



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

Vol. 619

27 January 2017  
27 Januarie 2017

No. 40577

**PART 1 OF 3**

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ISSN 1682-5843



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Government Printing Works  
**REPUBLIC OF SOUTH AFRICA**

14/1/1

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20 October 2016

Dear Value Customers

The 27<sup>th</sup> of December 2016 has been declared as a public holiday by the State President Mr Jacob Zuma.

For this reason, the closing date of all gazettes during that week will be a day before scheduled dates as published in the gazette or on the website.

Sincerely,

Maureen Toka  
Acting Assistant Director: Publications  
(Tel): 012 748-6066



For purposes of reference, all Proclamations, Government Notices, General Notices and Board Notices published are included in the following table of contents which thus forms a weekly index. Let yourself be guided by the gazette numbers in the righthand column:

Alle Proklamasies, Goewermentskennisgewings, Algemene Kennisgewings en Raadskennisgewings gepubliseer, word vir verwysingsdoeleindes in die volgende Inhoudopgawe ingesluit wat dus weeklikse indeks voorstel. Laat uself deur die Koerantnommers in die regterhandse kolom lei:

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**IMPORTANT NOTICE:**

**THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.**

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

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

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- **06 January**, Friday, for the issue of Friday **13 January 2017**
- **13 January**, Friday, for the issue of Friday **20 January 2017**
- **20 January**, Friday, for the issue of Friday **27 January 2017**
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# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2016**

## 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 R1000 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	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

## 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 **R3000** per page.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

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

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 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 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication



**GOVERNMENT PRINTING WORKS - BUSINESS RULES****NOTICE SUBMISSION PROCESS**

3. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
4. 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.
5. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
6. Each notice submission should be sent as a single email. The email should contain **all documentation relating to a particular notice submission**, each as a separate attachment:
  - 6.1. Electronically completed *Adobe* form, specific to the type of notice that is to be placed.
    - 6.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
    - 6.1.2. The notice content (body copy) **MUST** be a separate attachment.
  - 6.2. 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
  - 6.3. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should also be attached as a separate attachment. (See specifications below, point 11).
  - 6.4. Any additional notice information if applicable.
7. 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.
8. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
9. 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.
10. 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.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

11. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
  - 11.1. 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).
  - 11.2. 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**

12. 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.
13. 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**

14. 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**

15. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
  - 15.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
  - 15.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
  - 15.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
  - 15.4. 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**

16. 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.
17. 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**

18. The Government Printer will assume no liability in respect of—
  - 18.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 18.2. 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;
  - 18.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

19. 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.

20. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.
21. 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

22. 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.
23. 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.
24. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za) before publication.
25. 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.
26. 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**.
27. 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

28. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za) free of charge, should a proof of publication be required.
29. 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)*.

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149 Bosman Street  
Pretoria

**Postal Address:**

Private Bag X85  
Pretoria  
0001

**GPW Banking Details:**

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**Account No.:** 405 7114 016  
**Branch Code:** 632-005

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

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

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

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

**Tel:** 012-748 6200

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**Fax:** 012-323-9574

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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF DEFENCE**

NO. 47

27 JANUARY 2017

**NOTICE IN TERMS OF SECTION 48(2) OF THE DEFENCE ACT, 2002, AND  
REGULATION 2(7)(b) OF THE REGULATIONS FOR THE RESERVE FORCE  
COUNCIL, 2016**

I, Nosiviwe Noluthando Mapisa-Nqakula, Minister of Defence and Military Veterans by virtue of the authority vested in me in terms of Section 48 (2) of the Defence Act, 2002, read with Regulation 2(7)(b) of the Regulations for the Reserve Force Council, 2016, hereby confirm the appointment of the following 18 members of the Reserve Force Council with effect from 25 November 2016 for a period of five years:

Maj Gen K.M. Mokoape as Chairperson

Maj Gen R.F.P. Mdluli-Sedibe

Brig Gen E.G.M. Alexander

Brig Gen J.A. del Monte as Deputy Chairperson

Brig Gen E.R.K. Mathibe

Brig Gen P. Tembe

Col G.R. Hide

Capt (SANR) T.A. Morom

Col M Müller

Col J. Sexwale

Lt Col J.A.G. Dyer

Lt Col G. J. Giles

Lt Col (Dr) A. Thulare

Lt Col J.U. van der Westhuijzen

Lt Col E. van Niekerk

Maj M. Fryer

Lt N.M. Gwala

WO1 J.D. Tshabalala

**MS NN MAPISA-NQAKULA, MP**

**MINISTER OF DEFENCE AND MILITARY VETERANS**

## DEPARTMENT OF HEALTH

NO. 48

27 JANUARY 2017

## 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 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 ninety seven rand and six cents (R97.06), the dispensing fee shall not exceed R9.25 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 ninety seven rand and six cents (R97.06) but less than two hundred and fifty eight rand and eighty eight cents (R258.88), the dispensing fee shall not exceed R22.50 plus 33% of the single exit price in respect of that medicine or scheduled substance;

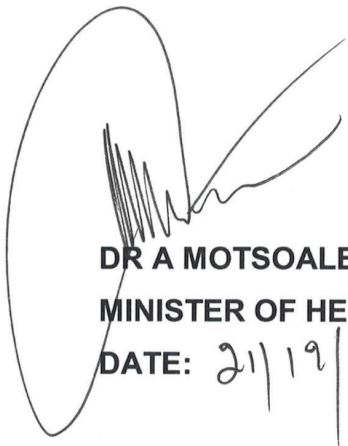


- (c) where the single exit price of a medicine or scheduled substance is greater than or equal to two hundred and fifty eight rand and eighty eight cents (R258.88) but less than nine hundred and six rand and ten cents (R906.10), the dispensing fee shall not exceed R69.00 plus 15% of the Single Exit 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 nine hundred and six rand and ten cents (R906.10), the dispensing fee shall not exceed R160.00 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 A MOTSOLEDI, MP**  
**MINISTER OF HEALTH**  
DATE: 21/12/2016

## DEPARTMENT OF HEALTH

NO. 49

27 JANUARY 2017

**HEALTH PROFESSIONS ACT, 1974 (ACT NO.56 OF 1974)****REGULATIONS RELATING TO THE QUALIFICATIONS FOR REGISTRATION OF  
BASIC AMBULANCE ASSISTANTS, AMBULANCE EMERGENCY ASSISTANTS,  
OPERATIONAL EMERGENCY CARE ORDERLIES AND PARAMEDICS**

I, Dr Aaron Motsoaledi, the Minister of Health has, in terms of section 24 of the Health Professions Act, 1974 (Act No. 56 of 1974), and on the recommendation of the Health Professions Council of South Africa, made the regulations in the Schedule.

**SCHEDULE****DEFINITIONS**

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

**“Ambulance Emergency Assistant”** means a person registered as such in terms of the Act;

**“Annexure”** means an annexure to these Regulations;

**“Basic Ambulance Assistant”** means a person registered as such in terms of the Act;

**“professional board”** means the Professional Board for Emergency Care established in terms of section 15 of the Act;

**“Operational Emergency Care Orderly”** means a person registered as such in terms of the Act;

**“Paramedic”** means a person registered as such in terms of the Act; and

**“the Act”** means the Health Professions Act, 1974, (Act No. 56 of 1974).

## 2. Qualifications for registration as Basic Ambulance Assistant, Ambulance Emergency Assistant, Paramedic or Operational Emergency Care Orderly

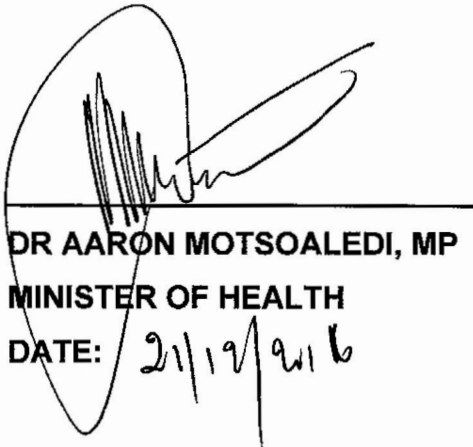
- (1) The Registrar may register, as a Basic Ambulance Assistant, any person who obtained, prior to the promulgation of these Regulations or within twelve months after the promulgation of these Regulations, any of the relevant Basic Ambulance Assistant qualifications listed in the Annexure.
- (2) The Registrar may register, as an Ambulance Emergency Assistant, any person who obtained, prior to the promulgation of these Regulations or within thirty six months after the promulgation of these Regulations, any of the relevant Ambulance Emergency Assistant qualifications listed in the Annexure.
- (3) The Registrar may register as a Paramedic—
- (a) any person who obtained, prior to the promulgation of these Regulations or within twelve months after the promulgation of these Regulations, any of the relevant Paramedic qualifications listed in the Annexure; or
- (b) any person who obtained, prior to the promulgation of these Regulations or within three years after the promulgation of these Regulations, the following qualifications:

EXAMINING AUTHORITY	QUALIFICATIONS
Cape Peninsula University of Technology	▪ National Diploma in Emergency Medical Care
Durban University of Technology	▪ National Diploma in Emergency Medical Care
University of Johannesburg	▪ National Diploma in Emergency Medical Care
Central University of Technology	▪ National Diploma in Emergency Medical Care

- (4) The Registrar may register, as an Operational Emergency Care Orderly, any person who obtained, prior to the promulgation of these Regulations or within twelve months after the promulgation of these Regulations, an Operational Emergency Care Orderly Course from the School for Military Health Training.
- (5) Despite anything to the contrary contained in these Regulations, the Registrar may register a person as a Basic Ambulance Assistant, an Ambulance Emergency Assistant, a Paramedic or an Operational Emergency Care Orderly, if that person obtained, prior to the promulgation of the Regulations or within twelve months after the promulgation of these Regulations, any relevant qualification recognised by the professional board in terms of section 15B(1)(e) of the Act.

### 3. Short Title

These Regulations are called the Regulations Relating to the Qualifications for Registration of Basic Ambulance Assistants, Ambulance Emergency Assistants, Operational Emergency Care Orderlies and Paramedics, 2016.



DR AARON MOTSOLEDI, MP  
MINISTER OF HEALTH  
DATE: 21/12/2016



**ANNEXURE****BASIC AMBULANCE ASSISTANTS**

<b>EXAMINING AUTHORITY</b>	<b>QUALIFICATIONS</b>
Action Training Academy	▪ Basic Ambulance Assistant Course
Ambusave Academy	▪ Basic Ambulance Assistant Course
City of Johannesburg Emergency Medical Services (CoJEMS)	▪ Basic Ambulance Assistant Course
Critical Care Academy	▪ Basic Ambulance Assistant Course
De Vries Ambulance Academy	▪ Basic Ambulance Assistant Course
Elihle College of Emergency Care	▪ Basic Ambulance Assistant Course
ER 24	▪ Basic Ambulance Assistant Course
Global Emergency Technologies	▪ Basic Ambulance Assistant Course
Human Emergency Life Programme (Gauteng) T/A H.E.L.P Emergency Medical Training	▪ Basic Ambulance Assistant Course
IET Fire Rescue and EMS Academy	▪ Basic Ambulance Assistant Course
Impact Emergency Technologies	▪ Basic Ambulance Assistant Course
Kernbridge FET College	▪ Basic Ambulance Assistant Course
Netcare Education: Faculty of Emergency and Critical Care (FECC)	▪ Basic Ambulance Assistant Course
North West Private Ambulance Training College	▪ Basic Ambulance Assistant Course
Rescu-Life Africa	▪ Basic Ambulance Assistant Course
SRQ Ambulance Training College	▪ Basic Ambulance Assistant Course
School for Military Health Training	▪ Basic Ambulance Assistant Course
Bokone Bophirima Ambulance Training College	▪ Basic Ambulance Assistant Course
Mokgojwa College of Emergency Care	▪ Basic Ambulance Assistant Course

EXAMINING AUTHORITY	QUALIFICATIONS
Mankwe Ambulance Training Centre	▪ Basic Ambulance Assistant Course
Bokamoso Pre-Hospital Academy	▪ Basic Ambulance Assistant Course
Ingozi Medicals	▪ Basic Ambulance Assistant Course
Golden Hour Ambulance Academy	▪ Basic Ambulance Assistant Course
Impact Emergency Technologies	▪ Basic Ambulance Assistant Course
Leximed Training College	▪ Basic Ambulance Assistant Course
Academy of Emergency Medical Training (AEMT)	▪ Basic Ambulance Assistant Course
Action Training Academy	▪ Basic Ambulance Assistant Course
Africa Medical	▪ Basic Ambulance Assistant Course
KwaZulu Natal College of Emergency Care-	▪ Basic Ambulance Assistant Course
KwaZulu Private Emergency Care Training Academy (KPECTA)	▪ Basic Ambulance Assistant Course
Netcare Education: Faculty of Emergency and Critical Care (FECC)	▪ Basic Ambulance Assistant Course
St John Ambulance Foundation – Durban	▪ Basic Ambulance Assistant Course
Eastern Cape Ambulance Training College (ECATC)	▪ Basic Ambulance Assistant Course
Mary Grace Ambulance Academy	▪ Basic Ambulance Assistant Course
Queensland Ambulance College	▪ Basic Ambulance Assistant Course
Ambutek	▪ Basic Ambulance Assistant Course
ST John - Cape Town	▪ Basic Ambulance Assistant Course
Academy for Emergency Medical Training	• Certificate Basic Ambulance Assistant
Criticare UCB	• Certificate Basic Ambulance Assistant
De Vries Academy	• Certificate Basic Ambulance Assistant



