accompanying attachment.
Building Industry Bargaining Council – (Southern and Eastern Cape)	Accredited for conciliation and arbitration from **01 October 2023 until 30 September 2026** subject to the terms set out in the accompanying attachment.

(RENEWAL OF SUBSIDY)

The Governing Body of the CCMA resolved to grant renewal of subsidy to the following Bargaining Councils:

1. National Bargaining Council for the Civil Engineering Industry
2. Building Industry Bargaining Council – Southern and Eastern Cape

TERMS OF ACCREDITATION FOR CONCILIATION, ARBITRATION, AND INQUIRY BY ARBITRATOR

1. SCOPE OF ACCREDITATION:

Herewith categories of disputes for which Councils are eligible to apply for accreditation.

COUNCILS ARE ACCEDITED TO PERFORM THE FOLLOWING DISPUTE RESOLUTIONS FUNCTIONS:

Unfair dismissal disputes	**- Section 191**
Unfair Labour practice	**- Section 191**
Mutual Interest disputes	**- Section 64**
Interpretation of Collective Agreement disputes	**- Section 24 (1)**
Essential Services disputes	**- Section 74**
Pre-dismissal arbitrations	**- Section 188A**
Temporary Employment Service	**- Section 198, 198A, 198B, 198Cand 198D**
Disputes about Interpretation and Application of Chapter 2	**- Section 9**

COUNCILS MAY NOT SEEK ACCREDITATION FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS REGARDING DISPUTES OVER THE FOLLOWING (see FOOTNOTE 11 of SECTION 51):

Organisational rights (sections 16, 21 and 22);

Collective Agreements where the agreement does not provide for a dispute resolution procedure or the procedure is inoperative or any party frustrates the resolution of disputes (section 24(2) to (5));

Agency shops and closed shops (section 24(6) and (7) and section 26(11);

Determinations made by the Minister in respect of proposals made by a Statutory Council (section 45);

The interpretation and application of Collective Agreements of a Council whose registration has been cancelled (section 61(5) to (8));

Demarcation of sectors and areas of Councils (section 62);

The Interpretation or application of Part C (Bargaining Councils), Part D (Bargaining Councils in the Public Service), Part E (Statutory Councils) and Part F (General Provisions concerning Councils) (Section 63);

Picketing (section 69(8) to 10);

Proposals which are the subject of joint-decision making in a workplace forum (section 86);

Disclosure of information to workplace forums (section 89);

Interpretation or Application of the provisions of Chapter 5 of the LRA which deals with workplace forums (section 94);

Enforcement of the Collective Agreements by Bargaining Councils (section 33A) and;

Enforcement of arbitration awards in terms of section 143. Only the Director of the CCMA, unless the power has been delegated to a CCMA Senior Commissioner may certify awards as if it were an order of the Labour Court;

Facilitating mass retrenchment disputes section 189(A).

2. POWERS OF ACCREDITATION:

Only those persons who are accredited by the CCMA, or are part-time Commissioners appointed by the Governing Body of the Commission in the terms of section 117 (2) of the Labour Relations Act, may perform the accreditation functions of the council for the Council.

The following provisions of the LRA, as amended apply to Councils accredited for conciliation and arbitration:

(a) For the purpose of this paragraph any reference in Part C of Chapter VII of the LRA to:
"Commission" must be read as a reference to the Council;

"Commissioner" must be read as a reference to a conciliator or arbitrator appointed by the Council.
"Director" must be read as a reference to the Secretary of the Council.

(b) The provisions of the sections contained in Part C of Chapter VII (section 127(6)) of the LRA shall apply to the Council in the performance of its accredited functions subject to the Council's Constitution and/or Collective Agreements. For the purpose of this sub-paragraph the following applies:

(i) The provisions of section 133 to 136;
(ii) The provisions of section 138 to 142, S142A , S143, S144 and S145;
(iii) The provisions of section 146 unless the Collective Agreement of the Council provides that the Arbitration Act, Act 42 of 1965 applies to any arbitration conducted under its accredited function and which Collective Agreement is binding on the parties to the disputes; and
(iv) The provisions of section 148.

3. EXTENSION OF ACCREDITATION:

Despite the expiry of the period of accreditation as stated in the Certificate of Accreditation, the Council may continue to perform its accredited functions in respect of any dispute referred to it during the period of accreditation, but not yet resolved by the time the period expires, until the dispute is resolved either through conciliation or arbitration.

4. TRANSGRESSION OF TERMS OF ACCREDITATION:

If the accredited Council fails to comply with the terms of accreditation, the Governing Body of the CCMA may revoke accreditation. In terms of section 130 of the LRA, as amended the Governing Body of the CCMA may withdraw accreditation after having given reasonable notice of withdrawal.

5. AMENDMENT OF ACCREDITATION:

An Accredited Council may apply to the Governing Body of the CCMA in terms of section 129 of the LRA to amend its accreditation.

PLEASE FIND SET OUT BELOW A LIST OF PRIVATE AGENCY THAT HAVE BEEN ACCREDITED BY THE CCMA IN TERMS OF THE PROVISIONS OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED) FOR CONCILIATION AND/ OR ARBITRATION AND/ OR INQUIRY BY ARBITRATOR, WITH THE TERMS OF ACCREDITATION ATTACHED FOR THE PERIOD 01 AUGUST 2023 TO THE 31 JULY 2026.

PRIVATE AGENCY ACCREDITED TO CONDUCT CONCILIATION AND ARBITRATION, SUBJECT TO CONDITIONS WHERE APPLICABLE
(RENEWAL OF ACCREDITATION OF PRIVATE AGENCY)

Name of Agency	Accredited Functions
PRIVATE AGENCIES	
Compliance Matters (Pty) Ltd	Accredited for conciliation and arbitration (which includes inquiry by arbitrator) from **01 August 2023 until 31 July 2026** on condition that all CCMA efficiencies are adhered to. Subject to the terms set out in the accompanying attachment.

TERMS OF ACCREDITATION FOR CONCILIATION, ARBITRATION AND INQUIRY BY ARBITRATOR

1. SCOPE OF ACCREDITATION:

Herewith categories of disputes for which Private Agencies are eligible to apply for accreditation.

PRIVATE AGENCIES ARE ACCEDITED TO PERFORM THE FOLLOWING DISPUTE RESOLUTIONS FUNCTIONS:

Unfair dismissal disputes	**- Section 191**
Unfair Labour practice	**- Section 191**
Interpretation of Collective Agreement disputes	**- Section 24 (1)**
Inquiry by Arbitrator	**- Section 188A**
Regulation of non-standard work	**- Section 198, 198A, 198B, 198C and 198D**

PRIVATE AGENCIES MAY NOT SEEK ACCREDITATION FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS REGARDING DISPUTES OVER THE FOLLOWING (see FOOTNOTE 11 of SECTION 51):

Organisational rights (sections 16, 21 and 22);

Collective Agreements where the agreement does not provide for a dispute resolution procedure or the procedure is inoperative or any party frustrates the resolution of disputes (section 24(2) to (5));

Agency shops and closed shops (section 24(6) and (7) and section 26(11);
Determinations made by the Minister in respect of proposals made by a Statutory Council (section 45);
The interpretation and application of Collective Agreements of a Council whose registration has been cancelled (section 61(5) to (8));

Demarcation of sectors and areas of Councils (section 62);

The Interpretation or application of Part C (Bargaining Councils), Part D (Bargaining Councils in the Public Service), Part E (Statutory Councils) and Part F (General Provisions concerning Councils) (Section 63);

Picketing (section 69(8) to 10);

Proposals which are the subject of joint-decision making in a workplace forum (section 86);

Disclosure of information to workplace forums (section 89);

Interpretation or Application of the provisions of Chapter 5 of the LRA which deals with workplace forums (section 94);

Enforcement of the Collective Agreements by Bargaining Councils (section 33A) and;

Enforcement of arbitration awards in terms of section 143. Only the Director of the CCMA, unless the power has been delegated to a CCMA Senior Commissioner may certify awards as if it were an order of the Labour Court;

Facilitating mass retrenchment disputes section 189(A).

2. POWERS OF ACCREDITATION:

Only those persons who are accredited by the CCMA, or are part-time Commissioners appointed by the Governing Body of the Commission in the terms of section 117 (2) of the Labour Relations Act, may perform the accreditation functions of the Agency for the Private Agency.

The following provisions of the LRA, as amended apply to Private Agency accredited for conciliation and arbitration:

(c) For the purpose of this paragraph any reference in Part C of Chapter VII of the LRA to:

"Commission" must be read as a reference to the Private Agency;
"Commissioner" must be read as a reference to a conciliator or arbitrator appointed by the Private Agency.
"Director" must be read as a reference to the CEO of the Private Agency

(d) The provisions of the sections contained in Part C of Chapter VII (section 127(6)) of the LRA shall apply to the Private Agency in the performance of its accredited functions:

(v) The provisions of section 133 to 136;
(vi) The provisions of section 138 to 142, S143,S144 and S145;
(vii) The provisions of section 146
(viii) The provision of 148

3. EXTENSION OF ACCREDITATION:

Despite the expiry of the period of accreditation as stated in the Certificate of Accreditation, the Private Agency may continue to perform its accredited functions in respect of any dispute referred to it during the period of accreditation, but not yet resolved by the time the period expires, until the dispute is resolved either through conciliation or arbitration.

4. TRANSGRESSION OF TERMS OF ACCREDITATION:
If the accredited Private Agency fails to comply with the terms of accreditation, the Governing Body of the CCMA may revoke accreditation. In terms of section 130 of the LRA, as amended the Governing Body of the CCMA may withdraw accreditation after having given reasonable notice of withdrawal.

5. AMENDMENT OF ACCREDITATION:

An Accredited Private Agencies may apply to the Governing Body of the CCMA in terms of section 129 of the LRA to amend its accreditation.

DEPARTMENT OF EMPLOYMENT AND LABOUR

GENERAL NOTICE 1988 OF 2023

productivity sa
Inspiring a Competitive South Africa

NOTICE OF THE PRODUCTIVITY SA ANNUAL GENERAL MEETING (AGM)

Collaboration, Growth, and Progress: Join Us at Our Annual General Meeting

Productivity SA, established under Section 31 of the Employment Services Act, No. 4 of 2014, as a juristic person and Schedule 3A Public Entity of the Department of Employment and Labour, gives notice of its upcoming Annual General Meeting (AGM).

Pursuant to clause 6 (6.1 – 6.6) of Productivity SA's Constitution, the Board of Productivity SA is obliged to convene the Annual General Meeting (AGM) each year within six months of the close of the preceding financial year.

The AGM will be convened with the participation of essential stakeholders, including the Department of Employment and Labour as Shareholder, Organised Business, Organised Labour, Government with a maximum of two representatives, Strategic Partners and Alliances, appointed Internal and External Auditors, Media, and the Executive Committee.

Details of the AGM:

Date: 15 September 2023
Time: 09:30 for 10:00 AM - 14:00 PM
Venue: Emperors Palace , 64 Jones Road Kempton Park 1619

Mandate and Purpose:

Productivity SA plays a pivotal role in the socio-economic advancement of South Africa. We are entrusted with the critical task of promoting employment growth, enhancing productivity, and contributing to the nation's competitiveness. As a public entity of the Department of Employment and Labour, our objectives encompass the improvement of the national economy's productivity and competitiveness, coupled with the collection and dissemination of valuable productivity and statistics information.

Key AGM Highlights:

During this AGM, Productivity SA will address the following for adoption:

- Productivity SA Annual Report for the 2022/23 FY
- Productivity SA Annual Financial Statements for the 2022/23 FY
- Productivity SA Performance Information for the 2022/23 FY
- Productivity SA Strategic Plan 2020/21-2024/25
- Productivity SA Priorities over the MTSF for the period 2019 -2024
- Productivity SA APP for the period 2023/24 FY
- Budget for the period 2023/24 FY

The topic of **"Informality and informal SMEs, and policy and programme interventions to transition same into the formal economy" will also be discussed.**

AD2333062

Your presence at this AGM signifies your commitment to the betterment of South Africa's economic landscape. Engage with us as we discuss vital topics that shape the country's prosperity, employment, and competitiveness. Let's continue the journey of collaboration, setting the stage for even greater strides in sustainable and productive enterprise development.

Kindly RSVP by 10 September 2023 to Dorcas Khasake at dorcask@productivitysa.co.za or call 011 848 5398.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

GENERAL NOTICE 1989 OF 2023

PUBLICATION OF EXPLANATORY SUMMARY OF THE NATIONAL PROSECUTING AUTHORITY AMENDMENT BILL, 2023

1. Notice is hereby given in terms of Rule 276(1)(b) of the Rules of the National Assembly that the Minister of Justice and Correctional Services intends to introduce the National Prosecuting Authority Amendment Bill, 2023 (the Bill), in the National Assembly shortly.

2. The explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.

3.1 The Bill seeks to amend the National Prosecuting Authority Act, 1998, so as to insert certain definitions; to provide for the establishment of the Investigating Directorate against Corruption (IDAC) and its powers and functions; to provide for appointment of investigators in IDAC; to provide for the appointment of investigators, to provide for the security screening of investigators, to provide for the remuneration and conditions of service of investigators; provide for the establishment of a mechanism to deal with complaints of a serious nature pertaining to persons appointed at or assigned to an investigating directorate; to provide for powers and functions of investigators; to provide for transitional arrangements relating to the existing Investigating Directorate to become part of the IDAC; to amend RICA, 2002, so as to make provision for applications for directions in terms of RICA by the head of IDAC; and to provide for matters connected therewith.

4. A copy of the Bill can be found, after introduction, on the websites of the Department of Justice and Constitutional Development at www.justice.gov.za and Parliamentary Monitoring Group at http://www.pmg.org.za and, may also be obtained from the Government Printers: Cape Town (Telephone number: (021) 465-7531).

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

GENERAL NOTICE 1990 OF 2023

PUBLICATION OF EXPLANATORY SUMMARY OF THE REGULATION OF INTERCEPTION OF COMMUNICATIONS AND PROVISION OF COMMUNICATION-RELATED INFORMATION AMENDMENT BILL, 2023

1. Notice is hereby given in terms of Rule 276(1)(b) of the Rules of the National Assembly that the Minister of Justice and Correctional Services intends to introduce the Regulation of Interception of Communications and Provision of Communication-Related Information Amendment Bill, 2023 (the Bill), in the National Assembly shortly.

2. The explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.

3.1 The Bill seeks to amend the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002 (Act No. 70 of 2002) (RICA), so as to insert certain definitions; to provide for the designation of an independent designated judge; to provide for the designation of an independent review judge, to provide for the powers and functions of the review judge; to provide for the tenure of designated and review judges; to provide for adequate safeguards where the subject of surveillance is a practising lawyer or journalist; to provide for the notification of persons of their surveillance as soon as the notification may be given without jeopardising the purpose of surveillance and that notification may be withheld if it has the potential to impact negatively on national security; to provide for adequate safeguards to address the fact that interception directions are sought and obtained *ex parte*; to provide for adequate procedures to ensure that data obtained pursuant to the interception of communications is managed lawfully and not used or interfered with unlawfully; to provide for procedures to be followed for processing, examining, copying, sharing, disclosing, sorting through, using, storing or destroying of any data; and to provide for principles for the safeguarding of data when dealing with the management of data.

3.2 The Bill arises from the Constitutional Court judgment in *Amabhungane Centre for Investigative Journalism NPC and Another v Minister of Justice and Correctional Services and Others* 2021 (3) SA 246 (CC), which recognised the importance of the right of privacy in the context of state surveillance. The Constitutional Court ordered that the declaration of constitutional invalidity of RICA would be suspended to afford Parliament the opportunity to remedy the defects in RICA by 4 February 2024.

4. A copy of the Bill can be found, after introduction, on the websites of the Department of Justice and Constitutional Development at www.justice.gov.za and Parliamentary Monitoring Group at http://www.pmg.org.za and, may also be obtained from the Government Printers: Cape Town (Telephone number: (021) 465-7531).

SOUTH AFRICAN RESERVE BANK

GENERAL NOTICE 1991 OF 2023

Notice and Order of Forfeiture

Notice of Forfeiture to the State of money in terms of the provisions of Regulation 22B made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

Phosphates Holdings (Pty) Limited with registration number 2018/03246/07 (the 'Respondent')

of:

The Director
Mr V T Kasongo
Phosphates Holdings (Pty) Limited
8 Buiten Street
Cape Town
8000

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Regulation 22E of the Exchange Control Regulations delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to the Governor or Deputy Governors of the South African Reserve Bank.

2. By virtue of the functions, powers and/or duties vested in me, in my capacity as a Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:

   2.1 the amount of R2 112 019.00 being capital standing to the credit of the Respondent in Sasfin Bank Limited account with number 3124740, together with any interest thereon and/or accrual thereto.

3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice of Forfeiture is published in this Gazette.

4. The money specified in 2 above shall be disposed of by deposit thereof to the National Revenue Fund.

5. This Notice also constitutes a written order, as contemplated in Regulation 22B of the Exchange Control Regulations, in terms of which the money specified in 2 above is hereby forfeited to the State.

6. Signed at Pretoria on this 11th day of August 2023.

Fundi Tshazibana

Fundi Tshazibana
Deputy Governor of the Prudential Cluster
South African Reserve Bank

DEPARTMENT OF TRANSPORT

GENERAL NOTICE 1992 OF 2023

MERCHANT SHIPPING ACT, 1951 (ACT NO. 57 OF 1951)

THE DRAFT MERCHANT SHIPPING (CREW ACCOMMODATION) REGULATIONS, 2023

Minister of Transport hereby, in terms of section 356 (1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), hereby publishes for comments the Draft Merchant Shipping (Crew Accommodation) Regulations, 2023.

Interested persons are invited to submit comments on the Draft Merchant Shipping (Crew Accommodation) Regulations, 2023 to the Director-General, Department of Transport for the attention of Mr. TM Matlala within 30 days after publication of this notice:

The Department of Transport
Private Bag X193
PRETORIA
0001
E-mail: MatlalaTM@dot.gov.za
Tell: 012 309 3799

SCHEDULE

MERCHANT SHIPPING ACT, 1951 (ACT NO. 57 OF 1951)

THE DRAFT MERCHANT SHIPPING (CREW ACCOMMODATION) REGULATIONS, 2023

Arrangement of Regulations

PART I

CHAPTER I
GENERAL

Definitions

1. In these Regulations, the expression "the Act" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and unless the context otherwise indicates, any word or expression used in these Regulations, to which a meaning has been assigned in the Act, bears the meaning so assigned, and—

"Authority" means the South African Maritime Safety Authority established by section 2 of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998);"

"crew" means all seafarers on board;

"crew accommodation" includes sleeping rooms, store-rooms, galleys, mess rooms, sanitary accommodation, hospitals and recreation spaces provided for use by or for the benefit of seafarers;

"IMO" means the International Maritime Organisation means the International Maritime Organization, a specialised United Nations Organisation established on 17 March 1948 in terms of the International Maritime Organization Convention of the United Nations concluded in London, United Kingdom in 1948;

"machinery spaces" means spaces containing propulsion machinery, boilers, fuel oil units, steam and internal combustion engines, generators, major electrical machinery, oil filling stations, refrigerating, stabilising, ventilating and air conditioning machinery and similar spaces, and trunks to such spaces;

"Maritime Labour Convention" means the Maritime Labour Convention, 2006, done at Geneva on 7 February 2006 as set forth in the Seventh Schedule, and as modified by any amendment made under Article XIV of that Convention that has entered into force in the Republic;

"Master" means, in relation to a ship any person, other than a pilot, having charge or command of a vessel;

"maximum load line" means the maximum legal limit up to which a vessel may be loaded with crew, passengers, cargo, consumables and various gear;

"sanitary accommodation" means washing accommodation and accommodation containing water closets or urinals;

"seafarer" means any person employed or engaged in any capacity as a member of the crew of a ship;

"sleeping room" does not include hospital accommodation;

"tons" means gross tonnage;

"trunked mechanical ventilation system" means a system of ventilation complying with the specifications set forth in the Annex 1 of these Regulations;

"washing accommodation" does not include—

(a) any sleeping room, or hospital accommodation whether or not provided with a wash-basin, bath or shower; or

(b) any room appropriated for use only as a laundry; and

"watertight, gastight, or oiltight structure"means any structure in which the openings, other than ventilation openings necessary for the admission of air from passageways to sanitary accommodation, laundries, drying rooms or galleys, are provided with means of closure which will enable such openings to be made watertight, gastight or oiltight as the case may be.