EXAMINING AUTHORITY	QUALIFICATIONS
Eastern Transvaal Regional Services Council- Secunda	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Eastvaal Regional Services Council, Secunda	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Emergency Services Training College, Benoni	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Highveld Regional, Services Council-Middelburg	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Human Emergency Life Programme	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Intermed	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Medical Resque International - Academy for Emergency and Critical Care, Durban	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Medical Resque International-Academy for Emergency and Critical Care, Johannesburg	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Mpumalanga Lowveld Ambulance Training College, Nelspruit	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Northern District Council	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Northern Transvaal Regional Services Council- Pietersburg	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Potchefstroom Ambulance Training College	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Provincial Ambulance Training College-Cape Town	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant - Cape Town</li> <li>• Certificate Basic Ambulance Assistant - East London</li> <li>• Certificate Basic Ambulance Assistant - George Emergency Services</li> <li>• Certificate Basic Ambulance Assistant – Kimberley</li> <li>• Certificate Basic Ambulance Assistant - Port Elizabeth</li> <li>• Certificate Basic Ambulance Assistant – Stellenbosch</li> </ul>
Provincial Ambulance Training College-Free State	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Provincial Ambulance Training College-Gauteng	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant –</li> </ul>

EXAMINING AUTHORITY	QUALIFICATIONS
	Brixton <ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant – Germiston</li> <li>• Certificate Basic Ambulance Assistant – Johannesburg</li> <li>• Certificate Basic Ambulance Assistant- Pretoria</li> <li>• Certificate Basic Ambulance Assistant- Roodepoort</li> <li>• Certificate Basic Ambulance Assistant- Sandton</li> </ul>
Provincial Ambulance Training College-Natal	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
The South African Red Cross Society	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Traumamed Institute of Emergency First Aiders	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
West Coast Ambulance Services, Moorreesburg	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>

#### AMBULANCE EMERGENCY ASSISTANTS

EXAMINING AUTHORITY	QUALIFICATIONS
Ambusave Academy	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
City of Johannesburg Emergency Medical Services	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
ER 24	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
Human Emergency Life Programme (Gauteng) T/A H.E.L.P Emergency Medical Training	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
Lebone College of Emergency Care (Pretoria)	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
Netcare Education: Faculty of Emergency and Critical Care (FECC)	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
School for Military Health Training	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
SRQ Ambulance Training College	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>

<b>EXAMINING AUTHORITY</b>	<b>QUALIFICATIONS</b>
Mokgojwa College of Emergency Care	▪ Ambulance Emergency Assistant Course
Mankwe Ambulance Training Centre	▪ Ambulance Emergency Assistant Course
Northern Cape College of Emergency Care	▪ Ambulance Emergency Assistant Course
Central University of Technology (CUT), Free State	▪ Ambulance Emergency Assistant Course
Academy of Emergency Medical Training (AEMT)	▪ Ambulance Emergency Assistant Course
KwaZulu Natal College of Emergency Care-	Ambulance Emergency Assistant Course
Netcare Education: Faculty of Emergency and Critical Care (FECC)	▪ Ambulance Emergency Assistant Course
Eastern Cape Ambulance Training College (ECATC)	▪ Ambulance Emergency Assistant Course
Ambutek	▪ Ambulance Emergency Assistant Course
Cape Peninsula University of Technology (CPUT)	▪ Ambulance Emergency Assistant Course
Provincial Government of the Western Cape College of Emergency Care (PGWC)	▪ Ambulance Emergency Assistant Course
Academy for Emergency Medical Training	• Certificate Ambulance Emergency Assistant
Criticare UCB	• Certificate Ambulance Emergency Assistant
Medical Resque International - Academy for Emergency and Critical Care, Durban	• Certificate Ambulance Emergency Assistant
Provincial Ambulance Training College-Cape Town	<ul style="list-style-type: none"> <li>• Certificate Ambulance Emergency Assistant - Cape Town</li> <li>• Certificate Ambulance Emergency Assistant - East London</li> <li>• Certificate Ambulance Emergency Assistant - Port Elizabeth</li> </ul>
Provincial Ambulance Training College-Free State	▪ Certificate Ambulance Emergency Assistant
Provincial Ambulance Training College-Gauteng	• Certificate Ambulance Emergency Assistant

EXAMINING AUTHORITY	QUALIFICATIONS
	<ul style="list-style-type: none"> <li>-Johannesburg</li> <li>• Certificate Ambulance Emergency Assistant - Pretoria</li> </ul>
Provincial Ambulance Training College-Natal	<ul style="list-style-type: none"> <li>• Certificate Ambulance Emergency Assistant</li> </ul>

## PARAMEDICS

EXAMINING AUTHORITY	QUALIFICATIONS
Lebone College of Emergency Care (Pretoria)	<ul style="list-style-type: none"> <li>▪ Critical Care Assistant Course</li> </ul>
Netcare Education: Faculty of Emergency and Critical Care (FECC)	<ul style="list-style-type: none"> <li>▪ Critical Care Assistants Course</li> </ul>
Provincial Government of the Western Cape College of Emergency Care (PGWC)	<ul style="list-style-type: none"> <li>▪ Critical Care Assistants Course</li> </ul>
Criticare UCB	<ul style="list-style-type: none"> <li>▪ Certificate Critical Care Assistant</li> </ul>
Department of National Education	<ul style="list-style-type: none"> <li>• National Diploma in Ambulance Emergency Technology</li> </ul>
Provincial Ambulance Training College: Cape	<ul style="list-style-type: none"> <li>▪ Certificate Paramedic/Ambumedic</li> </ul>
Provincial Ambulance Training College: Gauteng	<ul style="list-style-type: none"> <li>• Certificate Critical Care Assistant – Johannesburg</li> <li>• Certificate Critical Care Assistant - Pretoria</li> </ul>
Provincial Ambulance Training College: Natal	<ul style="list-style-type: none"> <li>▪ Certificate Critical Care Assistant</li> <li>▪ Certificate AEA (1) (a) Plus AEA (1) (b)</li> </ul>
Technikon Natal	<ul style="list-style-type: none"> <li>• National Diploma in Ambulance and Emergency Care Technology</li> </ul>
Technikon Witwatersrand	<ul style="list-style-type: none"> <li>• National Diploma in Ambulance and Emergency Care Technology</li> </ul>



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**ISAZISO SIKAHULUMENI**

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**UMNYANGO WEZEMPILO****UMTHETHO WEMISEBENZI YEZEMPILO, WONYAKA WE-1974 (UMTHETHO  
ONGUNOMBOLO56 WONYAKA WE-1974)**

**IMITHETHO ELAWULAYO NGOKUPHATHELENE NEZITIFIKETI  
ZOKUBHALISELWA UKUBA UMSIZI WESIGABA SOKUQALA SAMA-AMBULENSI,  
NOKUBA NGUMSIZI EZIMENI EZIPHUTHUMAYO ZAMA-AMBULENSI, NOKUBA  
NGUMTATAMISI OSIZA EZIMENI EZIPHUTHUMAYO, NOKUBA YIPHARAMEDIKHI**

Mina, Dkt. Aaron Motsoaledi, uNgqongqoshe Wezempilo, ngokwesigaba sama-  
24 soMthetho Wemisebenzi Yezempilo, Wonyaka We-1974 (uMthetho onguNombolo56  
wonyaka we1974),  
nangokwesincomoso Mkhandlu Wemisebenzi Yezempilo WaseNingizimu Afrika, ngenze le  
mithetho elawulayo kuyo ishejuli.

**ISHEJULI****IZINCAZELO**

1.

**KulemithethoelawulayoigamanomaamazwiachazweeMthethweniachazaaku mele, ngaphandleumaisimoasetshenziswekusosishookunye —**

**“UmsiziEzimeniEziphuthumayoZama-ambulense, i-Ambulance Emergency Assistant”** ushoomuntuobhaliselwelowomsebenzingokoMthetho;

**“Isithasiselo”** sishoisithasiselokulemithethoelawulayo;

**“UmsiziWesigabaSokuqalaSama-ambulense, i-Basic Ambulance Assistant”** ushoomuntuobhaliselwelowomsebenzingokoMthetho;

**“ibhodilezemisebenzi”**

lishoibhodilemisenbenziesizayoezimenieziphuthumayoelasungulwangokwesigaba se-15 soMthetho;

**“UmtatamisiOsizaEzimeniEziphuthumayo”**

ushoomuntuobhaliselwelowomsebenzingokoMthetho;

**“UmsiziWabagulayoNabalimele, ipharamedikhi”**

ushoomuntuobhaliselwelowomsebenzingokoMthetho;

**“uMthetho”** ushouMthethoWemisebenziYezempilo, Wonyaka We-1974, (uMthethoonguNombolo56 wonyaka we-1974).

## 2.

**Izitifiketizokubhaliselwaukubaumsiziwesigabasokuqalasiswa-ambulense,  
nokubangumsiziezimenieziphuthumayozama-ambulense,  
nokubangumtatamisiosizaezimenieziphuthumayo,  
nomaukubaipharamedikhi.**

- (1) URejistraangabhalisaumuntunjengomsiziwesigabasokuqalasiswa-ambulense, umaenesitifiketiesifanelesalomsebenzi, asitholengaphambikokumenyezelwakwalemithethoelawulayonomaasitholeezinya ngenieziyishuminambiliemuvakokumenyezelwakwalemithethoelawulayo, njengokulotshwakwazolezizitifiketiohleniolusesithasiselweni.
- (2) URejistraangabhalisaumuntunjengomsiziezimenieziphuthumayozama-ambulense, umaenesitifiketiesifanelesalomsebenzi, asitholengaphambikokumenyezelwakwalemithethoelawulayo, nomaasitholeezinya angenieziyishuminambiliemuvakokumenyezelwakwalemithethoelawulayo, njengokulotshwakwazolezizitifiketiohleniolusesithasiselweni.
- (3) URejistraangabhalisanjengepharamedikhi-
- (a) umuntuotholeisitifiketisalomsebenzingaphambikokumenyezelwakwalemithethoelawulayo, nomaemuvakokumenyezelwakwayonjengokulotshwakwazolehleniolusesithasiselweni; noma
- (b) umuntuotholelezitifiketiezilandelayongaphambikokumenyezelwakwalemithethoelawulayonomaeminyakeniemithathuemuvakokumenyezelwakwalemithethoelawulayo:

ISIKHUNGO ESIHLOLA ULWAZI	IZITIFIKETI ZOLWAZI
Cape Peninsula University of Technology	▪ National Diploma in Emergency Medical Care
Durban University of Technology	▪ National Diploma in Emergency Medical Care
University of Johannesburg	▪ National Diploma in Emergency Medical Care
Central University of Technology	▪ National Diploma in Emergency Medical Care

- (4) URejistraangabhalisaumuntunjengomtatisiosizaезimеnieziрhuthumayo, umaetholeisitifiketisezifundozalomsebenziesikolenisokuqeqeshelwaezempiloyabombuthowezempingaphambikokumenyezelwakwalemithethoelawulayo, nomaезinyangenieziyishuminambiliemuvakokumenyezelwakwalemithethoelawulayo.
- (5) Kukhokonkeokuphambenenokuqukethweyilemithethoelawulayo, uRejistraangambhalisaumuntunjengomsiziwesigabasokuqalasama-ambulense, nomanjengomsiziezimеnieziрhuthumayozama-ambulense, nomanjengomtatisiosizaезimеnieziрhuthumayo, nomanjengepharmedikhi, umaetholeisitifiketiesifaneleesivunyawayibhodilezemisebenzingokwesigaba se-15B(1)(e) soMthetho, esitholwengaphambikokumenyezelwakwalemithethoelawulayo, nomaезinyangenieziyishuminambiliemuvakokumenyezelwakwalemithethoelawulayo.

### 3.

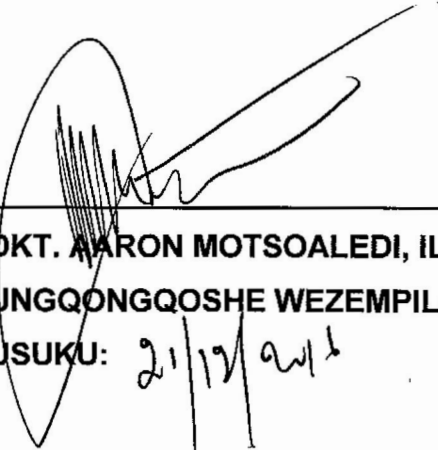
#### IsihlokoNgokufingqiweyo

Le

mithethoelawulayoibizwangokuthiimithethoephathelenenezitifiketizokubhaliselwa ukubaumsiziwesigabasokuqalasama-ambulense, nokubaumsiziezimеnieziрhuthumayozama-ambulense,



nomaukubaumtatamisiosizaezimenieziphuthumayo, nokubayipharamedikhi,  
ngonyaka wezi-2016.



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**DKT. AARON MOTSOLEDI, ILUNGU LEPHALAMENDE**  
**UNGQONGQOSHE WEZEMPILO**  
USUKU: 21/12/2016

## ISITHASISELO

### UmsiziWesigabaSokuqalaSama-ambulense

ISIKHUNGO ESIHLOLA ULWAZI	IZITIFIKETI ZOLWAZI
Action Training Academy	▪ Basic Ambulance Assistant Course
Ambusave Academy	▪ Basic Ambulance Assistant Course
City of Johannesburg Emergency Medical Services (CoJEMS)	▪ Basic Ambulance Assistant Course
Critical Care Academy	▪ Basic Ambulance Assistant Course
De Vries Ambulance Academy	▪ Basic Ambulance Assistant Course
Elihle College of Emergency Care	▪ Basic Ambulance Assistant Course
ER 24	▪ Basic Ambulance Assistant Course
Global Emergency Technologies	▪ Basic Ambulance Assistant Course
Human Emergency Life Programme (Gauteng) T/A H.E.L.P Emergency Medical Training	▪ Basic Ambulance Assistant Course
IET Fire Rescue and EMS Academy	▪ Basic Ambulance Assistant Course
Impact Emergency Technologies	▪ Basic Ambulance Assistant Course
Kernbridge FET College	▪ Basic Ambulance Assistant Course
Netcare Education: Faculty of Emergency and Critical Care (FECC)	▪ Basic Ambulance Assistant Course
North West Private Ambulance Training College	▪ Basic Ambulance Assistant Course
Rescu-Life Africa	▪ Basic Ambulance Assistant Course
SRQ Ambulance Training College	▪ Basic Ambulance Assistant Course
School for Military Health Training	▪ Basic Ambulance Assistant Course
Bokone Bophirima Ambulance Training College	▪ Basic Ambulance Assistant Course
Mokgojwa College of Emergency Care	▪ Basic Ambulance Assistant Course

<b>ISIKHUNGO ESIHLOLA ULWAZI</b>	<b>IZITIFIKETI ZOLWAZI</b>
Mankwe Ambulance Training Centre	▪ Basic Ambulance Assistant Course
Bokamoso Pre-Hospital Academy	▪ Basic Ambulance Assistant Course
Ingozi Medicals	▪ Basic Ambulance Assistant Course
Golden Hour Ambulance Academy	▪ Basic Ambulance Assistant Course
Impact Emergency Technologies	▪ Basic Ambulance Assistant Course
Leximed Training College	▪ Basic Ambulance Assistant Course
Academy of Emergency Medical Training (AEMT)	▪ Basic Ambulance Assistant Course
Action Training Academy	▪ Basic Ambulance Assistant Course
Africa Medical	▪ Basic Ambulance Assistant Course
KwaZulu Natal College of Emergency Care-	▪ Basic Ambulance Assistant Course
KwaZulu Private Emergency Care Training Academy (KPECTA)	▪ Basic Ambulance Assistant Course
Netcare Education: Faculty of Emergency and Critical Care (FECC)	▪ Basic Ambulance Assistant Course
St John Ambulance Foundation – Durban	▪ Basic Ambulance Assistant Course
Eastern Cape Ambulance Training College (ECATC)	▪ Basic Ambulance Assistant Course
Mary Grace Ambulance Academy	▪ Basic Ambulance Assistant Course
Queensland Ambulance College	▪ Basic Ambulance Assistant Course
Ambutek	▪ Basic Ambulance Assistant Course
ST John - Cape Town	▪ Basic Ambulance Assistant Course
Academy for Emergency Medical Training	• Certificate Basic Ambulance Assistant
Criticare UCB	• Certificate Basic Ambulance Assistant
De Vries Academy	• Certificate Basic Ambulance Assistant

<b>ISIKHUNGO ESIHLOLA ULWAZI</b>	<b>IZITIFIKETI ZOLWAZI</b>
Eastern Transvaal Regional Services Council- Secunda	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Eastvaal Regional Services Council, Secunda	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Emergency Services Training College, Benoni	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Highveld Regional, Services Council-Middelburg	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Human Emergency Life Programme	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Intermed	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Medical Resque International - Academy for Emergency and Critical Care, Durban	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Medical Resque International-Academy for Emergency and Critical Care, Johannesburg	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Mpumalanga Lowveld Ambulance Training College, Nelspruit	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Northern District Council	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Northern Transvaal Regional Services Council- Pietersburg	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Potchefstroom Ambulance Training College	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Provincial Ambulance Training College-Cape Town	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant - Cape Town</li> <li>● Certificate Basic Ambulance Assistant - East London</li> <li>● Certificate Basic Ambulance Assistant - George Emergency Services</li> <li>● Certificate Basic Ambulance Assistant – Kimberley</li> <li>● Certificate Basic Ambulance Assistant - Port Elizabeth</li> <li>● Certificate Basic Ambulance Assistant – Stellenbosch</li> </ul>
Provincial Ambulance Training College-Free State	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
Provincial Ambulance Training College-Gauteng	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant</li> </ul>
	<ul style="list-style-type: none"> <li>● Certificate Basic Ambulance Assistant –</li> </ul>

<b>ISIKHUNGO ESIHLOLA ULWAZI</b>	<b>IZITIFIKETI ZOLWAZI</b>
	Brixton <ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant – Germiston</li> <li>• Certificate Basic Ambulance Assistant – Johannesburg</li> <li>• Certificate Basic Ambulance Assistant- Pretoria</li> <li>• Certificate Basic Ambulance Assistant- Roodepoort</li> <li>• Certificate Basic Ambulance Assistant- Sandton</li> </ul>
Provincial Ambulance Training College-Natal	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
The South African Red Cross Society	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
Traumamed Institute of Emergency First Aiders	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>
West Coast Ambulance Services, Moorreesburg	<ul style="list-style-type: none"> <li>• Certificate Basic Ambulance Assistant</li> </ul>

### **UmsiziEzimeniEziphuthumayoZama-ambulense**

<b>ISIKHUNGO ESIHLOLA ULWAZI</b>	<b>IZITIFIKETI ZOLWAZI</b>
Ambusave Academy	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
City of Johannesburg Emergency Medical Services	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
ER 24	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
Human Emergency Life Programme (Gauteng) T/A H.E.L.P Emergency Medical Training	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
Lebone College of Emergency Care (Pretoria)	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
Netcare Education: Faculty of Emergency and Critical Care (FECC)	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
School for Military Health Training	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>
SRQ Ambulance Training College	<ul style="list-style-type: none"> <li>▪ Ambulance Emergency Assistant Course</li> </ul>



ISIKHUNGO ESIHLOLA ULWAZI	IZITIFIKETI ZOLWAZI
Mokgojwa College of Emergency Care	▪ Ambulance Emergency Assistant Course
Mankwe Ambulance Training Centre	▪ Ambulance Emergency Assistant Course
Northern Cape College of Emergency Care	▪ Ambulance Emergency Assistant Course
Central University of Technology (CUT), Free State	▪ Ambulance Emergency Assistant Course
Academy of Emergency Medical Training (AEMT)	▪ Ambulance Emergency Assistant Course
KwaZulu Natal College of Emergency Care-	Ambulance Emergency Assistant Course
Netcare Education: Faculty of Emergency and Critical Care (FECC)	▪ Ambulance Emergency Assistant Course
Eastern Cape Ambulance Training College (ECATC)	▪ Ambulance Emergency Assistant Course
Ambutek	▪ Ambulance Emergency Assistant Course
Cape Peninsula University of Technology (CPUT)	▪ Ambulance Emergency Assistant Course
Provincial Government of the Western Cape College of Emergency Care (PGWC)	▪ Ambulance Emergency Assistant Course
Academy for Emergency Medical Training	• Certificate Ambulance Emergency Assistant
Criticare UCB	• Certificate Ambulance Emergency Assistant
Medical Resque International - Academy for Emergency and Critical Care, Durban	• Certificate Ambulance Emergency Assistant
Provincial Ambulance Training College-Cape Town	<ul style="list-style-type: none"> <li>• Certificate Ambulance Emergency Assistant - Cape Town</li> <li>• Certificate Ambulance Emergency Assistant - East London</li> <li>• Certificate Ambulance Emergency Assistant - Port Elizabeth</li> </ul>
Provincial Ambulance Training College-Free State	▪ Certificate Ambulance Emergency Assistant
Provincial Ambulance Training College-Gauteng	• Certificate Ambulance Emergency Assistant

ISIKHUNGO ESIHLOLA ULWAZI	IZITIFIKETI ZOLWAZI
	-Johannesburg • Certificate Ambulance Emergency Assistant - Pretoria
Provincial Ambulance Training College-Natal	• Certificate Ambulance Emergency Assistant

### UmsiziWabagulayoNabalimele-ipharmedikhi

ISIKHUNGO ESIHLOLA ULWAZI	IZITIFIKETI ZOLWAZI
Lebone College of Emergency Care (Pretoria)	▪ Critical Care Assistant Course
Netcare Education: Faculty of Emergency and Critical Care (FECC)	▪ Critical Care Assistants Course
Provincial Government of the Western Cape College of Emergency Care (PGWC)	▪ Critical Care Assistants Course
Criticare UCB	▪ Certificate Critical Care Assistant
Department of National Education	• National Diploma in Ambulance Emergency Technology
Provincial Ambulance Training College: Cape	▪ Certificate Paramedic/Ambumedic
Provincial Ambulance Training College: Gauteng	• Certificate Critical Care Assistant – Johannesburg • Certificate Critical Care Assistant - Pretoria
Provincial Ambulance Training College: Natal	▪ Certificate Critical Care Assistant ▪ Certificate AEA (1) (a) Plus AEA (1) (b)
Technikon Natal	• National Diploma in Ambulance and Emergency Care Technology
Technikon Witwatersrand	• National Diploma in Ambulance and Emergency Care Technology

## DEPARTMENT OF HEALTH

NO. 50

27 JANUARY 2017

## MEDICINES AND RELATED SUBSTANCES ACT, 1965

## DRAFT GENERAL MEDICINE REGULATIONS

The Minister of Health, in consultation with the Authority, intends in terms of section 35 of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), to make the Regulations in the Schedule.

The proposed draft Regulations are intended to give effect to the Medicines and Related Substances Amendment Act, 2008 (Act No. 72 of 2008), and the Medicines and Related Substances Amendment Act, 2015 (Act No. 14 of 2015), once the said Acts are brought into operation. Any person who wishes to submit written comments on the draft regulations are hereby invited to do so within 3 months from the date of publication hereof by—

- (a) posting such comments to the following address:  
Private Bag X828  
PRETORIA  
0001;
- (b) delivering such comments by hand at the following address:  
Registrar of Medicines  
222 Thabo Sehume street  
Department of Health  
Pretoria  
0001; or
- (c) e-mailing such comments to the following address:  
DG@health.gov.za

Comments must be addressed to the Director-General: Health, and marked for the attention of the Registrar of Medicines. Comments received after the closing date shall not be considered.



**SCHEDULE****LIST OF CONTENTS****Regulation No. Title**

1. Definitions.
2. Requirements for therapeutic equivalence.
3. The manner and conditions for allowing international tendering.
4. Conditions for compounding medicine.
5. Time frames for considering applications.
6. Particulars to be published in the Gazette in respect of applications received for registration in terms of section 14(3).
7. Importation of medicines in terms of section 15C.
8. Labelling of medicines intended for human use.
9. Professional Information for medicines for human use.
10. Consumer Information.
11. Prescription book or permanent record.
12. Importation of medicines into the Republic.
13. Transmission of medicines through the Republic.
14. Permits and authorisation in terms of section 22A of the Act.
15. Importation or exportation of specified Schedule 5, Schedule 6, Schedule 7 or Schedule 8 substances.
16. Personal medicinal use by persons entering the Republic.
17. Information to be furnished annually to the Chief Executive Officer.
18. Licence to dispense or compound and dispense medicines.
19. Licence to manufacture, import, export, act as a wholesaler or distribute medicines or scheduled substances.
- 19A. Exemption in terms of Section 22H
20. Period of validity of licence issued in terms of regulations 18 and 19 and renewal of licences.
21. Appeal against the decision of the Director-General.
- 21A. Appeal against the decision of the Authority.
22. Application for the registration of a medicine.
23. Information that must appear in the register for medicines.
- 23A. Transfer from the register for medicines to the register for medical devices or IVDs.
24. Application for an amendment to the register for medicines.

25. Categories and classification of medicines.
  - 25A. Sub-categories of complementary medicines.
26. Certificate of registration.
27. Destruction of medicines.
28. Particulars which must appear on a prescription for a medicine.
  - 28A. Particulars which must appear on an order for a Schedule 6 medicine.
29. Returns to be furnished in respect of specified Schedule 5 and Schedule 6, 7 or 8 substances.
30. Register of specified Schedule 5 or Schedule 6 medicines.
31. Method of taking samples, the certificate to be issued and the reporting of analysis results.
32. Seizure of medicines.
33. Repackaging of medicines.
34. Conduct of clinical trials for humans and animals.
  - 34A. Authorisation of sale of unregistered medicine for certain purposes.
35. Skills of staff of the Authority.
36. Control of medicines in hospitals.
37. Vigilance.
38. Pricing Committee.
39. Investigations.
40. Professional information for veterinary medicines.
41. Labelling for veterinary medicines.
42. Offences and Penalties.
43. Compliance with Requirements.
44. Batch release for biological medicines.
45. Advertising of medicines.
46. Obtaining pain control medicines by registered midwives.
47. Acquisition and use of medicines by masters of ships and officers in charge of any aircraft.
48. Use of medicines for exhibition purposes.
49. Repeal.
50. Commencement.