Application of these Regulations

2. (1) These Regulations apply to all commercial vessels of 25 gross tons or over, registered in the Republic or regarded to be so registered or which in terms of the Ship Registration Act, 1998 (Act No. 58 of 1998) are required to be so registered, except to fishing vessels and pleasure vessels as follows:

(a) New vessels upon promulgation of these Regulations;

(b) Existing vessels, which undergo alterations or additions such alterations or additions, are to comply with these Regulations;

(c) Existing vessel registered a new upon promulgation of these Regulations.

Plans

3. Before the construction or alteration of a vessel is commenced, a builder or owner thereof must submit in duplicate to the Authority the plans particular set forth in Annex 1 of the Merchant Shipping (Construction Regulations), 1968 for approval.

Position of crew accommodation

4. (1) In every vessel the crew accommodation, other than storerooms, must be wholly situated above the maximum load line.

(2) The Authority may exempt from the requirement of subregulation (1) —

(a) any vessel of under 200 gross tons;

(b) any passenger vessel;

(c) any tug;

(d) any cable ship;

(e) any salvage ship;

(f) any crane ship;

(g) any dredger or any vessel engaged in the conveyance of the spoil of dredging; or

(h) any other vessel not being a cargo vessel,

Provided the Authority is satisfied that compliance with such requirement is unreasonable or impracticable by reason of the size or intended service of the vessel.

(3) (a) In every vessel the crew accommodation, other than storerooms, must be situated aft of the collision bulkhead.

(b) The Authority may exempt any vessel from the requirements of this subregulation to the extent to which the Authority is satisfied that compliance therewith is unreasonable or impracticable by reason of the size or intended service of the vessel: Provided that in vessels of 500 gross tons or over, crew accommodation, or any part thereof, other than storerooms, must not be forward of the collision bulkhead.

(4) The crew accommodation must be so situated, constructed and arranged as to exclude so far as is reasonably practicable—

(a) noise coming from other parts of the vessel; and

(b) noise coming from other parts of the crew accommodation.

(5) A sleeping room forming part of the crew accommodation of a passenger vessel must not be situated immediately beneath a working passageway.

(6) Any bulkhead, casing or deck separating a sleeping room from—

(a) a machinery space;

(b) a mess room;

(c) a recreation room;

(d) a media entertainment room;

(e) a games room; or

(f) a public room,

must be acoustically insulated in a way which will prevent the occupants of that sleeping room from being disturbed by and protected from excessive noise, in accordance with the standards adopted by the IMO.

(7) In the crew accommodation—

(a) all structures, furniture and fittings, and the means of access to and exit from the crew accommodation, must be so situated, constructed and arranged as to minimise any risk of injury to the crew; and

(b) to afford protection to the crew in rough sea conditions—

(i) handrails must be provided in passageways and stairways where necessary and must be of robust construction and strongly secured to bulkheads;

(ii) fixed furniture must be strongly secured;
(iii) means must be provided to secure portable furniture;
(iv) doors, including those to cupboards and other items of furniture, must be so secured as not to open accidentally;
(v) drawers must be so designed as not to slide open and fall out accidentally; and
(vi) tables, shelves, stowage racks and other similar fittings must be fitted with retaining lips or bars or with non-slip surfaces so that objects placed on them will not slide off.

(8) If fuel oil, lubricant oil or other flammable oil or gaseous fuel is used in any vessel, the arrangements for its storage, distribution and utilisation must be such as to minimise the risk of fire or explosion within the crew accommodation, which the use of that oil or fuel may entail.

(9) Crew accommodation must be so situated, constructed and arranged as to ensure the exclusion from the crew accommodation of effluvia originating in other spaces in the vessel.

Height of crew accommodation

5. In every vessel the height of the crew accommodation measured from the top of the floor beams to the top of the crown beams must be in accordance with the requirements standard A3.1.6 of the Maritime Labour Convention.

Construction of bulkheads and panelling

6.(1) (a) In every vessel all bulkheads enclosing or within any part of the crew accommodation must be properly constructed of steel or other suitable material to the satisfaction of the Authority.
(b) If bulkheads are exposed to the weather, the bulkheads must be of watertight and gastight construction, and means of closure must be provided for all openings in such bulkheads so as to enable the bulkhead and openings to be made watertight and gastight.

(2) Any bulkhead which separates any part of the crew accommodation, other than a recreation deck space, from a space used as—
(a) an area of work;

(c) a cargo or machinery space;
(d) a paint room;
(e) a storeroom not forming part of the crew accommodation, other than a dry provision store room;
(f) a chain locker;
(g) a battery locker; or
(h) a cofferdam,

must be gastight, and where necessary, must be watertight to protect crew accommodation.

(3) Any bulkhead which separates any part of the crew accommodation from a dry provision storeroom, whether or not such storeroom forms part of crew accommodation, must be gastight.

(4) Subject to the provisions of subregulation (1) of Regulations 24, any bulkhead which separates any part of the crew accommodation from sanitary accommodation or from a laundry or drying room, galley or cold storeroom, whether or not such sanitary accommodation, laundry, drying room, galley or cold storeroom forms part of the crew accommodation must be gastight, and must be watertight to such height as is necessary in accordance with standard A3.1 paragraph 6.(e) of the Maritime Labour Convention.

(5) Any bulkhead separating sanitary accommodation from any other part of the crew accommodation must, except in a doorway, be watertight to a height of at least 230 millimetres above the floor of the sanitary accommodation: Provided that the requirements of this subregulation must not apply to bulkheads separating—

(a) sanitary accommodation from other sanitary accommodation;
(b) laundry or drying room from another laundry or drying room;
(c) a galley from another galley or a pantry; or
(d) a cold store-room from another cold store-room.

(6) Any inside panelling in crew accommodation must be constructed of suitable material with a surface which can be easily kept clean.

(7) Bulkhead or panelling must not be constructed in such a manner or of such material likely to harbour vermin.

(8) Bulkhead surfaces and deckheads in sleeping rooms and mess rooms should be capable of being easily kept clean and light in colour with a durable, non-toxic finish.

(9) Decks in all seafarer accommodation should be of suitable material and construction and should provide a non-slip surface impervious to damp and easily kept clean.

(10) Where the floorings are made of composite materials, the joints with the sides should be profiled to avoid crevices.

(11) Bulkheads which enclose any part of crew accommodation and are exposed to weather, and any part of the side of the vessel which forms a wall or part of a wall of the crew accommodation, must be so insulated as to prevent overheating or condensation unless the crew accommodation is so protected by its situation and ventilation that overheating and condensation are unlikely to occur.

(12) (a) Every bulkhead, casing or deck separating any part of crew accommodation from any space, including a cold storeroom, which is subject to abnormal heat or cold must be so insulated as to prevent condensation or discomfort to the crew.

(b) All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced should be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways.

(13) Every bulkhead, casing or deck separating any part of the crew accommodation from any space, must be so insulated as to prevent exposure to hazardous level of noise and vibration to the crew in accordance with standard A3.1 paragraph 6(h) of the Maritime Labour Convention.

(14) There must be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas that part of a bulkhead separating such places from sleeping rooms and external bulkheads must be efficiently constructed of steel or other suitable material to the satisfaction of the Authority, and be watertight and gastight.

(15) There must be no opening in any of the bulkheads referred to in subregulation (4) except that—

(a) where sanitary accommodation or changing rooms provided for the exclusive use of engine room officers and ratings are sited adjacent to the propelling machinery space there may be an opening in the propelling machinery space bulkhead to the sanitary accommodation or changing rooms and an opening from the sanitary accommodation or changing rooms to a passageway forming part of the crew accommodation: Provided that a hinged, steel, self-closing gastight door is fitted to the opening leading from the spaces in this paragraph to the propelling machinery space; and

(b) where no other arrangement is practicable, there may be an opening in a bulkhead separating a passageway in the crew accommodation from a machinery space if that opening is provided with a hinged, steel, self-closing gastight door.

(16) Any part of crew accommodation which adjoins a tank in which oil, fuel oil, lubricant oil or other flammable oil or gaseous fuel may be carried must be separated from that tank either—

(a) by a gastight steel division additional to the division which retains the oil, fuel oil, lubricant oil or other flammable oil or gaseous fuel; or

(b) by a division of all-welded steel construction capable of withstanding a head of water at least 2.4 metres greater than the maximum service head.

(17) A manhole or any other opening to a fuel tank must not be situated in crew accommodation.

Batteries

7. (1) Batteries of a type which emit gases must not be stored in the crew accommodation and there must be no opening from crew accommodation into a space where such batteries are stored.

(2) Precautions must be taken to ensure that fumes from batteries cannot be discharged into crew accommodation.

Overhead Decks

8. (1) In every vessel constructed of steel or other suitable material, every deck which forms the crown of any part of the crew accommodation, in this Regulations referred to as an "overhead deck", and is exposed to the weather, must —

(a) be constructed of steel or other suitable material to the satisfaction of the Authority, and in addition, be of the following construction:
   (i) The materials used to construct internal deckheads, panelling and sheeting, floors and joinings must be suitable for the purpose and conducive to a healthy environment;
   (ii) External deckheads of sleeping rooms and mess rooms should be adequately insulated;
   (iii) Measures should also be taken to provide protection from heat effects of steam or hot-water service pipes or both;
   (iv) Sleeping rooms, mess rooms, recreation rooms and alleyways should be adequately insulated to prevent condensation or overheating;
   (v) The deckhead should be of material with a surface easily kept clean and construction likely to not harbour vermin should be used;
   (vi) The deckhead surfaces in sleeping rooms and mess rooms should be capable of being easily kept clean and light in colour with a durable, non-toxic finish; and
   (vii) The decks in all seafarer accommodation should be of approved material and construction and should provide a non-slip surface impervious to damp and easily kept clean; and

(b) be in accordance with the requirements standard A3.1 of the Maritime Labour Convention.