**DEFINITIONS**

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

**"adverse drug reaction"** means a response in a human or animal to a medicine which is harmful and unintended and which occurs at any dosage and can also result from lack of efficacy of a medicine, off-label use of a medicine, overdose, misuse, abuse of or dependence on a medicine;

**"as determined by the Authority"** means as determined by the Authority in guidelines as published from time to time;

**"authorised prescriber"** means any person authorised by the Act to prescribe any medicines;

**"batch" or "lot"** in relation to a medicine means a defined quantity of a medicine manufactured in a single manufacturing cycle and which has homogeneous properties;

**"batch number" or "lot number"** means a unique number or combination of numbers or ciphers allocated to a lot or a batch by the manufacturer;

**"bioequivalence"** means the absence of a significant difference in the bioavailability between two pharmaceutically equivalent products under similar conditions in an appropriately designed study;

**"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 appointed in terms of section 3 of the Act;

**"clinical trial"** means an investigation in respect of a medicine for use in humans or animals that involves human subjects or animals and that is intended to discover or verify the clinical, pharmacological or pharmacodynamic effects of the medicine, identify any adverse events, study the absorption, distribution, metabolism and excretion of the medicine or ascertain its safety or efficacy;

**"complementary medicine"** means any substance or mixture of substances that-

- (a) originates from plants, fungi, algae, seaweeds, lichens, minerals, animals or other substance as determined by the Authority;
- (b) is used or purporting to be suitable for use or manufactured or sold for use-
  - (i) in maintaining, complementing, or assisting the physical or mental state; or
  - (ii) to diagnose, treat, mitigate, modify, alleviate or prevent disease or illness or the symptoms or signs thereof or abnormal physical or mental state,of a human being or animal; and
- (c) is used-
  - (i) as a health supplement; or

- (ii) in accordance with those disciplines as determined by the Authority;  
or
- (d) is declared by the Authority, on approval of the Minister by notice in the *Gazette*, to be subject to registration as a complementary medicine in terms of section 14;

**"compound"** means to prepare, mix, combine, package and label a medicine

- (a) by a pharmacist for an individual patient;
- (b) for dispensing as a result of a prescription for an individual patient by a person licensed in terms of section 22C (1)(a) of the Act; or
- (c) for dispensing as a result of a prescription for an individual animal by a veterinarian licensed in terms of section 22C (1)(a) of the Act;

**"counterfeit medicine"** means a medicine in respect of which a false representation has been made with regard to its contents, identity or source by any means including its labelling and packaging;

**"dispense"**-

- (a) in the case of a pharmacist, means dispense as defined in the Regulations Relating to the Practice of Pharmacy made in terms of the Pharmacy Act, 1974 (Act No. 53 of 1974); or
- (b) in the case of a medical practitioner, dentist, practitioner, nurse or any authorised prescriber to dispense medicines, means-
  - (i) the interpretation and evaluation of a prescription;
  - (ii) the selection, reconstitution, dilution, labelling, recording and supply of the medicine in an appropriate container; or
  - (iii) the provision of information and instructions to ensure safe and effective use of a medicine by a patient;

**"dosage form"** means the pharmaceutical form in which a product is presented for therapeutic administration;

**"expiry date"** means the date up to which a medicine will retain the strength and other properties stated on the label which strength and other properties can change after the lapse of time and after which date the medicine shall not be sold to the public or used;

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

**"health supplement"** means any substance, extract or mixture of substances as determined by the Authority, sold in dosage forms used or purported for use in restoring, correcting or modifying any physical or mental state by—

- a) complementing health;
- b) supplementing the diet; or
- c) a nutritional effect,

and excludes injectables or substances classified as schedule 1 or higher.

**"holder of a certificate of registration"** means a person in whose name a registration certificate has been granted and who is responsible for all aspects of the medicine, including quality and safety and compliance with conditions of registration;

**"identification number"** means the number drawn from a passport, birth certificate, valid driver's licence, South African identification document or any other relevant document issued by the Department of Home Affairs;

**"manufacture"** means all operations including purchasing of material, processing, production, packaging, releasing, storage and shipment of medicines and related substances in accordance with quality assurance and related controls;

**"manufacturer"** means a person manufacturing a medicine and includes a manufacturing pharmacy;

**"minimum legibility"** means a printing in 6-point Helvetica, typeface in black ink on white cartridge paper or the equivalent thereof;

**"misbranded"** means labelling which is false, misleading, inaccurate or fails to provide information as required;

**"parallel importation"** means the importation into the Republic of a medicine protected under patent and/or registered in the Republic that has been put onto the market outside the Republic by or with the consent of such patent holder;

**"person"** means both a natural and a juristic person;

**"professional information"** means the information pertaining to a medicine as provided for in regulation 9;

**"proprietary name", "brand name" or "trade name"** means the name which is unique to a particular medicine and by which the medicine is generally identified and which in the case of a registered medicine is the name approved in terms of section 15(5) of the Act;

**"responsible pharmacist"** means a responsible pharmacist as defined in section 1 of the Pharmacy Act, 1974 (Act No. 53 of 1974);

**"Site Master File"** means a document prepared by the manufacturer containing specific and factual good manufacturing practice information about the production and/or control of pharmaceutical manufacturing operations carried out at a named site and any closely integrated operations at adjacent and nearby buildings;

**"sweetener"** means any additive or excipient other than sugar which is used or intended to be used to impart a sweet taste to medicines;

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

**"trademark"** means a trademark as defined under section 2 of the Trade Marks Act, 1993 (Act No. 194 of 1993); and

**"wholesaler"** including a wholesale pharmacy means a person who holds, stores, delivers or purchases medicines or Scheduled substances from a manufacturer and sells them in terms of section 22H.

### REQUIREMENTS FOR THERAPEUTIC EQUIVALENCE

2.(1) A medicine is considered therapeutically equivalent to another medicine if both medicines-

- (a)(i) are pharmaceutically equivalent, in that they contain the same amount of active substances in the same dosage form, meet the same or comparable standards and are intended to be administered by the same route; or
- (ii) are pharmaceutical alternatives, in that they contain the same active moiety but differ either in chemical form of that moiety or in the dosage form or strength; and
- (b) after administration in the same molar dose, their effects with respect to both efficacy and safety are essentially the same.

(2) Therapeutic equivalence is determined from comparative bioavailability, pharmacodynamic, clinical or in vitro studies which meet the requirements and accepted criteria for bioequivalence as determined by the Authority.

### THE MANNER AND CONDITIONS FOR ALLOWING INTERNATIONAL TENDERING

3.(1) The State may tender for a medicine internationally if such a medicine-

- (a) can be obtained at a lower price outside of the Republic; or
- (b) is essential for national health.

(2) A medicine cannot be procured by international tender unless such medicine is registered in terms of the Act.

### CONDITIONS FOR COMPOUNDING MEDICINE

4.(1) A pharmacist or other person licensed in terms of section 22C (1) of the Act to compound a medicine for sale in terms of section 14(4) of the Act, shall only compound a quantity that is intended to be used by a patient or an animal for not more than 30 consecutive days from the date of dispensing.

(2) Any medicine compounded in terms of section 14(4) may not be advertised, promoted or displayed for sale.

(3) No medicine may be compounded by a pharmacist or other person licensed in terms of section 22C (1) of the Act to compound a medicine for sale-

- (a) to circumvent the provisions of section 14 of the Act;
- (b) which contains any Schedule 6, 7 or 8 substance;
- (c) which has been declared undesirable in terms of section 23 the Act;

- (d) for the purpose of growth promotion or performance enhancement;
- (e) for the purpose of administering to food producing animals if Maximum Residue Limits (MRL) and appropriate withdrawal times have not been established;
- (f) for use by a patient or an animal not under the professional care of the authorised prescriber or pharmacist;
- (g) for purpose of export; or
- (h) which is required to be sterile unless the compounding thereof is carried out in accordance with good manufacturing practices.

#### **TIME FRAMES FOR CONSIDERING APPLICATIONS**

5.(1) The Authority shall as soon as practically possible inform any applicant of the receipt of an application for the registration of a medicine, medical device and IVD;

(2) The Authority shall as soon as practically possible after receipt of the application by the Authority inform any applicant in respect of any application referred to in subregulation (1) on the acceptance of the application for evaluation.

#### **PARTICULARS TO BE PUBLISHED IN THE GAZETTE IN RESPECT OF APPLICATIONS RECEIVED FOR REGISTRATION REFERRED TO IN SECTION 14(3)**

6. The following particulars with regard to applications for registration referred to in section 15(10) of the Act shall be published in the *Gazette*:

- (a) The proprietary name of the medicine;
- (b) the approved name and quantity of each active ingredient of the medicine contained in a dosage unit or per suitable mass or volume or unit;
- (c) the dosage form of the medicine;
- (d) the name of the person who lodged the application for registration;
- (e) the number allocated to it in terms of section 15 of the Act;
- (f) the name and address of the manufacturer;
- (g) the name of the person responsible for the final product release control; and
- (h) name of the person responsible for final product release.

#### **IMPORTATION OF MEDICINES CONTEMPLATED IN SECTION 15C**

7.(1) A medicine referred to in section 15C(b) of the Act may be sold if-

- (a) the medicine is being sold outside the Republic with the consent of the holder of the patent of such medicine;
- (b) the medicine is imported from a person licensed by a regulatory authority recognised by the Authority;
- (c) the person desiring to import such medicine is in possession of a permit issued by the Authority; and

- (d) the medicine is registered in terms of the Act, if such a medicine is so declared.

(2) A person desiring to import a medicine referred to in subregulation (1) shall submit to the Authority-

- (a) a duly completed application on a form obtainable from the Authority;
- (b) a certified copy of his or her identity document or in the case of a juristic person, a certificate of registration as such in the Republic;
- (c) a certified copy of his, her or its registration in terms of the Pharmacy Act, 1974, where applicable;
- (d) a certified copy of a licence in respect of premises in terms of-
  - (i) section 19 of Customs and Excise Act, 1964 (Act No. 91 of 1964); and
  - (ii) section 22 of the Pharmacy Act, 1974;
- (e) documentary proof-
  - (i) that the medicine is under patent in the Republic;
  - (ii) that the medicine is registered in its country of export by a regulatory authority recognised by the Authority;
  - (iii) regarding the lowest price at which the medicine is sold in the Republic;
  - (ii) regarding the price at which the medicine will be sold in the Republic;
  - (v) that he, she or it is able to comply with good manufacturing and distribution practices as determined by the Authority; and
- (f) an undertaking that he, she or it will ensure the continued safety, efficacy and quality of the medicine.

(3) The Authority-

- (a) may approve the application referred to in subregulation (2) subject to any conditions determined by the Authority;
- (b) shall, if he or she approves the application, issue the applicant with a permit, which shall be valid for a period of two years; and
- (c) may cancel the permit if the holder thereof fails to comply with the conditions of the permit or on any other good cause shown.

(4) The permit issued in terms of subregulation (3) may only be transferred with the approval of the Authority.



- (5) A person issued with a permit in terms of subregulation (3) shall apply to the Authority for the registration of the medicine specified in the permit by submitting to the Chief Executive Officer-
- (a) a certified copy of that permit;
  - (b) a duly completed application form obtainable from the Authority; and
  - (c) the applicable application fee.
- (6) The Authority-
- (a) must, if satisfied that the application referred to in subregulation (5) complies with the requirements of the Act and these regulations and those of the Authority regarding the safety, efficacy and quality of the medicine, and that its registration is in the public interest, approve the application with or without conditions; and
  - (b) may issue the person referred to in subregulation (5) with a certificate of registration in respect of such medicine under the name approved by the Authority.
- (7) A person importing a medicine in terms of this regulation shall in writing inform-
- (a) the Authority of any change of facts in relation to the application for a permit issued in terms of subregulation (3) or conditions under which such permit was issued;
  - (b) the Authority of any amendments to the application for the registration of medicines or the conditions for the registration of such medicine; and
  - (c) the holder of a certificate of registration in the Republic of the registration of the medicine in terms of this regulation.
- (8) A medicine registered in terms of this regulation may only be sold to the State or a person authorised to sell medicines in terms of the Act or any other legislation.