Flooring

9. (1) In every vessel the decks which form the floors in the crew accommodation must be properly constructed and—

(a) must be in accordance with standard A3.1 of the Maritime Labour Convention; and

(b) where the floorings are made of composite materials, the joints with the sides should be profiled to avoid crevices.

Heating and ventilation

10. (1) In every vessel other than a vessel employed solely within the Tropics or the Persian Gulf, all sleeping rooms, mess rooms, recreation rooms, sanitary accommodation offices, studies and hospitals forming part of the crew accommodation must be provided with a heating system which must be permanently installed and capable of ensuring that, when the ventilation system provided for such rooms or accommodation in compliance with these Regulations is working in accordance with the requirements of standard A 3.1 paragraph 7, guideline B 3.1.1 paragraph 2 and B 3.1.3 paragraph 1, 2 and 3 of the Maritime Labour Convention.

(2) In every vessel the crew accommodation and the means of access thereto and exit therefrom must be so arranged, constructed and situated in such a position as to ensure protection from weather in accordance with the requirements subregulation (1).

(3) Every enclosed space, other than a cold store room, forming part of the crew accommodation of any vessel must be provided with a trunked mechanical ventilation system complying with the requirements specified in the Annex 1 and the Authority may —

(a) exempt any vessel from the requirements of this subregulation, in so far as it relates to the ventilation of a storeroom for the storage of dry provisions, if the Authority is satisfied that compliance with that requirement is unnecessary by reason of the position of the storeroom.

Lighting

11. (1) In every vessel, every part of the crew accommodation other than pantries, laundries, drying rooms, lockers and storerooms, must be properly lighted by natural and electrical light and in accordance with standard A3.1.8 and guideline B3.1.4 of the Maritime Labour Convention.

(2) Natural lighting of a sleeping room, mess room, recreation room or hospital accommodation, must be regarded to be proper for the purposes of this Regulations, if it is sufficient to enable a person of normal vision to read at any point in the room, being a point available for free movement, during daytime and in clear weather.

(3) (a) In every vessel an electrical system must be installed which is capable of providing adequate lighting in every part of the crew accommodation.

(b) The electric lights be so arranged as to give the maximum benefit to the crew, and in particular an electric reading light must be fitted at the head of each bed and must be capable of being switched on and off from the bed.

(c) A lamp emitting at least 200 lumens must be fitted in every such reading light in a sleeping room, and a lamp emitting at least 400 lumens must be fitted in every such light in a hospital.

(d) An efficient alternative system of lighting or source of electric power must be always available for lighting the crew accommodation.

(e) The electric lighting of the spaces referred to in paragraph (h) must be regarded to be adequate if, when the lamps and paintwork are new, the illumination in the horizontal plane when measured at the points and in the manner prescribed in paragraph (f) is steady and, subject to a tolerance of 10 per cent, is maintained at a value not less than that prescribed for every such space.

(f) The points at which illumination must be measured must be as follows:

(i) Where general measurement points are prescribed for the illumination of a space, measurements must be taken at every point midway between every 2 adjacent lamps and at every point midway between every lamp and any position on any boundary of the space: Provided always that where within any space a part of that space, being a part of that space available for free movement, is shaded from the direct rays of a lamp by a re-entrant angle formed in the boundary of the space, the central point of the part of the space so shaded must also be a general measurement point; and

(ii) Where particular measurement points are also prescribed for a space, measurements must in addition be taken at every such point.

(g) In all cases, measurements must be taken at a height of 838 mm above the floor, except that in the case of passageways, companionways, and covered recreation deck spaces,

measurements may be taken either at a height of 838mm above the floor or at floor level, provided that in the case of measurements taken at floor level the reflection factor of the floor surface must not be less than 40 percent illumination of provision storerooms must be measured when the rooms are empty.

(h) Illumination must comply with Table 1. below:

Table 1.

Sleeping Rooms and Day Rooms	
At general measurement points	50 lumens
At every mirror	200 lumens
At every seat at a writing desk portable	150 lumens
A sleeping room provided for use of more than one person	150 lumens
Mess rooms	
At general measurement points	100 lumens
At every table and sink	150 lumens
Recreation Rooms, including rooms for watching films and television, hobbies and games rooms	
At general measurement points	50 lumens
At every recreational table	100 lumens
At every seat at a writing desk or table	150 lumens
At not less than half the seats other than those in sleeping rooms or day rooms	150 lumens
Hospital Accommodation	
At general measurement points	50 lumens
At any washbasin	100 lumens
At least one fixed lamp must be installed in addition to the electric reading lamp required by Regulations 28(10) to be provided at the head of each bed.	
Offices and Studies	
At general measurement points	100 lumens
At every seat at a writing desk or table	200 lumens
Sanitary Accommodation, including sanitary accommodation in hospitals	
At general measurement points	100 lumens
At any mirror	200 lumens
Laundries	
At general measurement points	100 lumens
Drying Rooms	
At the centre of the space	50 lumens
Galleys, including bakeries and pantries	
At working positions	300 lumens
The lights must be so disposed as to ensure that food preparation tables, range tops serving tables and washing up sinks receive the maximum amount of light.	
Dry provision storerooms and cold store-rooms	
At general measurement points	100 lumens

The lights must be so disposed as to ensure that shelves and cupboards receive the maximum amount of light.	
Passageways, companionways and covered deck recreation spaces	
At general measurement points	50 lumens
At least a single light must be placed at the head of each stairway, ladder and hatchway and at least two at or near the doors of lockers provided for oilskins or working clothes	

Drainage

12. (1) In every vessel efficient drainage by pipes or channels must be provided for every part of the crew accommodation situated on an open deck wherever such drainage is necessary for clearing water shipped from the sea in accordance with standard A3.1. paragraph 6(g) of the Maritime Labour Convention.

(2) There must be no drainage from any source, not being sanitary accommodation, into the sanitary accommodation forming part of the crew accommodation.

(3) (a) Every space appropriated for use as sanitary accommodation must be served by one or more scuppers which do not serve any space other than sanitary accommodation in accordance with guideline B3.1.7 paragraph 3 of the Maritime Labour Convention.

(b) The scuppers must be at least 50mm in diameter and must be situated wherever water is likely to collect on the floor of the space.

Painting

13.(1)(a) In every vessel the interior sides and ceilings of every part of the crew accommodation must be covered with enamel, paint or other suitable material.

(b) The paint enamel or other material must be of good quality and white or light in colour.

(2) Lime wash, paint or lacquers containing nitro-cellulose, highly flammable or noxious fume-producing compounds must not be applied in the crew accommodation.

(3) Crew accommodation spaces should only be coated with finishes which are fire retardant achieved through the use of woven roving glass, phenolic resin,

additives to resin, fire retardant coatings or protection by non-combustible materials and intumescent coatings that may be used.

(4) The wooden parts of the furniture and fittings in the crew accommodation must be finished externally with paint, varnish, polish or by other suitable means.

(5) All paint, varnish, polish and other finishes in the crew accommodation must be capable of being easily kept clean and must be maintained in good condition.

Marking

14. (1) Every sleeping room forming part of the crew accommodation must be marked inside the room with whichever of the markings specified in Part 1 of Annex 2 is appropriate in the circumstances.

(2) Every space, other than a sleeping room or an open deck, forming part of the crew accommodation of such a vessel must be marked either inside the space or on or above the door to such space with whichever of the markings as specified in Part II of the Annex 2 is appropriate in the circumstances.

(3) (a) All markings required by the foregoing provisions of this regulation must be in clear characters and in a readily visible position on the vessel's structure.

(b) The markings must be cut into the structure or otherwise marked in an equally permanent manner.

(4) Spaces forming part of the crew accommodation must not be marked, whether inside or outside the space, with any marking which may be taken to indicate that the space is appropriated for use by persons differing in number or description from the persons for whose use the space has been certified by the Authority.

Sleeping rooms

15. (1)(a) In every vessel, unless the circumstances are such that no members of the crew are required to sleep on board, sleeping rooms must be provided for the crew in accordance with the provisions of this Regulations.

(b) The materials used to construct internal bulkheads, panelling and sheeting, floors and joining's must be suitable for the purpose and conducive to ensuring a healthy environment.

(c) Crew accommodation, or any part thereof, must not be shared with passengers or used by or for the benefit of passengers.

(d) In vessels other than passenger vessels, an individual sleeping room must be provided for each seafarer: Provided in the case of vessels of less than 3,000 gross tonnage or special purpose vessels, the Authority may grant an exemption from the requirements of this paragraph after consultation with the shipowners' and seafarers' organisations concerned.

(e) The maximum number of persons accommodated in sleeping rooms must be in accordance with standard A3.1 paragraph 9(h) and (j) of the Maritime Labour Convention:

Provided the Authority may, after consultation with the shipowners and seafarers organizations concerned, exempt vessels of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the vessel and the number of persons on board in relation to the requirements of the following provisions of this subregulation in respect of:

(i) the floor area for single berth seafarers sleeping rooms; and

(ii) the maximum capacity and floor area for sleeping rooms.

(2) (a) Each of the following classes of persons must be provided with sleeping rooms separate from those provided for the other classes:

(i) Officers; and

(ii) Ratings.

(b) Every watchkeeping ratings may be provided with sleeping rooms separate from those of other watches.

(c) Non-watchkeepers must be provided with sleeping rooms separate from those of watch keepers.

(d) Separate sleeping rooms must be provided for men and for women.