#### **LABELLING OF MEDICINES INTENDED FOR HUMAN USE**

8.(1) Subject to subregulations (3) and (4), the immediate container of every medicine in which a medicine intended for administration to humans is sold shall have a label attached to it on which the following particulars shall appear in clearly legible indelible letters in English and at least one other official language-

- (a) in the case of a medicine containing any substance listed in any Schedule made in terms of the Act, the letter 'S' followed by the number of the relevant Schedule, in a prominent typeface and size and surrounded by a square border, immediately preceding the proprietary name of such medicine;
- (b) the proprietary name of the medicine;
- (c) (i) the registration number of the medicine allocated in terms of section 15(5) of the Act; or

- (ii) the application number allocated by the Authority followed by the expression "Act 101/1965";
- (d) the dosage form of the medicine;
- (e) the approved name of each active ingredient of the medicine and the quantity thereof contained in a dosage unit, or per suitable mass or volume or unit, starting with an active ingredient of a high Schedule, in lettering which has minimum legibility: Provided that labelling of medicines in solutions for injections must identify the active ingredient in terms of the active component per unit volume of solution;
- (f) the name and percentage of any bacteriostatic or bactericidal agent which has been added to the medicine as a preservative;
- (g) the approved name of any anti-oxidant contained in the medicine;
- (h) in the case of a medicine for oral or parenteral administration, the -
  - (i) quantity of sugar contained in the medicine and the statement: "Contains Sugar";
  - (ii) quantity of ethyl alcohol contained in the medicine, expressed as a percentage of the total volume of the medicine, if such quantity exceeds two per cent by volume; and
  - (iii) name and quantity of sweeteners other than sugar contained in the medicine and the statement: "Contains Sweetener".
- (i) the content of the medicine package expressed in the appropriate unit or volume of the medicine;
- (j) approved indications where practical, for use of the medicine;
- (k) the recommended dosage of the medicine, where practical;
- (l) where applicable, the instruction 'Shake the bottle before use';
- (m) in the case of a medicine intended for injection by a particular route of administration only, that route of administration by means of suitable words or abbreviations;
- (n) the lot number of the medicine;
- (o) the expiry date of the medicine;
- (p) a barcode suitable for the identification and tracking of medication as determined by the Authority;
- (q) the name of the holder of certificate of registration of the said medicine;
- (r) the requirements regarding the manner in which the medicine shall be stored with specific reference to the applicable storage temperature, humidity and light exposure and other precautions required for the preservation of the medicine;
- (s) where applicable, the statement: 'For external use only';
- (t) the warning: 'Keep out of reach of children';
- (u) in the case of a medicine which contains aspirin or paracetamol, the warning:

'Do not use continuously for more than 10 days without consulting your doctor';

- (v) in the case of a medicine for oral administration which contains fluorides, the warning: "Contains fluoride";
- (w) in the case of a medicine for oral administration which contains an antihistamine, the warnings:  
'This medicine may lead to drowsiness and impaired concentration, which may be aggravated by simultaneous intake of alcohol or other central nervous system depressants';
- (x) in the case of eye drops or artificial tear solutions in respect of which evidence concerning the self-sterilising ability of the medicine has not been approved by the Authority, the warning: 'Do not use more than 30 days after opening';
- (y) any specified warning required in terms of section 15(6) of the Act to be given on the label of the medicine as a condition of registration thereof;
- (z) in the case of a medicine that contains tartrazine, the warning:  
'Contains TARTRAZINE';
- (aa) the category of medicine immediately preceding the registration or application number;
- (bb) the pharmacological classification of the medicine; and
- (cc) in the case of complementary medicine-
  - (i) a statement identifying the discipline, where relevant;
  - (ii) which is not registered by the Authority, the following disclaimer:  
"This unregistered medicine has not been evaluated by the Medicines Control Council for its quality, safety or intended use.";
  - (iii) containing genetically modified organisms the following warning  
"contains GMOs".

(2) In addition to the requirement of subregulation (1), the following information may be included on the label:

- (a) The name and address of the manufacturer of the medicine;
- (b) the date of manufacture of the medicine; and
- (c) the scheduling status and registration number allocated by any another national medicines regulatory authority: Provided that this information is surrounded by a square border including the name of the reference country.

(3) If the medicine package bears both, an immediate container label and an outer label, the requirements of subregulation (1) shall apply to the outer label: Provided that it shall be sufficient to contain on the immediate container label-

- (a) in the case of medicines intended for administration by injection and having a total volume not exceeding 5 ml, the particulars referred to in subregulation (1)(b), (e), (m), (n), (o), (p) and (bb);
  - (b) in the case of an ointment, cream, gel or powder having a net mass not exceeding 10 grams, the particulars referred to in subregulation (1)(b), (c), (e), (f), (n), (o), (p), (x) and (bb);
  - (c) in the case of liquid, solution or suspension having a total volume of more than 1 ml, but not exceeding 15 ml, the particulars referred to in subregulation (1)(b), (c), (d), (e), (n), (w), (o), (p), (x) and (bb);
  - (d) in the case of a liquid, solution or suspension having a total volume not exceeding 1 ml, the particulars referred to in sub regulation (1)(b), (n) and (bb); and
  - (e) in the case of a medicine packed in blister or similar packaging, the particulars referred to in subregulation (1)(b), (n), (o), (p) and (bb), repeated as frequently as is practicable.
- (4) The Authority may authorise the inclusion on the label of a medicine of any special information that is not required by this regulation to be so included.
- (5) The requirements of subregulation (1) shall not apply to-
- (a) any medicine sold in accordance with section 14(4) of the Act;
  - (b) any medicine sold by a person authorised to dispense in terms of section 22C or a pharmacist in the course of his or her professional activities for the treatment of a particular patient; or
  - (c) any medicine sold by a pharmacist, a person authorised to compound and dispense, or in a hospital pharmacy in accordance with a prescription issued by a medical practitioner or dentist for the treatment of a particular patient: Provided that such medicine shall be sold in a package to which is attached a label containing the following information:
    - (i) the proprietary name, approved name, or the name of each active ingredient of the medicine, where applicable, or constituent medicine;
    - (ii) the name of the person for whose treatment such medicine is sold;
    - (iii) the directions in regard to the manner in which such medicine should be used;
    - (iv) the name and business address of the person authorised to sell such a medicine;
    - (v) date of dispensing;
    - (vi) reference number; and
    - (vii) a statement identifying the discipline of the medicine, if falling under Category D.

**PROFESSIONAL INFORMATION FOR MEDICINES FOR HUMAN USE**

- 9.(1) Subject to subregulation (4), professional information shall be made available-
- (a) for each medicine-
    - (i) in hard copy either separately or as an integral part of the package; or
    - (ii) electronically: Provided that the manner in which the Professional Information may be accessed is stated on the Patient Information Leaflet in terms of regulation 10(2)(o);
  - (b) in the English language;
  - (c) in type having a minimum legibility; and
  - (d) under the headings and in the format specified in subregulation (2).
- (2) Subject to subregulations (3) and (4), the professional information referred to in subregulation (1) shall contain the following particulars:
- (a) Scheduling status of the medicine assigned by the Authority;
  - (b) proprietary name and dosage form;
  - (c) composition, including-
    - (i) the approved name of each active ingredient and the quantity thereof contained in a dosage unit or per suitable mass or volume or unit of the medicine;
    - (ii) the approved name and quantity of any bactericidal or bacteriostatic agent included in the medicine as a preservative, expressed as a percentage;
    - (iii) the quantity of ethyl alcohol included in a preparation for oral or parenteral administration, if such quantity exceeds two per cent by volume;
    - (iv) the words "contains TARTRAZINE" should the medicine contain such ingredient;
    - (v) in the case of a medicine, for oral administration, which contains sugar, the warning: "contains sugar" and the name of the sugar must be stated or which does not contain sugar, the warning: "sugar free"; and
    - (vi) in the case of a medicine, for oral administration, which contains sweetener, the name and quantity of sweetener and the warning: "contains sweetener";
  - (d) pharmacological classification, including the category, the number and the description as stated in regulation 25;
  - (e) pharmacological action and, where applicable, under a sub-heading: Pharmacokinetics, pharmacodynamics; summary of pre-clinical or clinical studies;

- (f) indications;
- (g) contra-indications;
- (h) warnings and special precautions;
- (i) interactions;
- (j) human reproduction;
- (k) dosage and directions for use;
- (l) side effects;
- (m) known symptoms of overdosage and particulars of its treatments;
- (n) identification;
- (o) presentation;
- (p) storage instructions that are practically formulated and which indicate storage temperatures, humidity and exposure to light;
- (q) registration number which corresponds to-
  - (i) the number allocated in terms of section 15(5) of the Act; or
  - (ii) in the case of a medicine the registration of which has been applied for, the reference number allocated to such application, followed by the expression "Act 101/1965";
- (r) name and business address of the holder of the certificate of registration, or in case of a parallel imported medicine, the name and business address of the holder of the parallel importation permit;
- (s) date of publication of the professional information which is the date of the most recent amendment to the professional information as approved by the Authority as well as the date of registration: Provided that -
  - (i) if the Authority decides that there is no applicable information to be furnished under a particular heading, such heading may be omitted with the approval of Authority;
  - (ii) the Authority may on application authorise the deviation from the format and content of the professional information prescribed as a condition of registration of a medicine;
  - (iii) the Authority may on application authorise the inclusion of any specified information not required by this regulation to be so included; and
  - (iv) the Authority may on application determine under a particular heading the information to be furnished in respect of an interchangeable multisource medicine; and
- (t) in the case of a complementary medicine-
  - (i) a statement identifying the discipline, where relevant; and
  - (ii) which is not registered by the Authority, the following disclaimer



"This medicine has not been evaluated by the Medicines Control Council for its quality, safety or intended use."

- (3) The Authority may determine additional professional information to be provided.
- (4) The requirements of subregulations (1) and (2) shall not apply to-
- (a) any medicine sold in accordance with the provisions of section 14(4) of the Act;
  - (b) any medicine compounded and/or sold by a pharmacist or any other person who is licensed to compound and dispense medicines in the course of his or her professional activities for the treatment of a particular patient or animal;
  - (c) any medicine sold by a pharmacist in accordance with a prescription issued by a medical practitioner, dentist or practitioner for the treatment of a particular patient;
  - (d) Schedule 0 medicines: Provided that the professional information shall be-
    - (i) made available by the holder of certificate of registration to any person on request; and
    - (ii) provided as part of the application for registration of any such medicine.
- (4) Nothing contained in subregulations (2) and (3) shall be construed as prohibiting the inclusion of professional information with any medicine.
- (5) The Authority may withdraw any indication for a medicine if it is of the opinion that the risk benefit profile for such indication is not in the public interest.

#### **CONSUMER INFORMATION**

10.(1) Each medicine shall be accompanied by a consumer information leaflet-

- (a) attached to the immediate container;
  - (b) included as part of the immediate container or outer package; or
  - (c) inserted into the outer package.
- (2) The consumer information leaflet shall contain the following information with regard to the medicine in at least English and one other official language:
- (a) Scheduling status;
  - (b) proprietary name and dosage form;
  - (c) the composition of the medicine in terms of information contemplated in regulation 9(1)(c);

- (d) the approved indications and use;
- (e) instructions before taking the medicine, which shall include-
  - (i) contra-indications;
  - (ii) precautions and warnings;
  - (iii) warnings e.g. concerning sedative properties and/or central nervous system function modifying properties of the medicine or risks involved with sudden withdrawal of the medicine or long-term use of the medicine;
  - (iv) interactions; and
  - (v) the following general statement:

"Always tell your health care provider if you are taking any other medicine. If you are pregnant or breast feeding your baby please consult your health care provider for advice before taking this medicine.";
- (f) instructions on how to take the medicine, including the following statements:

"Do not share medicines prescribed for you with any other person."

"In the event of over dosage, consult your doctor or pharmacist. If neither is available, contact the nearest hospital or poison control centre";
- (g) side effects, including the following general statement:

"Not all side-effects reported for this medicine are included in this leaflet. Should your general health worsen or if you experience any untoward effects while taking this medicine, please consult your health care provider for advice";
- (h) storage and disposal information, including the following general statement:

"store all medicines out of reach of children.";
- (i) presentation, which includes the number, volume or mass per package unit and a description of the packaging material;
- (j) identification and description of the medicine;
- (k) registration number of the medicine;
- (l) the name, business address and telephone number of the holder of the certificate of registration;
- (m) date of publication of the patient information leaflet which is the date of the most recent amendment to the patient information leaflet as approved by the Authority;
- (n) in the case of a complementary medicine-
  - (i) a statement identifying the discipline of the medicine, where relevant; and
  - (ii) which is not registered by the Authority, the following disclaimer:

"This medicine has not been evaluated by the Medicines Control Council for its quality, safety or intended use.";

- (iii) containing genetically modified organisms, the identification of the affected ingredient(s) and the following warning "contains GMOs"; and
  - (o) the manner in which the corresponding Professional Information as per regulation 9 may be obtained.
- (3) Information contemplated in subregulation (2) may also be provided in electronic format accessible in all official languages.
- (4) The Authority may determine additional requirements for inclusion in any Consumer Information.
- (5) The Authority may authorise a deviation from subregulation (1).
- (6) The Authority may, on application, in respect of an interchangeable multisource medicine determine additional information to be furnished under a particular heading.
- (6) The requirements of subregulation (1) shall not apply to any medicine sold in accordance with section 14(4) of the Act.

#### **PRESCRIPTION BOOK OR PERMANENT RECORD**

**11.** (1) A prescription book or other permanent record in respect of Schedules 2, 3, 4, 5 and 6 substances shall be kept in hard copy or electronically on all premises where such substances or medicines are sold or dispensed.

(2) Where a medicine is sold by any person other than a manufacturer or wholesaler the prescription book or other permanent record contemplated in subregulation (1) shall contain the following particulars:

- (a) The name of the medicine or scheduled substance;
- (b) the date on which the prescription was dispensed;
- (c) the dosage form and quantity of the medicine or scheduled substance;
- (d) the name, identification number and address of the patient, or, in the case of a prescription issued by a veterinarian, the name, identification number and address of the person to whom the medicine or scheduled substance was sold;
- (e) where applicable, the name of the medical practitioner, dentist, veterinarian or any other authorised person who issued the prescription; and
- (f) prescription reference number, which is the reference number or unique identifier assigned at the point of dispensing.

(3) Where a medicine is sold by any person other than a manufacturer or wholesaler a prescription book or other permanent record in respect of Schedule 1 substances shall be kept in hard copy or electronically on all premises where such substances or medicines are sold.

(4) The prescription book or other permanent record contemplated in subregulation (3) shall contain the following particulars:

- (a) the name of the person to whom it was sold;
- (b) the name and quantity of the substance or medicine; and
- (c) the name of the pharmacist, pharmacist intern or pharmacist's assistant who sold it.

(5) The manufacturer or wholesaler shall keep an accessible permanent record of sales of Schedule 2, 3, 4, 5 and 6 medicines and substances in the form of invoices that shall reflect the—

- (a) date and transaction of the sale;
- (b) name of the medicine;
- (c) name and address of the purchaser;
- (d) quantities sold;
- (e) batch number; and
- (f) price at which the medicine was sold.

(6) A prescription book or other permanent record contemplated in this regulation shall be kept for a period of at least five years after the date of the last entry made therein.

#### **IMPORTATION OF MEDICINES INTO THE REPUBLIC**

**12.(1)** No person shall import any medicine or scheduled substance, including medicines imported in terms of section 15C of the Act, into the Republic except through one of the following ports of entry:

- (a) Cape Town International Airport or harbour;
- (b) Port Elizabeth harbour;
- (c) King Shaka International Airport or Durban harbour; and
- (d) O.R. Tambo International Airport.

(2) A person shall only import a medicine or scheduled substance if such person—

- (a) is licensed in terms of the Act to import medicines; and
- (b) in the case of unregistered medicines, is authorised by the Authority to import such unregistered medicines.

(3) An application for authorisation referred to in subregulation (2)(b) shall contain at least the following:

- (a) name and address (both physical and postal) of the applicant;
- (b) designation of the person representing the applicant;
- (c) contact details of the applicant including the:
  - (i) telephone number; and
  - (ii) facsimile number or email address;
- (d) the name of the medicine being imported;
- (e) the quantity of medicine being imported;
- (f) the batch number of the medicine being imported; and
- (g) the expiry date of the medicine.

#### **TRANSMISSION OF MEDICINES THROUGH THE REPUBLIC**

13.(1) Subject to the provisions of the Act, medicines and scheduled substances that are transmitted through the Republic shall-

- (a) while in the Republic be stored in a bonded warehouse which is licensed in terms of section 22C by the Authority to import or export medicines or Scheduled substances.
- (b) not be manipulated while in the bonded warehouse unless authorised by the Authority.

(2) A bonded warehouse referred to in subregulation (1) shall comply with good distribution practice and licence conditions as determined by the Authority.

#### **PERMITS AND AUTHORISATION IN TERMS OF SECTION 22A OF THE ACT**

14.(1) (a) An application for a permit contemplated in section 22A(9)(a)(i) of the Act by a medical practitioner for the use of a Schedule 7 or 8 substance for the treatment or prevention of a medical condition in a particular patient shall contain at least the following information:

- (i) Name and address (both physical and postal) of medical practitioner;
- (ii) identification number of the medical practitioner;
- (iii) registration number of the medical practitioner with statutory health council;
- (iv) qualifications of the medical practitioner;
- (v) contact details of the medical practitioner including the-
  - (aa) telephone number; and
  - (bb) facsimile number or email address;

- (vi) purpose for which the application is made;
  - (vii) the name and physical address of the patient, diagnosis, dosage and period of treatment; and
  - (viii) the place where and the manner in which the scheduled substances shall be stored safely.
- (b) The Director-General may issue a permit referred to in subregulation (1) only after consultation with the Authority.
- (c) A permit referred to in subregulation (1) may not be issued if the Director-General is of the opinion that the applicant is not capable of keeping or storing the substance in a manner so as to prevent the loss thereof.
- (2) (a) An application for a permit contemplated in section 22A(9)(a)(i) of the Act by a veterinarian for the use of a Schedule 7 or Schedule 8 substance for the treatment or prevention of a medical condition in a particular animal shall contain at least the following information:
- (i) Name and address (both physical and postal) of the veterinarian;
  - (ii) identification number of the veterinarian;
  - (iii) registration number of the veterinarian with the statutory council;
  - (iv) qualifications of the veterinarian;
  - (v) contact details of the veterinarian including the-
    - (aa) telephone number; and
    - (bb) facsimile number or email address;
  - (vi) purpose for which the application is made;
  - (vii) the name and address of the owner of the animal, diagnosis, dosage and period of treatment; and
  - (viii) the place where and the manner in which the scheduled substances shall be stored safely.
- (b) The Director-General may issue a permit referred to in paragraph (a) only after consultation with the Authority.
- (c) A permit referred to in paragraph (a) may not be issued if the Director-General is of the opinion that the applicant is not capable of keeping or storing the substance in a manner so as to prevent the loss thereof.
- (3) (a) An application for a permit contemplated in section 22A(9)(a)(i) of the Act by an analyst or researcher desiring to be provided with a Schedule 6 or



Schedule 7 substance for the purposes of education, analysis or research, shall contain at least the following information:

- (i) Name and address (both physical and postal) of analyst or researcher;
- (ii) identification number of analyst or researcher;
- (iii) name and address of employer;
- (iv) qualifications of the analyst or researcher;
- (v) contact details of the analyst of researcher including the:
  - (aa) telephone number; and
  - (bb) facsimile number or email address;
- (vi) particulars of the intended education, analysis or research project;
- (vii) address at which the education, analysis or research will be undertaken;
- (viii) estimated duration of project or activity;
- (ix) total quantity of scheduled substances to be kept in stock per annum;
- (x) source of supply; and
- (xi) the place where and the manner in which the scheduled substances shall be stored safely.

(b) The Director-General may issue a permit referred to in paragraph (a) only after consultation with the Authority.

(c) A permit referred to in paragraph (a) may not be issued if the Director-General is of the opinion that the applicant is not capable of keeping or storing the substance in a manner so as to prevent the loss thereof.

(4) An application for a permit contemplated in section 22A(9)(a)(i) of the Act to manufacture any specified Schedule 5 or Schedule 6 substance shall contain at least the following information:

- (a) name and address (both physical and postal) of the applicant;
- (b) name and registration number of the responsible pharmacist;
- (c) a certified copy of the manufacturing licence issued by the Authority;
- (d) contact details of the applicant including the-
  - (i) telephone number; and
  - (ii) facsimile number or email address;
- (e) address at which manufacturing is to be undertaken; and
- (f) estimated quantity of specified Schedule 5 or Schedule 6 substance that will be manufactured.

- (5) (a) An application for a permit contemplated in section 22A(9)(a)(ii) of the Act to manufacture, use or supply a Schedule 5 or Schedule 6 substance shall contain at least the following information-
- (i) Name and address (both physical and postal) of applicant;
  - (ii) contact details of the applicant, including the:
    - (aa) telephone number; and
    - (bb) facsimile number or email address;
  - (iii) name and address of contact person;
  - (iv) identification number of contact person;
  - (v) qualifications of the contact person;
  - (vi) contact details of the contact person, including the:
    - (aa) telephone number; and
    - (bb) facsimile number or email address; and
  - (vii) purpose for which the application is made.
- (b) The Director-General may issue a permit referred to in paragraph (a) only after consultation with the Authority.
- (6) (a) An application for a permit contemplated in section 22A(7)(a) of the Act shall contain at least the following information:
- (i) Name and address (both physical and postal) of applicant;
  - (ii) contact details of the applicant, including the:
    - (aa) telephone number; and
    - (bb) facsimile number or email address;
  - (iii) name and address of contact person;
  - (iv) identification number of contact person;
  - (v) qualifications of the contact person;
  - (vi) contact details of the contact person, including the:
    - (aa) telephone number; and
    - (bb) facsimile number or email address;
  - (vii) source of supply; and
  - (viii) the place where and the manner in which the scheduled substances shall be stored safely.

- (b) A permit referred to in paragraph (a) may not be issued if the Director-General is of the opinion that the applicant is not capable of keeping or storing the substance in a manner so as to prevent the loss thereof.
- (7) (a) An application for a permit contemplated in section 22A(15) of the Act shall contain at least the following information:
- (i) Name and address (both physical and postal) of applicant;
  - (ii) identification number of applicant;
  - (iii) name and address of employer;
  - (iv) qualifications of the applicant;
  - (v) contact details of the applicant including the-
    - (aa) telephone number; and
    - (bb) facsimile number or email address;
  - (vi) source of supply; and
  - (vii) the place where and the manner in which the scheduled substances shall be stored safely.
- (b) A permit referred to in paragraph (a) may not be issued if the Director-General is of the opinion that the applicant is not capable of keeping or storing the substance in a manner so as to prevent the loss thereof.
- (c) A permit referred to in this subregulation may be withdrawn, revoked or suspended by the Director-General if the person issued with such a permit fails to comply with the conditions or requirements for issuing the permit.
- (8) A application for an authorisation contemplated in section 22A(10) of the Act shall contain at least the following information:
- (a) Name and address (both physical and postal) of medical practitioner;
  - (b) identification number of the medical practitioner;
  - (c) registration number of the medical practitioner with statutory health council;
  - (d) qualifications of the medical practitioner;
  - (e) contact details of the medical practitioner including the-
    - (i) telephone number; and
    - (ii) facsimile number or email address;
  - (f) purpose for which the application is made; and
  - (g) the place where and the manner in which the scheduled substances shall be stored safely.

(9) Any permit holder or person referred to in this regulation may be subject to regular inspections of the premises or practice in terms of section 28 of the Act.

#### **IMPORTATION OR EXPORTATION OF SPECIFIED SCHEDULE 5, SCHEDULE 6, SCHEDULE 7 OR SCHEDULE 8 SUBSTANCES**

15.(1) An application for a permit contemplated in section 22A(11) of the Act shall contain at least the following information:

- (a) name and address (both physical and postal) of the applicant;
- (b) name and registration number of the responsible pharmacist;
- (c) a certified copy of the licence issued by the Authority;
- (d) contact details of the applicant including the-
  - (i) telephone number; and
  - (ii) facsimile number or email address;
- (e) address at which such medicines will be stored;
- (f) estimated quantity of specified Schedule 5 or Schedule 6 substance that will be imported or exported; and
- (g) purpose for such importation or exportation.

(2) The applicant shall submit with the application a certified copy of the permit for exportation issued by the country from which the substance is to be exported.

#### **PERSONAL MEDICINAL USE BY PERSONS ENTERING THE REPUBLIC**

16.(1) Notwithstanding regulation 12, any person entering the Republic may be in possession, for personal medicinal use, of -

- (a) a quantity of a Schedule 3, 4 or 5 substance, which shall not exceed the quantity required for use for a period of three months; or
- (b) a quantity of a Schedule 6 substance, which shall not exceed the quantity required for use for a period of 30 days.

(2) A person referred to in subregulation (1) shall have-

- (a) the original prescription for such a Scheduled substance;
- (b) a certified copy of such prescription; or
- (c) a certificate or letter issued by the person who prescribed or dispensed such Scheduled substance certifying that the Scheduled substance and the quantity concerned was prescribed for the person entering the Republic, including the name, physical and email address of the person who prescribed or dispensed the prescription concerned.

**INFORMATION TO BE FURNISHED ANNUALLY TO THE CHIEF EXECUTIVE OFFICER**

17.(1) An applicant referred to in regulation 15 shall furnish, annually, to the Chief Executive Officer, the following information:

- (a) The quantity of the substance, as a raw material or as contained in a preparation, which was held in stock on 1 January of the preceding calendar year;
- (b) the quantity of such substance acquired during the preceding calendar year by-
  - (i) importation of the substance, as a raw material or as contained in a preparation;
  - (ii) local production of the raw material; and
  - (iii) local purchasing of the raw material, in which case the name of the supplier must also be furnished;
- (c) the quantity of such substance, as a raw material or as contained in a preparation, which was disposed of during the preceding year through exportation or other means;
- (d) the quantity of such substance used during the preceding calendar year in the production of any other Schedule 6 or Schedule 7 substance or a specified substance referred to in section 22A(12)(a)(ii) and (iii) of the Act; and
- (e) the quantity of such substances and preparations containing such substances remaining in stock on 31 December of the preceding year.

(2) The information referred to in subregulation (1) shall comply with the following requirements:

- (a) Quantities shall be expressed in metric units or as a percentage of the relevant substance;
- (b) in the case of opium and any preparations containing opium, quantities must be expressed in terms of opium containing 10 per cent of anhydrous morphine;
- (c) preparations not obtained directly from opium but from a mixture of opium alkaloids must be expressed in terms of morphine;
- (d) quantities of coca-leaves must be expressed in terms of coca-leaves containing 0,5 percent of cocaine; and
- (e) where stocks are held or manufacture has been undertaken on behalf of another person, this fact must be indicated.

**LICENCE TO DISPENSE OR COMPOUND AND DISPENSE MEDICINES**

18.(1) An application for a licence referred to in section 22C(1)(a) of the Act shall be made to the Director-General for a-

- (a) licence to dispense; or

(b) licence to compound and dispense,  
medicines within his or her scope of practice.

(2) An application referred to in subregulation (1) shall be accompanied by a prescribed application fee and contain at least the following information:

- (a) The name and both residential and business addresses (both physical and postal) of the applicant;
- (b) the exact location of the premises where compounding and/or dispensing will be carried out;
- (c) telephone number;
- (d) email address, if applicable;
- (e) fax number, if applicable; and
- (f) proof of registration with the relevant statutory health council.