(3) (a) Subject to the provisions of subparagraphs (b), the minimum floor area provided for each person in a sleeping room forming part of the crew accommodation must be in accordance with the requirements

of standard A 3.1 paragraph 9(f),(g), (h), (i), (k) and (l) of the Maritime Labour Convention:

Provided the Authority may, after consultation with the shipowners and seafarers organisations concerned, exempt vessels of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the vessel and the number of persons on board in relation to the requirements of the following provisions of this subregulation in respect of:

(i) the floor area for single berth seafarers sleeping rooms; and

(ii) the maximum capacity and floor area for sleeping rooms.

(b) In determining the floor area of a room for the purpose of this subregulation—

(i) spaces occupied by berths, lockers, seats or chests of drawers must be taken into account and spaces which by reason of their small size or irregular shape cannot accommodate furniture and do not contribute to the area available for free movement, must not be taken into account; and

(ii) sleeping rooms must be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness.

Berth

16 (1) Every sleeping room in the crew accommodation must be provided with berth for each person accommodated in the room in accordance with standard A 3.1 paragraph 9(e) of the Maritime Labour Convention.

(2) (a) The framework of each berth, and the leeboards or lee-rails thereof, if any must be constructed of metal or other material which is hard and smooth and unlikely to become corroded.

(b) The framework of the berth in paragraph (a) must be so made as not to be likely to harbour vermin.

(c) In particular, if the berth in paragraph (a) is constructed with tubular frames, the frames must be completely sealed and without perforations.

(3) There must be unobstructed access to at least one side of each berth and in particular, if the adjacent sides of two berths in the same room are parallel to each other or when projected make an angle of less than 90° with each other, the distance between those sides at any point must not be less than 762 mm if both berths are in single tier or 914 mm in any other case.

(4) Where berth abut upon each other the berth must be separated by screens made of wood or other suitable material.

(5) A berth must not be placed—

(a) within 100 mm of a ventilation trunk which may be used for circulating hot air; or

(b) within 50 mm of a bulkhead or the vessel's side, unless the berth is so supported and the room so constructed as to avoid harbouring dirt and vermin in or near the berth, to enable the bedding to be kept clean and dry, and to minimise the soiling of paintwork in way of the berth.

(6) Berths must not be arranged in tiers of more than two.

(7) Berths placed along the vessel's side must be in single tier, except in a room in which there is no side scuttle: Provided the Authority may exempt any vessel from the requirements of this subregulation to the extent to which the Authority is satisfied that the berths in the sleeping room are clear of side scuttles and that the comfort of the crew will thereby be increased.

(8) (a) A berth must not be less than 300 mm from the floor of the room measured from the bottom of the mattress.

(b) Berths should not be arranged in tiers of more than two and in the case of berths placed along the vessel's side, there should be only a single tier where a sidelight is situated above a berth.

(c) The lower berth in a double tier should be not less than 300 mm above the floor and the upper berth should be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.

Furniture and Fittings in Sleeping Rooms

17. (1) Every sleeping room for ratings must be provided with the following equipment:

(a) for each person accommodated in the room—
  (i) one drawer having a capacity of at least 56 litres;
  (ii) one clothes locker or wardrobe, in either case with at least 475 litre capacity in internal sectional area. and if the drawer is incorporated in the clothes locker, then the combined minimum volume of the clothes locker must be 500 litres; the locker or wardrobe must be fitted with a shelf and be able to be locked by the occupant to ensure privacy and with fittings on which clothes may be hung; and
  (iii) at least one coat hook in addition to any coat hooks fitted in a locker or wardrobe;
(b) a table of fixed or drop-leaf type, or a desk, or a sliding leaf or top fitted to a chest of drawers;
(c) comfortable seating accommodation as necessary;
(d) a mirror suitable for toilet purposes;
(e) a cabinet suitable for containing toilet requisites;
(f) a book rack;
(g) a runner or a carpet of suitable material at one side of each bed or tier of beds, as the case may be;
(h) a curtain fitted to each bed, unless the room accommodates only one person; and
(i) a curtain fitted to each side scuttle, unless the side scuttle is fitted with an equivalent installation.

(2) In every sleeping room in which more than one rating is accommodated, every drawer, locker and wardrobe must be capable of being locked for privacy.

(3) Subject to the provisions of subregulation (4), every sleeping room for officers must be provided with the following equipment:

(a) For each officer accommodated in the room—
  (i) at least three drawers with a total capacity of 284 litres or as near thereto as is practicable in the circumstances;

(ii) a wardrobe at least 1680 mm in height and 0.3m^2 in internal sectional area;

(iii) at least two coat hooks, in addition to any coat hooks fitted in the wardrobe;

(b) a writing desk fitted, if practicable, with drawers additional to the aforesaid drawers;

(c) a chair with arm rests;

(d) a couch at least 1830 mm in length or as near thereto as is practicable in the circumstances: Provided that the Authority may permit the couch to be dispensed with—

(i) if the Authority is satisfied that a couch of adequate dimensions cannot be placed in the room without interfering with the comfort of the occupants; or

(ii) in the case of a room which accommodates only one officer, if the Authority has consulted with such organisation as appears to him to be representative of the class of officer concerned and is satisfied that a fully upholstered easy chair with closed arms is provided in the room;

(e) a mirror suitable for toilet purposes;

(f) a cabinet suitable for containing toilet requisites;

(g) a wash-basin of hygienic and durable material, having hot and cold running fresh water must be fitted, except where such a washbasin is situated in the private bathroom;

(h) a splash plate or other means of protection for the wall above the wash-basin, if any;

(i) a carpet runner of suitable material;

(j) curtains fitted to each bed, unless the room accommodates only one officer;

(k) curtains fitted to each side scuttle, unless the side scuttle is fitted with equivalent installation; and

(l) a book case or book rack:

Provided the Authority may, after consultation with the shipowners and seafarers organisations concerned, exempt vessels of less than 200 gross tons where it is reasonable to do so, taking account of the size of the vessel and the number of persons on board in relation to the requirements of the following provisions of this subregulation in respect of:

(i) the floor area for single berth seafarers sleeping rooms; and

(ii) the maximum capacity and floor area for sleeping rooms.

(4) (a) Any of the equipment referred to in paragraphs (b),(c),(d) and (l) of subregulation (3) may be provided in a day room available for the sole use of the officers concerned, instead of in the sleeping room.

(b) Any of the equipment referred to in paragraphs (e) to (h) inclusive of the said paragraph may be provided in washing accommodation appropriated for the exclusive use of one officer instead of in the sleeping room of that officer.

(5) (a) Subject to the foregoing provisions of this Regulations, all lockers, wardrobes, tables, desks, the unupholstered parts of chairs and couches and similar furnishings, must be made of polished hardboard, rustproof metal or other smooth and impervious material not likely to crack, warp or become corroded.

(b) All furniture provided in sleeping rooms must be so made as not to be likely to harbour vermin.

Mess Rooms

18. (1) In every vessel, unless the circumstances are such that members of crew are not required to mess on board, mess rooms must be provided for the crew and must be of such dimensions as will be sufficient to accommodate the greatest number of persons likely to use the mess rooms, at any one time.

(2) A mess room must not be combined with a sleeping room.

(3) In every vessel of 500 gross tons or over the mess rooms provided for ratings may be separate from those provided for the master of the vessel or for officers.

(4) In every vessel of 1,000 gross tons or over a single mess room must be provided for all officers in the vessel: Provided that the officers may be accommodated in separate mess rooms if the officers' sleeping rooms are in widely separated portions of the vessel.

(5) The Authority may exempt from the requirements of this Regulations to the extent to which the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances —

(a) any passenger vessel; or

(b) any special purpose vessel.

Furniture and Fittings in mess rooms

19. (1)(a) Every mess room forming part of the crew accommodation must be provided with sufficient tables to allow a space of at least 508mm measured along the edge of a table, for each person likely to use the room at any one time in accordance with guideline B 3.1.6 paragraph 4,5,6 and 7 of the Maritime Labour Convention.

(b) Each table must be at least 600 mm wide if seats are provided on both sides of the table; and at least 380 mm wide if seats are provided only on one side of the table.

(c) The table must be of such a size and so situated as to be readily accessible.

(2) (a) Single chairs must be provided in the mess room for each person using the room at any one time.

(b) The chairs in paragraph (a) must be fitted with arm rests unless chairs with arm rests are available in a recreation room for the persons using the mess room: Provided that a couch may be substituted for chairs adjacent to a bulkhead of the vessel's side and—

(i) such couch must be at least 380 mm wide and must be fitted with upholstered or padded seats covered with material impervious to dirt and moisture and must be provided with comfortably shaped backs; and

(ii) the backs of the couch must also be padded or upholstered and must be covered with material impervious to dirt and moisture.

(3) (a) Every mess room provided for persons who do not provide their own food must be fitted with a storage locker or rack in either case capable of holding sufficient mess utensils for those persons.

(b) (i) Every mess room provided for persons who provide their own food must be fitted with a storage locker for each person which must be of sufficient size to be capable of containing each person's mess utensils together with a supply of food sufficient for the person for at least 16 hours.

(ii) All storage lockers provided in compliance with this paragraph must be—

(aa) adequately ventilated;

(bb) capable of being locked; and

(cc) so fixed as to clear the floor by at least 300 mm:

Provided that the lockers or racks may be fitted in a pantry, storeroom or other suitable place outside a mess room and readily accessible therefrom and

(c) Lockers or racks, being lockers or racks intended to contain food, must not be fitted in a sleeping room.

(4) (a) Means from which boiling drinking water must always be available must be fitted in each mess room, unless such equipment is fitted in a pantry readily accessible from the mess, room or, in the case of a vessel of under 1,000 gross tons, in a galley.

(b) The equipment in paragraph (a) must be adequate in size for the number of persons likely to use the room at any one time.

(c) If in the case of a mess room provided for officers or petty officers the dresser is fitted in a pantry, a sideboard must be provided in the mess room.

(d) A supply of fresh water must be laid out to the sink and boiler.

(5) (a) All tables, lockers, dressers and the unupholstered parts of chairs and couches in the mess room must be made of polished hardwood, rustproof metal or other smooth and impervious material not likely to crack, warp or become corroded.