(3) The application referred to in subregulation (1) may be submitted before a relevant supplementary course as contemplated in section 22C of the Act is completed, but may only be finally approved upon proof being furnished that such a course has been successfully completed and all other requirements have been met.

(4) A person referred to in subregulation (1) who has been issued with a licence shall-

- (a) keep a prescription book or permanent record as contemplated in regulation 11(1) relating to medicines compounded and dispensed for a period of 5 years from the date of sale;
- (b) ensure that the dispensary and any premises where medicines are kept are suitable for:
  - (i) dispensing; or
  - (ii) compounding and dispensing,in accordance with good pharmacy practice;
- (c) keep the medicines under the manufacturer's recommended storage conditions as specified on the medicines label and professional information;
- (d) not repackage medicines at the premises unless authorised to do so in terms of Regulation 33;
- (e) label medicines properly with the name of the patient and a reference number linking the patient to a patient record;
- (f) dispense medicines in accordance with a prescription which complies with Regulation 28 and based on a diagnosis for a particular patient;
- (g) not keep expired medicines on the premises other than in a demarcated area in a sealed container clearly marked: EXPIRED MEDICINES and such expired medicines must be destroyed in terms of regulation 27;



- (h) secure the premises where the dispensing or compounding and dispensing is carried out whenever he or she is not physically present at those premises;
- (i) in the event of a recall of a medicine, comply with the terms of the recall of the medicine;
- (j) conspicuously display the licence in the premises referred to in paragraph(b); and
- (k) comply with the conditions of his or her licence.

(5) A person who has been issued with a licence referred to in subregulation (1)(b) shall compound medicines—

- (a) only when the sale is preceded by a proper diagnosis and a prescription in accordance with a prescription which complies with Regulation 28 for a particular patient; and
- (b) subject to regulation 4.

(6) For the purposes of this regulation, "dispensing" or "compounding and dispensing" does not refer to a medicine requiring preparation for a once-off administration to a patient during a consultation.

#### **LICENCE TO MANUFACTURE, IMPORT, EXPORT, ACT AS A WHOLESALER OR DISTRIBUTE MEDICINES OR SCHEDULED SUBSTANCES**

19.(1) An application for a licence referred to in section 22C(1)(b) of the Act, shall—

- (a) be made on a form obtainable from the Authority for a licence-
  - (i) to manufacture, import or export a medicine or Scheduled substance;
  - (ii) to import a medicine or Scheduled substance;
  - (iii) to export a medicine or Scheduled substance; or
  - (iv) to act as a wholesaler of or distribute a medicine or Scheduled substance;
- (b) be submitted to the Chief Executive Officer;
- (c) be accompanied by documentary proof of-
  - (i) the particulars of the owner of the business;
  - (ii) registration of the responsible pharmacist with the South African Pharmacy Council;
  - (iii) qualifications of key personnel responsible for the manufacture, storage, distribution and sale of medicines or Scheduled substances in terms of the Act;
  - (iv) the ability to comply with good manufacturing, wholesaling or distribution practices as determined by Authority, which must include-

- (aa) a copy of a local area plan of the location of the business premises indicating all adjacent properties and the nature of the business being carried on, on such properties;
    - (bb) a floor plan of the building in which the business premises are situated;
    - (cc) a plan of the actual layout of the business premises;
    - (dd) an inventory of equipment to be used in conducting the business; and
    - (ee) a manual of procedures and practices to be implemented to ensure the safety, efficacy and quality of medicines, or Scheduled substances to be manufactured or distributed and sold;
  - (v) of the payment of the prescribed application fee;
  - (vi) any other information as may be requested by the Authority; and
  - (d) specify the medicines or Scheduled substance to be manufactured, imported, exported or distributed and sold.
- (2) The applicant contemplated in subregulation(1) shall-
- (a) appoint, and designate as such a responsible pharmacist who will control the importation, exportation, manufacturing, wholesaling, or distribution of medicines or Scheduled substances; and
  - (b) appoint and designate a natural person who resides in the Republic, who shall be responsible to Authority for compliance with the Act.
- (3) The Authority shall inspect the business premises specified in the application.
- (4) The Authority may issue a licence contemplated in subregulation (1) once the Authority is satisfied that the requirements of the Act and this regulation have been complied with.
- (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 prescribed annual fee for continued registration.

(7) A holder of a licence in terms of subregulation (1) shall submit to the Chief Executive Officer 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) responsible pharmacist;
- (c) natural person in terms of subregulation (2)(b);
- (d) site address;
- (e) activities provided for by the licence; or
- (f) the medicines or Scheduled substances to be manufactured, imported, exported or distributed and sold.

(8) Following an application referred to in subregulation (7) the Authority may issue a new licence: Provided that-

- (a) the Authority is satisfied that the application complies with provisions of subregulation (1) or any other conditions determined by the Authority;
- (b) either-
  - (i) the original licence is returned to the Authority; or
  - (ii) an affidavit is submitted to the Authority stating that the original licence has been lost, if this is the case; and
- (c) the applicable licence fee is paid.

(9) An applicant shall notify the Chief Executive Officer in writing of any change to any of the particulars furnished in the application contemplated in in subregulation (1) within 30 days of such change.

(10) Any entry into the register in terms of subregulation (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 subregulation (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 Director-General or Chief Executive Officer, as the case may be 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.

**19A. EXEMPTION IN TERMS OF SECTION 22H**

(1) A wholesaler desiring to buy medicines from another wholesaler shall apply to the Chief Executive Officer for an exemption referred to in section 22H(3) of the Act.

(2) An application referred to in subregulation (1) shall contain at least the following information:

- (a) Name and address (both physical and postal) of applicant;
- (b) name of the designated person;
- (c) the name and quantity of the medicines, to be bought;
- (d) source of supply; and
- (e) the reason for sourcing the medicine from another wholesaler.

(3) The Director General may grant an exemption referred to in subregulation (1): Provided that such exemption is for a period of time as determined by the Director General and-

- (a) it is intended to improve the availability of any medicine, Scheduled substance, medical device or IVD; and
- (b) is in the public interest.

**PERIOD OF VALIDITY OF A LICENSE ISSUED IN TERMS OF REGULATIONS 18 AND 19 AND RENEWAL OF LICENCES**

20.(1) A licence issued in terms of section 22C(1)(a) of the Act and referred to in regulation 18 shall be valid for a period of five years or until it is suspended or revoked by the Director-General in terms of section 22E of the Act.

(2) A licence issued in terms of section 22C(1)(b) of the Act and referred to in regulation 19 shall be valid for a period of five years from the date of issue.

(3) A licence referred to in subregulation (2) which has expired may be renewed upon application to the Authority.

(4) An application referred to in subregulation (3) shall-

- (a) contain at least the information or documentation referred to in regulation 19(1)(c);
- (b) be accompanied by a fee prescribed in terms of section 35(1)(xxxii) of the Act; and
- (c) be made at least 180 days before the expiry of the existing licence.

(5) A licence referred to in subregulation (1) or subregulation (2) which has been revoked in terms of section 22E of the Act must be returned by the licensee to the Director-General or the Authority as the case may be without delay.

#### **APPEAL AGAINST DECISIONS OF THE DIRECTOR-GENERAL**

21. (1) An appeal against a decision of the Director-General shall be lodged with the Minister within 30 days from the date on which the written decision appealed against was received by the person concerned, and such a person shall at the same time submit a copy of the appeal to the Director-General.

- (2) The appeal contemplated in subregulation (1) shall—
- (a) be lodged in writing;
  - (b) state the full name, address and contact number of the person lodging the appeal;
  - (c) state the decision appealed against;
  - (d) contain the reasons furnished by the Director-General for the decision, if possible;
  - (e) state the ground for appeal;
  - (f) be addressed to [insert relevant authority] and delivered by hand, post, faxed or electronically mail to one of the following addresses respectively:
    - (i) physical address of the National Department of Health;
    - (ii) Department of Health, Private Bag X828, Pretoria, 0001; or
    - (iv) email address: DG@Health.gov.za.
- (3) The copy of the appeal contemplated in subregulation (1) shall be—
- (a) sent by registered mail to the Director-General, Department of Health, Private Bag X828, Pretoria, 0001; or
  - (b) hand delivered to the Director-General at the physical address of the National Department of Health,
- (4) The Director-General shall, within 30 days of receipt of the copy of the appeal, furnish the Minister with his or her reasons for the decision.
- (5) The Minister shall, within 30 days of receipt of the reasons referred to in subregulation (3), confirm, set aside or vary the decision of the Director-General.
- (6) The Minister shall, in writing and within 10 days of his or her decision contemplated in subregulation (5), inform the person who lodged the appeal of his or her decision and the reasons therefor.

**APPEAL AGAINST THE DECISION OF THE AUTHORITY**

**21A. (1)** The appeal committee referred to in section 24A(3) of the Act, shall be appointed within 30 days of receipt of the notice referred to in the said section..

(2) The appeal committee -

- (a) shall determine the procedure for its hearings;
- (b) may, 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; and
- (c) shall, 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.

(3) Persons appearing before an appeal committee may be represented by a legal practitioner.

**APPLICATION FOR THE REGISTRATION OF A MEDICINE**

**22.(1)** Any person residing and doing business in the Republic may make an application for the registration of a medicine.

(2) The application referred to subregulation (1) must include the particulars of the person with appropriate knowledge of all aspects of the medicine who shall be responsible for communication with the Authority.

(3) The application contemplated in subregulation (2) shall be accompanied by-

- (a) a properly completed screening form which is obtainable from the Chief Executive Officer;
- (b) a proposed label for use on the medicine;
- (c) where applicable, a copy of the manufacturing licence together with the current Good Manufacturing Practice certificate from the regulatory Authority of the medicine's country of origin;



- (d) in the case of specified Schedule 5, Schedule 6, Schedule 7 and Schedule 8 substances, a certified copy of a permit to manufacture such substances;
  - (e) all available data on the safety, efficacy and quality of the medicine, as may be determined by the Authority;
  - (f) proof of the existence of a manufacturing site, which may include a Site Master File;
  - (g) any other information as may be required by the Authority; and
  - (h) the applicable application fee.
- (4) The information referred to in subregulation (3) shall be submitted in English.
- (5) The application form referred to in subregulation (2) shall contain at least the following information:
- (a) Particulars of the applicant and the prospective holder of certificate of registration, including-
    - (i) Name;
    - (ii) Business Address;
    - (iii) Postal Address;
    - (iv) Telephone Number;
    - (v) Fax Number, if applicable;
    - (vi) e-mail address, if applicable; and
    - (vii) Contact details of the person referred to in subregulation (2) in the case of a juristic person; and
  - (b) particulars of a medicine, including-
    - (i) proposed proprietary name;
    - (ii) dosage form;
    - (iii) strength per dosage unit;
    - (iv) route of administration;
    - (v) country of origin and registration status outside the Republic;
    - (vi) category, pharmacological classification; and a statement identifying the discipline if falling under Category D;
    - (vii) the name of the manufacturer(s); and
    - (viii) approved name of each active pharmaceutical ingredient.
- (6) A medicine, in respect of which an application for registration is made, must comply with the technical requirements as determined by the Authority.

(7) An application shall be made in respect of each individual dosage form and strength of a medicine.

(8) In the case where a medicine in respect of which an application for registration is made, is or was registered with any regulatory body outside the Republic, the following information in respect of such medicine shall accompany the application:

- (a) A copy of the certificate of registration;
- (b) professional information;
- (c) conditions of such foreign registration; and
- (d) any other information as may be required by Authority.

(9) The provisions of this regulation shall, with the necessary changes, apply to the application for the registration of veterinary medicines.

(10) An application referred to in subregulation (1) shall be accompanied by three samples of such medicine subject to the provisions of regulation 12(2).

#### **INFORMATION THAT MUST APPEAR IN THE REGISTER FOR MEDICINES**

23. The medicines register shall, in respect of any registered medicine, contain the following information:

- (a) the proprietary name of the medicine;
- (b) the registration number allocated to the medicine;
- (c) the approved name of each active ingredient of the medicine and the quantity thereof contained in a dosage unit or per suitable mass or volume or unit of the medicine;
- (d) the dosage form of the medicine;
- (e) the name of the holder of the certificate of registration;
- (f) the name and address of the manufacturer(s) and the manufacturing facilities;
- (g) the name of the final product release control;
- (h) the name of the final product release responsibility;
- (i) the date of registration of the medicine;
- (j) the conditions of registration of the medicine as may have been determined in terms of section 15(6) of the Act;
- (k) category of the medicine;
- (l) pharmacological classification of the medicine; and
- (m) if falling under Category D a statement identifying the-
  - (i) sub-category of the medicine; and

- (ii) the associated discipline where applicable.

#### **TRANSFER FROM THE REGISTER FOR MEDICINES TO THE REGISTER FOR MEDICAL DEVICES OR IVDs**

**23A.** (1) The Chief Executive Officer may transfer information pertaining to the registration of a medicine from the register for medicines to the register for medical devices or IVDs on request of the holder of the certificate of registration thereof.