(b) All furniture provided in the mess room must be so made as not to be likely to harbour vermin.

(6) The Authority may exempt—

(a) any passenger vessel; or

(b) any special purpose vessel from the requirements of this Regulations to the extent to which the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

Recreation spaces and studies

20.(1) In every vessel, a recreation room, must be provided, and must not be combined with a mess room in accordance with standard A 3.1 paragraph 17 and guideline B 3.1 paragraph 11 of the Maritime Labour Convention and a smoking room may be provided.

(2) If more than two cadets or any other trainees are accommodated in one sleeping room, a separate room may be provided in the vessel for their use as a study, unless another suitable place is available to them for purposes of study.

(3) In every vessel of 500 gross tons or over, a bookcase must be provided for, and must be accessible to all members of the crew.

(4) (a) In every vessel space must be provided on an open deck for the use of the crew for recreational purposes.

(b) The space in paragraph (a) must be adequate in area, in so far as the size of the vessel allows, having regard to the number of persons in the crew.

Office accommodation

21. (1) In every vessel of 3,000 gross tons or over, two separate rooms must be provided for use as offices or a common vessel's office and must be appropriately furnished for that purpose in accordance with standard A 3.1 paragraph 15 of the Maritime Labour Convention.

(2) One of the separate rooms in subregulation (1) must be appropriated for use by the Chief Navigating Officer or the officers of the deck department, and the other for use by the Chief Engineer-Officer or for the officers of the engine room department.

(3) The office accommodation must be in a room not used for any other purpose except study: Provided that an office appropriated solely for use by an individual officer may be combined with the day room of that officer.

Supply of drinking water

22. (1)(a) In every vessel, a supply of drinking water must be provided in the crew accommodation from tanks, of an adequate capacity for the purpose having regard to the number of persons in the crew and the time, likely to elapse between successive replenishments of the water, or by other equally efficient means.

(b) Drinking water must be compliant with the appropriate portable standard as prescribed in the compulsory national standards for quality of portable water issued under the Water Services Act, 1997 (Act No. 108 of 1997).

(c) If service tanks are fitted for that purpose the service tanks must be directly connected with the vessel's main drinking water storage tanks.

(d) In vessels of 3,000 gross tons or over any pumping necessary for the supply of drinking water in crew accommodation must be by mechanical power.

(e) Pumping necessary for supply of drinking water in crew accommodation must be by mechanical power.

(2) Cold drinking water must be laid on to taps in the galleys and pantries and in the mess rooms provided for those members of the crew for whose use and service pantries are not provided.

Laundry facilities

23. (1)(a) In every vessel, suitable laundry washing facilities be provided to enable the crew to wash clothes, and be adequate in size and sufficient in number for that purpose in accordance with the requirements of standard A 3.1 paragraph 13 and guideline B 3.1 paragraph 7.4 of the Maritime Labour Convention: Provided the Authority may, after consultation with the shipowners and seafarers organisations concerned, exempt vessels of less than 200 gross tonnage where it is reasonable to do so, taking account of the size

of the vessel and the number of persons on board in relation to the requirements of this subregulation.

(2) (a) In every vessel, rooms for drying the crew's clothes must be provided and must be separate from sleeping rooms, mess rooms, recreation rooms, offices, storerooms, galleys, pantries and hospitals must be fitted with racks or rods sufficient space having regard to the number of persons in the crew and, the duration of the voyages on which the vessel is intended to be engaged.

(b) The heating of the rooms in paragraph (a) must be capable of being controlled independently of the heating of any other space in the vessel.

(c) The exhaust ventilation of the rooms in paragraph (a) must be independent of the ventilation of all other spaces in the vessel unless it is provided by a trunked mechanical ventilation system:

Provided that in vessels of under 500 gross tons, drying cabinets or other suitable facilities may be substituted for a drying room.

(3) (a) In every vessel, adequately ventilated compartments or lockers must be provided for hanging oilskins and working clothes used by the crew.

(b) Separate compartments or lockers must be provided for officers and ratings, the compartments or lockers must be situated outside the sleeping rooms of the crew and in a position readily accessible therefrom:

Provided the Authority may exempt any vessel of under 500 gross tons from any of the requirements of this subregulation.

Sanitary facilities

24. (1) In every vessel, seafarers must be provided with convenient access to sanitary facilities in accordance with Standard A3.1 11 and guideline B3.1 subregulation 7 of the Maritime Labour Convention: Provided that the Authority may, in relation to any vessel, after consultation with the shipowners and seafarers organisations concerned, exempt vessels of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the vessel and the number of persons on board in relation to the requirements of standard A3.1 11(d).

(2) If the entrance to a water closet is from an open deck, the entrance must, if practicable, be properly screened.

(3) (a) If the means of entry into water closets forming part of the crew accommodation is from a passageway leading to other parts of the crew accommodation, a lobby must be provided at the entrance of the sanitary facilities, or where a lobby is not practicable, a self-closing door.

(b) Any doors between a sanitary facility and a passageway must be close fitting and without apertures: Provided the Authority may exempt any vessel from the requirement that the doors must be close fitting and without apertures to the extent to which the Authority is satisfied that the exhaust ventilation arrangements from the sanitary facilities render compliance therewith unnecessary.

(4) Access to sanitary facilities must not be obtained directly from a mess room or sleeping room: Provided that—

(a) access to a sanitary facility may be obtained directly from not more than two sleeping rooms together accommodating not more than four persons; and

(b) if the persons so accommodated are three or four in number, the sanitary facility pedestal must be so screened as to ensure privacy.

(5) Every sanitary facility must be completely enclosed by bulkheads and must be provided with exhaust ventilation directly to the open air or to another sanitary facility which is provided with ventilation directly to the open air: Provided that a sanitary facility may be separated by a partition consisting of steel or other opaque and rigid material open at the top and bottom from—

(a) another sanitary facility;

(b) a urinal; or

(c) a shower or bath if the sanitary facility is served by a trunked mechanical ventilation system which effectively removes odours therefrom.

(6) Every sanitary facility must be so constructed as to facilitate cleaning and not to harbour dirt or vermin.

(7) Every sanitary facility must be provided with the following:

(a) A sanitary facility pedestal of single type with—

(i) a pan of hygienic or other suitable material;

(ii) a seat of polished hardwood or other suitable material, with an opening of 102 mm at the front;

(iii) a trap with an inspection plate; and

(iv) an efficient ventilator connected to the outlet;

(b) an adequate flush of water, which must be always available and supplied through self-closing non-concussive supply valves with a seating in material which is not likely to become corroded;

(c) a soil pipe not less than 100 mm in diameter, so constructed as to facilitate cleaning and minimise the risk of obstruction, connected to a main sewage outfall by an efficient and hygienic system: Provided the Authority may exempt vessels under 400 gross tons from the requirements of this paragraph;

(d) a device for holding toilet paper; and

(e) a handrail or grip.

(8) The provisions of this Regulations must not apply to sanitary facility forming part of a permanent hospital.

Galleys

25. (1) Every vessel must be provided with a galley for the preparation of food for the crew, unless the circumstances are such that no members of the crew are required to mess on board.

(2) The galley must be situated as near as possible to any mess room provided and any necessary equipment must be provided to enable food to be served in the mess rooms under all weather conditions.

(3) There must be no direct opening between the galley and any sleeping room.

(4) Every galley must, so far as is reasonable and practicable, be lighted by natural lighting.

(5) Every galley must be provided with at least three fixed points for artificial lighting, one of which must be situated close to a cooking range required by this Regulations.

(6) A galley situated on an open deck is prohibited.

(7) Every galley must be provided with exhaust fans fitted with grease filters which will draw off fumes from the cooking appliances therein and discharge the fumes into the open air: Provided the Authority may exempt from the requirement of this subregulation, any vessel of under 200 gross tons if the Authority is satisfied that the galley is so situated that the fumes therefrom can discharge only into the open air.

(8) (a) The floor of the galley must be provided with gutters and with scuppers which must be led to an enclosed tank for shore-side disposal in an environmentally friendly manner;
(b) The position and number of the gutters and scuppers must be such as will ensure the efficient drainage of the floor; and
(c) The material of the floor must be of approved durable material, impervious to damp.

(9) The cooking appliances in the galley must be arranged in a manner which will facilitate the cleaning of the galley.

(10) (a) All cupboards and dressers in the galley must be made of material which is impervious to dirt and moisture and can easily be kept clean;
(b) All metal parts of the cupboards and dressers must be rustproof;
(c) The cupboards and dressers must be so made not to be likely to harbour dirt or vermin.; and
(d) The bottoms of all cupboards and dressers in the galley must either be flush with the deck or must be so fitted as to enable the deck spaces beneath them to be readily accessible for cleaning.

(11) Every galley must be provided with such equipment as will enable food in sufficient quantity to be properly and readily prepared for the persons whom the galley is intended to serve and the cooking utensils to be hygienically cleaned.

(12) Every galley must be provided with cooking appliances in compliance with standard A 3.2 paragraph 2 and guideline B 3.2. paragraph 1 of the Maritime Labour Convention.

(13) (a) Saltwater taps must not be fitted over a sink in any galley or other place in which food may be prepared for the crew;

(b) Hot and cold fresh water must be laid on to a sink in the galley for washing-up purposes; and

(c) A connection must be provided on a water pipe within the galley, and must be suitable for the connection of a hose with which the floor may be scoured.

Dry provision storerooms

26. (1)(a) In every vessel, in which crew do not provide their own food, one or more storerooms must be provided for the storage of dry provisions for the crew.

(b) The storerooms in paragraph (a) must be fitted with sufficient shelves, cupboards and bins having regard to the maximum period likely to elapse between successive replenishments of stores and to the maximum number of persons for whom food is to be served.

(2) Every dry provision storeroom must be enclosed by bulkheads constructed of steel or other suitable material.

(3) Access to every dry provision storeroom must be obtained from a passageway, galley, pantry or another storeroom, or from a position on an open deck which, in so far as is reasonable and practicable in the circumstances, must be a protected position.

(4) Every dry provision storeroom must be so situated, constructed and ventilated as to avoid deterioration of the stores through heat, draught, condensation or infestation by insects or vermin.

(5) (a) Subject to subregulation (4), dry provision storeroom must not be situated over a boiler room or any other space in which heat is generated, or must adjoin a galley or machinery casing.

(b) The Authority may exempt any vessel from the requirements of this paragraph if the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances that the dry provision storeroom is adequately insulated.

(6) A dry provision storeroom, or any part thereof, must not be used for the storage of bedding or textiles.

Cold storeroom and refrigerating equipment

27.(1)(a) Every vessel, must be provided –

(i) with refrigerating equipment and cold storerooms; and

(ii) adequate capacity for the storage of perishable provisions for the crew, having regard to the period likely to elapse between successive replenishments of stores.

(b) The Authority may exempt any vessel of under 1,000 gross tons from the requirements of this subregulation if the Authority is satisfied that the vessel is provided with adequate alternative equipment for the storage of perishable provisions.

(2) Access to every cold storeroom must be obtained from a passageway, galley or pantry or from another storeroom.

(3) (a) Refrigerating machinery in which methyl chloride is used is prohibited.

(b) Refrigerating systems, including plants associated with air-conditioning systems must comply with the appropriate SANS standards and Chapter II-2 Regulations 9 of the Safety Convention.

(4) In every cold storeroom—

(a) an alarm must be connected to the navigation bridge and the outside of the opening to the cold storeroom; and

(b) each such cold storeroom must be capable of being opened from the inside to prevent persons being trapped.

Hospitals

28. (1)(a) Every vessel, which is intended to be at sea on any occasion for a continuous period of more than 3 days with a crew of 15 or more seafarers, must be provided with a space appropriated for use as a permanent hospital or the crew in accordance with standard A 3.1 paragraph 12, and standard A 4.1 of the Maritime Labour Convention regarding medical care on board vessels and guideline B 3.1 paragraph 8 of the Maritime Labour Convention for hospital accommodation;

(b) The space in subregulation (1), so appropriated must not at any time be used for any purpose other than for the treatment of sick persons; and

(c) The Authority may exempt from the requirement of this subregulation any vessel engaged only on coasting voyages wholly between ports within the Republic.

(2) (a) In every other vessel a room must be appropriated for use, when necessary, as a temporary hospital;

(b) When such room is in use as a hospital it must not be used for any purpose other than the treatment of sick persons; and

(c) The Authority may exempt any vessel from the requirements of this subregulation if the Authority is satisfied that compliance therewith is unnecessary in the circumstances.

(3) (a) Every hospital whether permanent or temporary must be situated in a position which will ensure the greatest possible comfort for the patient.

(b) The hospital must be readily accessible, and, in the case of a vessel not carrying a duly qualified medical practitioner or duly qualified nurse exclusively so employed as a member of the crew, must be so situated to be conducive to patients receiving prompt and proper attention in all weathers.

(4) (a) The minimum width of the entrance to every permanent hospital must be 762 mm or as near thereto as is practicable in the circumstances.

(b) The hospital must be so arranged that a stretcher can easily be carried into the hospital and placed alongside at least one single-tier bed therein.

(5) The floor-covering in every permanent hospital must, as far as is practicable be free from joints.

(6) (a) Every permanent hospital must include hospital accommodation fitted on at least two sides with side scuttles at least 305 mm in diameter: Provided that, if it is not practicable to fit a side scuttle on two sides of the hospital, a sky light, and of as large a size as is practicable, may be substituted for a side scuttle on one side of the hospital;

(b) All side scuttles in the hospital, and any skylight therein which is exposed to the direct rays of the sun, must be provided with curtains, or equivalent installation; and

(c) The Authority may exempt from the requirements of this subregulation any vessel of under 200 gross tons;

(7) (a) In addition to any mechanical ventilation required by Regulation 10, every permanent hospital must be provided with adequate natural supply and exhaust ventilation to the open air by means of ventilators independent of the ventilators provided for any other space in the vessel.

(b) The Authority may exempt any vessel from the requirement of this subregulation if the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(8) Every permanent hospital may be provided with an electric fan in addition to being served by a trunked mechanical ventilation system.

(9) Any radiators in a permanent hospital must be installed, as far as is practicable, from the heads of beds.

(10) In addition to the lighting required by Regulation11, every permanent hospital must be provided with a portable electric lamp and with such accessories as are necessary for its use.

(11) (a) In every vessel which is required by this Regulation to be provided with a permanent hospital at least one single-tier bed must be provided in a hospital for every 50 members of the crew or part thereof.

(b) The Authority may exempt from the requirement of paragraph (a) any vessel carrying more than 300 persons, to the extent to which the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(c) The bed in paragraph (a) must, if practicable, be so arranged as to be accessible from both sides and from the foot.

(d) If any beds in the hospital accommodation are arranged in double tiers, the upper tier must be hinged or must be removable.

(e) Subject to the foregoing provisions of this subregulation, the provisions of subregulations (2) to (8) inclusive of Regulation 16 must apply to hospital beds as they apply to beds in a sleeping room;

(12) In every permanent hospital one of each of the following items of equipment must be provided for each bed in the hospital and must be within reach of that bed:

(a) A locker approximately 305 mm^2 by 610 mm high, and fitted with a flat top and a shelf;

(b) a water bottle; and

(c) a tumbler.

(13) In every permanent hospital the following items of equipment must be provided:

(a) Seats adequate in number, having regard to the number of beds in the hospital;

(b) a clothes locker additional to that required by subregulation (12) of this Regulation, and complying with the specifications set forth in subparagraph (a) (ii) of paragraph (1) of Regulation 17;

(c) a box cover which will conceal a bed-pan; and

(d) electric alarm bell-switch so arranged as to be within reach of each bed and communicating with the sleeping room of a person in charge of the patients and the navigation bridge.

(14) (a) A wash-basin having a capacity of at least 7 litres must be filled in every permanent hospital.

(b) In vessels of 5,000 gross tons or over a bath at least 1.4 m in internal length must be fitted in washing accommodation forming part of the hospital.

(c) The wash-basin and bath must be made of or coated with hygienic and durable material having a smooth and impervious surface not likely to crack, flake or become corroded.

(d) The wash basin must be fitted with an efficient and hygienic discharge system separate, if practicable, from any other discharge system in the vessel and in particular the waste pipes must be fitted in a manner which will facilitate cleaning.

(e) A scupper of at least 50 mm in diameter must be fitted in the lowest part of any room, other than hospital accommodation, which contains such wash-basin or bath.

(f) The Authority may exempt any vessel from the requirement of a bath in the permanent hospital, if the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(15) (a) A sanitary facility pedestal must be fitted as part of every permanent hospital.

(b) The sanitary facility pedestal must be fitted either in a water closet or in washing accommodation forming part of the hospital.

(c) Access to the sanitary facility pedestal, or washing accommodation. as the case may be, must be obtained easily from the bed or from a lobby forming part of the hospital.

(d) The Authority may exempt any vessel from the requirement of paragraph (c) if the Authority is satisfied that compliance therewith is impracticable in the circumstances, and that the sanitary facility forming part of the hospital is situated sufficiently near to the bed.

(e) The room in which the sanitary facility pedestal is installed must be provided with a gas-tight self-closing door unless it is served by a

mechanical system of exhaust ventilation, and must be so constructed as to facilitate cleaning and not to harbour dirt or vermin.

(f) The room in paragraph (e) must be ventilated in the manner specified in subregulation (7) of Regulation24.

(16) The Authority may exempt any vessel of under 200 gross tons from any of the requirements of this Regulation.

(17) The permanent hospital medical appliances provided in the vessel for the benefit of the seafarers on board must be as prescribed in the Merchant Shipping (Ship's Medicines and Medical Appliances) Regulations, 1991.

Medical Cabinet

29.(1)(a) In every vessel, a medical cabinet must be provided in a position adjacent to the permanent hospital, if any, required by Regulation 28 or near to the sleeping room of the person in charge of sick persons on board.

(b) The medical cabinet must be fitted in a position in which it will remain dry and which is remote from all sources of heat.

(2) (a) The medical cabinet must be of a size, design and construction suitable for storing the medicines, and medical appliances provided in the vessel for the benefit of the seafarers on board as prescribed in the Merchant Shipping (Ship's Medicines and Medical Appliances) Regulations, 1991.

(b) In particular, the medical cabinet must be provided with the following:

(i) An outer door fitted with an efficient lock;

(ii) An inner cupboard, used solely for the storage of controlled drugs, fitted with a door and a lock which must be incapable of being opened by the key to the lock referred to in subparagraph (i);

(iii) Shelves so constructed as to facilitate the identification of medicines stored thereon;

(iv) A dispensing counter or dispensing table, in either case with a surface which can easily be kept clean;

(v) At least two drawers suitable for the storage of medical stores and used solely for that purpose;

(vi) Fittings which will enable hot water bottles to be carried in a hanging position;

(vii) A rack suitable for holding devices for measuring medicines; and

(viii) Where applicable, a book of instruction as prescribed under the applicable medical regulations.

(3) The medical cabinet must be lighted by an electric light which must be inside or immediately outside the cabinet, and which will enable all the contents of the cabinet to be clearly seen in the absence of light from any other source.

(4) The medical cabinet and the place in which it is fitted must be so ventilated as to avoid deterioration of the contents of the cabinet.

(5) The Authority may exempt from any of the requirements of this Regulation any vessel of under 200 gross tons, being a vessel engaged only on voyages wholly between ports within the Republic if the Authority is satisfied that compliance there with is unreasonable or impracticable in the circumstances.

Protection from mosquitoes

30. (1)(a) In every vessel regularly engaged on voyages to any Port to which this Regulation relates, the crew accommodation, other than storerooms and recreation spaces on the open deck must be provided with protection against the admission of mosquitoes.

(b) The protection in subregulation (a) must be provided by means of screens of rust-proof wire or other suitable material which must be fitted to all side scuttles, natural ventilators, skylights, and doors leading to the open deck.

(2) Any door to which the screens referred to in subregulation (1)(b) are fitted, being a door at the entrance to a permanent or temporary hospital in a vessel to which these Regulations apply, must be of a self-closing type.

(3) The Ports in subregulation (1), to which this Regulationrelates are listed by the World Health Organisation.

Maintenance and inspection of crew accommodation

31. (1)(a) The crew accommodation in every vessel must be maintained in a clean and habitable condition, and all equipment and installations must be maintained in good working order.

(b) Every part of the crew accommodation, not being a storeroom, must be kept free of stores and other property not belonging to or provided for the use of persons for whom that part of the accommodation is appropriated, and in particular, cargo must not be kept in any part of the crew accommodation.

(2) The master of the vessel or an officer appointed by the master for the purpose must inspect every part of the crew accommodation at intervals not exceeding ten days, and must be accompanied on the inspection by one or more members of the crew.

(3) For purposes of subregulation (2), the master of the vessel must cause to be entered in the vessel's official logbook a record of—

(a) the time and date of the inspection;

(b) the names and ranks of the persons making the inspection; and

(c) particulars of any respects in which the crew accommodation or any part thereof was found by any of the persons making the inspection not to comply with these Regulations.

Inspection by the Proper Officer

32. A Proper Officer must inspect the crew accommodation in every vessel or cause the vessel to be inspected whenever—

(a) the vessel is registered or re-registered in the Republic;

(b) any part of the crew accommodation in the vessel undergoes substantial alterations or repairs;

(c) the number of persons accommodated in any sleeping room is increased above that marked in accordance with subregulation (1) of Regulation 14;

(d) in the opinion of the proper officer there is reason to believe, whether or not in consequence of a complaint, that any of the provisions of these Regulations have been contravened in respect of that vessel, or that any condition subject to which the Authority has exempted the vessel from a requirement of these Regulations has not been satisfied;

(e) a request for an inspection of the crew accommodation has been made to the Authority or to the proper officer by or on behalf of the owner of the vessel or of any organisation which appears to the Authority to be representative of the owners of South African vessels or of the seafarer concerned; or

(f) a complaint has been lodged with the proper officer, and it complies with the requirements prescribed in the Act.

Additional Exemptions

33. (1) The Authority may, on such conditions as the Authority regarded necessary, exempt—

(a) any vessel while under construction;

(b) any vessel while undergoing trials;

(c) any vessel of under 200 gross tons;

(d) any tug;

(e) any vessel which, in the opinion of the Authority, is primarily employed in a harbour, river, estuary, lake or canal;

(f) any passenger vessel making day trips only; or

(g) any coasting vessel;

from all or any of the requirements of these Regulations to the extent to which the Authority is satisfied that compliance there with is unreasonable or impracticable in the circumstances.

(2) The Authority may exempt from the requirements of these Regulations any vessel in which there are employed any groups of ratings necessitating the employment of a substantially greater number of ratings than would otherwise be employed, in the case of mess rooms, sanitary accommodation and hospitals, is equal or comparable in standard to the crew accommodation required by these Regulations: Provided, in the case of vessels where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive

religious and social practices, the Authority may, after consultation with the vessel owners and seafarers organisations concerned, permit fairly applied variations in respect of these Regulations, on condition that such variations do not result in overall facilities less favourable than those which would result from the application of these Regulations.

(3) The Authority may, after consultation with the owners of the vessel, or such organisations as appear to the Authority to be representative of owners of South African vessels, and with such organisations as appear to the Authority to be representative of seafarers employed in South African vessels, exempt any vessel from any of the requirements of these Regulations, if the Authority is satisfied that corresponding advantages are provided in the vessel so that the crew accommodation considered as a whole, is equivalent or superior in standard to that required by these Regulations.

Repeal of regulations

34. The Crew Accommodation Regulations, 1961, published by Government Notice No. GN R. 1064 in Government Gazette 43 of 24 November 1961 in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), are hereby repealed.

Short title and commencement

35. These Regulations are called The Draft Merchant Shipping (Crew Accommodation) Regulations, 2023 and are published for public comments.

ANNEX 1

TRUNKED MECHANICAL VENTILATION SYSTEMS

(1) Trunked mechanical ventilation systems must be capable of the standards of performance tabled below.
(2) If any storeroom is served by a fan which provides warmed air for any other space, the store-room must be provided with ventilation trunking separate from that serving such other space.
(3) The clear area of the exhaust openings provided in conjunction with the system must be sufficient to ensure that the velocity of air at each opening does not exceed 5 metres per second when the system is in operation.
(4) The system must be quiet in operation
(5) All trunking forming part of the system must be provided with non-return flaps where such flaps are necessary for the exclusion of effluvia and the preservation of health of the crew.
(6) If the system is designed to circulate heated air as the sole means of heating the crew accommodation, the system must be sub-divided into sections which can be separately controlled to the extent necessary to enable comfortable temperature to be maintained in all parts of the crew accommodation.

Category	Description of Space	Fresh air changes per hour*	Volume of fresh air, in m^3/min, for each person likely to use the room at any one time*
	Rooms (other than rooms in category C) in deck houses above the upper or shelter deck:		
	(1) Outside rooms (Not adjoining machinery casing).	10	1.4
A	(2) Inside rooms and rooms adjoining machinery casing.	15	1.4
B	Rooms (other than rooms in category C) in side to side superstructures above the upper or shelter deck:		
	(1) Outside rooms (Not adjoining machinery casing).	12	1.4
	(2) Inside rooms and rooms adjoining machinery casing.	15	1.4

C	Mess rooms, smoking rooms and recreation rooms (above the upper or shelter deck) (1) Not adjoining machinery casing. (2) Adjoining the machinery casing.	 15 18	 0.7 (a) 0.7 (a)
D	Passageways adjoining machinery casings	4	-
E	Rooms in tween decks (1) Not adjoining machinery casing. (2) Abreast but not adjoining the machinery casing. (3) Adjoining machinery casings (other than mess rooms, smoking rooms and recreation rooms). (4) Mess rooms, smoking rooms and recreation rooms (Adjoining machinery rooms)	 12 12 15 18	 1.4 1.4 1.7 0.7
Cate-gory	**Description of Space**	**Fresh Air Changes per hour**	
		Supply	**Exhaust**
F	Galleys	20 (c) (d)	40 (d)
G	Sanitary accommodation, drying rooms and pantries	10	-
H	Dry Provision store-rooms	> 10 (e), but < 20	

*Notes:

(a) Whatever the number of persons likely to use the room at any one time, the total volume of fresh air per minute must not be required to be such as would result in more than 20 fresh air changes per hour.

(b) Whatever the number of persons likely to use the room at any one time, the total volume of fresh air per minute must not be required to be such as would result in more than 25 fresh air changes per hour.

(c) 15, if at least two sides of the galley are exposed to the weather.

(d) The Authority may exempt any vessel from these requirements if satisfied that compliance is unnecessary by reason of the insulation of the equipment in the galley, or by reason of the size of the galley.

(e) Subject to Regulation 11.

ANNEX 2

MARKING

PART I

Markings for sleeping rooms

Certified for seafarer

Certified for A seafarer

Certified for seamen or A seafarer

PART II

Markings for spaces other than sleeping rooms

Certified for Chief Navigating Officer

Certified for Officers

Certified for Petty Officers

Certified for Apprentices

Certified for Crew

(1) The maximum number of seafarers who may be accommodated in the room shall be inserted in accordance with these Regulations, when it is not appropriated for use solely by such ratings as are referred to in Regulations 15 (1) (e).

(2) The maximum number of seafarers who may be accommodated in the room shall be inserted in accordance with these Regulations, when it is appropriated for use solely by such ratings as are referred to in Regulations 15 (1) (e).

(3) In the case of a room intended for the sole use of any other officer, the rank of that officer must be substituted.

DEPARTMENT OF TRANSPORT

GENERAL NOTICE 1993 OF 2023

INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)
GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE

Pursuant to the provisions of section 24 (1(a) and (b) and 25 (5)of Act No.60 of 1993 and Regulation 16 (1) and 17 (1) of the International Air Regulations,1994, it is hereby notified for general information that the applications, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council) representation in accordance with section 24(3) of the Act No. 60 of 1993 and regulation 25(2) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairman of the International Air Services Council at Department of Transport, Private Bag X 193, Pretoria, 0001 or by email at: internationalcouncil@dot.gov.za within 21 days of the publication hereof. It must be stated whether the party or parties making such representation is / are prepared to be represent or represented at the possible hearing of the application.

APPENDIX I (New/renewal)

(A) COMPAGNIE AERIENNE ASKY. (B) P O Box 2988, Lome-Togo. (C) Class I. (D) Type S1. (E) A1 **B737-800** – Reg: 5V-TTV, ET-AMP, ET-ATU, ET-ATV, ET-AXI, ET-AXO, ET-AYU, ET-AZY, ET-AZZ. **B737-700** – Reg – ET-ANG, ET-ANH, ET-AVP. (F) and (G) (LFW) Lome/Togo – (FIH) Kinshasa/DR Congo - (JNB) O R Tambo International Airport, Johannesburg – (FIH) Kinshasa/DR Congo – (LFW) Lome/Togo. / (LFW) Lome/Togo – (LBV) Libreville/Gabon – (JNB) O R Tambo International Airport, Johannesburg – (LBV) Libreville/Gabon – (LFW) Lome/Togo. (H) 07 flights per week

APPENDIX II (Amendment)

(A) ELAL ISRAEL AIRLINES LTD. (B) Ben Gurion Airport, P O Box 41, 7015001, ISRAEL. (C) Class I. (D) Type S1. (E) A1 – **B777-258 – Reg: 4X-ECE and B787-8 – Reg: 4X-ERD.** (F) and (G) (FLKK Ben Gurion Airport (Israel) - O R Tambo International Airport ORTIA/Johannesburg) – Ben Gurion Airport (Israel) [No fifth freedom traffic rights may be exercised at intermediate or beyond points.] (H) Three (03) flights per week.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065