(2) An application for transfer from the register for medicines to the register for medical devices and IVDs must be-

- (a) made to the Chief Executive Officer by the authorised representative;
- (b) on the prescribed form; and
- (c) accompanied by-
  - (i) the applicable certificate of registration;
  - (ii) the reasons for the transfer;
  - (iii) proposed classification of the medical device or IVD; and
  - (iv) the prescribed application fee.

(3) If the Chief Executive Officer approves any application submitted to him or her in terms of subregulation (2), the Chief Executive Officer shall make the necessary entries in the register relating to the medical device or IVD, cancel the existing certificate of registration and issue a new certificate of registration in the prescribed form to such person.

(4) For the purposes of regulation 23A(2)(a) "authorised representative" shall be as defined in the Regulations Relating to Medical Devices and *In Vitro* Diagnostic Medical Devices (IVDs) in terms of the Act.

#### **APPLICATION FOR AN AMENDMENT TO THE REGISTER FOR MEDICINES**

**24.** (1) An application for the amendment of an entry in the register in terms of section 15A of the Act shall be accompanied by a the relevant fee and must contain the following particulars-

- (a) the registration number of the medicine;
- (b) the name of the holder of the certificate of registration;
- (c) business 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 a new certificate is issued in terms of section 15A (3) of the Act—
- (a) the original certificate of registration must be returned to the Authority; or
  - (b) if the original certificate of registration is lost, an affidavit must be submitted to the Authority confirming that the certificate of registration is lost.

#### **CATEGORIES AND CLASSIFICATION OF MEDICINES**

25.(1) Medicines shall be classified into categories as follows:

- (a) Category A = Medicines which are intended for use in humans and which are, without manipulation, ready for administration, including packaged preparations where only a vehicle is added to the effective medicine;
- (b) Category B = Medicines intended for use in humans and animals which cannot normally be administered without further manipulation;
- (c) Category C = Medicines intended for veterinary use which are, without further manipulation, ready for administration, including packaged preparations where only vehicle is added to the effective medicine; and
- (d) Category D = Complementary medicines intended for use in humans and animals which are, without further manipulation, ready for administration, including packaged preparations where only a vehicle is added to the effective medicine.

(2) Medicines in categories A and D (human complementary medicine) are subdivided into pharmacological classifications as per Annexure 1.

(3) Medicines in categories C and D (veterinary complementary medicines) are subdivided into pharmacological classifications as per Annexure 2.

#### **SUB-CATEGORIES OF COMPLEMENTARY MEDICINES**

25A. Medicines in Category D are subdivided into-

- (a) such disciplines as may be determined by the Authority; and
- (b) health supplements.

#### **CERTIFICATE OF REGISTRATION**

26. A certificate of registration for medicines as contemplated in section 15(3) of the Act shall be in a form substantially similar to the form contained in Annexure 3.

#### **DESTRUCTION OF MEDICINES**

27.(1) A medicine or scheduled substance may only be destroyed by a waste disposal facility authorised to destroy medicines or pharmaceutical waste in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

- (2) No medicines may be disposed of into municipal sewerage systems.
- (3) The destruction or disposal of medicines or scheduled substances must be conducted in such a manner to ensure that the medicines or scheduled substances cannot be salvaged and the medicine or scheduled substance has been denatured.
- (4) A Schedule 0 medicine or Schedule 1, 2, 3 or 4 substance or medicine must be destroyed at a site in terms of subregulation (1) and such destruction must be certified as determined by the Authority.
- (5) A Schedule 5 or 6 substance or medicine shall be destroyed in terms of subregulation (1) in the presence of—:
- (a) an inspector;
  - (b) a pharmacist; or
  - (c) any other person authorised by the Chief Executive Officer.
- (6) A Schedule 7 or 8 substance or medicine shall be destroyed in terms of subregulation (1) in the presence of—:
- (a) an inspector; or
  - (b) any other person authorised by the Chief Executive Officer.
- (7) The waste disposal facility shall maintain a record of the destruction contemplated in subregulations (4) and (5) which shall contain the following information:
- (a) The name of the medicine or the schedule of the substance concerned;
  - (b) the quantity destroyed;
  - (c) the date of destruction of the medicine or scheduled substance;
  - (d) the name and designation of the person in whose presence such destruction took place; and
  - (d) any other information as determined by the Authority.

#### **PARTICULARS WHICH MUST APPEAR ON A PRESCRIPTION FOR A MEDICINE**

**28.(1)** Every prescription for a medicine shall be-

- (a) written in legible print;
- (b) typewritten; or
- (c) prepared with an electronic agent as defined by and in compliance with the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

- (2) A prescription shall be signed-
- (a) in person; or
  - (b) in the case of a prescription prepared in accordance with subregulation (1)(c), with an advanced electronic signature as per Section 13 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002),  
by an authorised prescriber.
- (3) A prescription shall at least state the following:
- (a) The name, qualification, registration number with the relevant statutory health council and address of the prescriber;
  - (b) the name, identification number and address of the patient or the name, identification number and address of the person to whom the medicines are delivered in the case of a prescription issued by a veterinarian;
  - (c) the date of issue of the prescription;
  - (d) the approved name or the proprietary name of the medicine;
  - (e) the dosage form;
  - (f) the strength of the dosage form and the quantity of the medicine to be supplied: Provided that-
    - (i) in the case of Schedule 6 substances the quantity to be supplied shall be expressed in figures as well as in words; and
    - (ii) where the prescriber has failed to express the quantity in figures as well as in words, the medical practitioner, dentist, veterinarian or pharmacist dispensing the medicine may, after obtaining confirmation from the prescriber, insert the words or figures that have been omitted;
  - (g) instructions for the administration of the dosage, frequency of administration and the withdrawal period in the case of veterinary medicines for food producing animals;
  - (h) the age and gender of the patient and, in the case of veterinary medicine, the animal species; and
  - (i) the number of times the prescription may be repeated.
- (4) The pharmacist who dispenses a prescription shall verify the authenticity of all prescriptions so dispensed.
- (5) In the event of a prescription transmitted by fax or communicated verbally a permanent copy of the prescription shall be made for record purposes and shall be followed by the signed prescription as per subregulation (2) within 7 working days from the original transmission or communication.



(6) The prescriber shall keep records of the diagnosis relevant to the prescription and where the patient consents, indicate the diagnosis on the prescription.

#### **PARTICULARS WHICH MUST APPEAR ON AN ORDER FOR A SCHEDULE 6 MEDICINE**

**28A.(1)** Every order for a Schedule 6 medicine shall be-

- (a) written in legible print;
- (b) typewritten; or
- (c) prepared with an electronic agent as defined by and in compliance with the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

(2) An order shall be signed-

- (a) in person; or
- (b) in the case of an order prepared in accordance with subregulation (1)(c), with an advanced electronic signature as per the Electronic Communications and Transactions Act, (Act No. 25 of 2002),

by a pharmacist or authorised prescriber placing the order.

(3) An order for a Schedule 6 medicine shall at least state the following:

- (a) The name, qualification of an authorised person placing the order;
- (b) the date of issue of the order;
- (c) the approved name or the proprietary name of the medicine;
- (d) the dosage form; and
- (e) the strength of the dosage form and the quantity of the medicine to be supplied: Provided that-
  - (i) in the case of Schedule 6 substances the quantity to be supplied shall be expressed in figures as well as in words; and
  - (ii) where the authorised person placing the order has failed to express the quantity in figures as well as in words, the responsible pharmacist taking the order, may after obtaining confirmation from the authorised person placing the order, insert the words or figures that have been omitted.

(4) In the case of all orders, the pharmacist shall verify the authenticity of the order.

(5) In the event of an order transmitted by fax or communicated verbally a permanent copy of the order shall be made for record purposes and shall be followed by the signed order as per subregulation (2) within 7 working days from the original transmission or communication.

**RETURNS TO BE FURNISHED IN RESPECT OF SPECIFIED SCHEDULE 5, SCHEDULE 6, SCHEDULE 7 OR SCHEDULE 8 SUBSTANCES**

29.(1) No person may import, export, sell by wholesale, produce, manufacture or use, in the manufacture of any medicine or substance, any substance referred to in section 22A(12) of the Act unless the Authority is supplied with a return on or before 28 February of each year, reflecting the following information:-

- (a) The quantity of such substance, as a raw material or as contained in a preparation, which was held in stock on 1 January of the preceding calendar year;
- (b) the quantity of such substance acquired during the preceding calendar year by-
  - (i) importation, as a raw material or contained in a preparation;
  - (ii) production of the raw material in the Republic; and
  - (iii) purchasing of the raw material in the Republic and the name of the supplier must be stated;
- (c) the quantity of such substance, as a raw material or as contained in a preparation, which was disposed of during the preceding calendar year through-
  - (i) exportation; or
  - (ii) destruction thereof;
- (d) the quantity of such substance used during the preceding calendar year in-
  - (i) the production of any other Schedule 6 or Schedule 7 substance or a specified substance referred to in section 22A(12) of the Act; and
  - (ii) the production of any other chemical substance not included in Schedule 6 or Schedule 7 or specified in section 22A(12)(a) of the Act; and
- (e) the quantity of such substance and preparations containing such substance remaining in stock on 31 December of the preceding year.

(2) Notwithstanding subregulation (1), the Authority may exempt an importer or exporter from furnishing a return, if the particular return is not necessary in determining the consumption of any of the substances included therein.

(3) The return referred to in subregulation (1) shall comply with the following requirements:

- (a) All quantities shall be expressed in metric units as a percentage base of the relevant substance;
- (b) in the case of opium and any preparations containing opium, quantities shall be expressed in terms of opium containing 10% of anhydrous morphine;

- (c) preparations obtained not directly from opium itself but by mixing opium alkaloids shall be expressed in terms of morphine;
- (d) in the case of any preparations of coca-leaves, quantities of coca-leaves shall be expressed in terms of coca-leaves containing 0,5% of cocaine; and
- (e) where stocks are held or manufacture has been undertaken on behalf of another applicant, this fact shall be indicated.

#### **REGISTER OF SPECIFIED SCHEDULE 5 AND SCHEDULE 6 MEDICINES**

**30.(1) Any-**

- (a) manufacturer or wholesaler licensed in terms of section 22C(1)(b) of the Act selling specified Schedule 5 or Schedule 6 medicines or substances; or
- (b) person selling specified Schedule 5 or Schedule 6 medicines or substances, shall keep a register of such medicines or substances.

**(2) The register referred to in subregulation (1) shall—**

- (a) indicate the quantity of every such medicine or substance remaining in stock on the last day of March, June, September and December of each year; and
- (b) contain the following information:
  - (i) the date on which the medicine or substance was received or supplied;
  - (ii) the name, business address of the person from whom the medicine or substance was received or sent and in the case of imported medicine or substance, the import permit number;
  - (iii) the name and address of the person who purchased the medicine or substance;
  - (iv) the quantity, in words and figures, of such medicine or substance indicated per dosage unit, mass or volume;
  - (v) in the case of the supply of the medicine or substance on prescription, the name and address of the authorised prescriber unless such prescription was issued at a hospital in which case the name of the authorised prescriber must be recorded;
  - (vi) the quantity of the medicine or substance manufactured or used during the manufacturing process; and
  - (vii) any other information as may be required by the Authority.

**(3) The register referred to in subregulation (1) shall be kept for a period of five years after the date of the last entry made therein.**

(4) In a case where the register is kept by computer, a computer printout shall be made monthly, dated, signed and filed.

(5) Records must be stored in an orderly manner so that they can be accessed easily.

**METHOD OF TAKING SAMPLES, THE CERTIFICATE TO BE ISSUED AND THE REPORTING OF ANALYSIS RESULTS**

31.(1) An inspector may take a sample or any quantity of samples of a medicine or Scheduled substance for purposes of testing, examination or analysis in terms of the Act by a person designated as an analyst, pharmacologist or pathologist.

(2) The sample or samples contemplated in subregulation (1) shall-

- (a) be taken in the presence of the person who is in charge of such medicine or substance, or in the absence of such person, in the presence of any witness present;
- (b) be taken and stored in such a manner as to ensure its integrity during the entire examination process of the sample; and
- (c) be packed and sealed and suitably labelled or marked in such a manner as its nature may permit;
- (d) be transmitted by any suitable means to an analyst, pharmacologist or pathologist; and
- (e) be accompanied with the certificate signed by the inspector, and a copy of which shall be issued to the person contemplated in paragraph (a) by the inspector at the earliest possible time.

(3) An analyst, pharmacologist or pathologist referred to in subregulation (1) shall, as soon as possible after receipt of the sample, test, examine or analyse the sample and report the results thereof to the Authority.

(4) An inspector referred to in subregulation (1) may take a sample during a routine inspection from a manufacturer, a wholesaler or retailer for testing, examination or analysis in terms of these regulations.

(5) Notwithstanding subregulation (1), the Authority may require any holder of a certification of registration to supply the Authority with a sample of a particular medicine or substance in order to test, examine or analyse such sample.

(6) Certificates or reports issued in terms of this regulation shall be submitted to the Chief Executive Officer within 7 days from the date of issue.

**SEIZURE OF MEDICINES**

32.(1) A medicine may be seized if it-

- (a) is unregistered and sold in contravention of the Act;
- (b) is suspected of being a counterfeit;
- (c) is misbranded or adulterated;
- (d) has expired;
- (e) is suspected stolen;
- (f) is Scheduled and is possessed-
  - (i) by an unauthorised person;
  - (ii) by an authorised person but in unauthorised quantities; or
  - (iii) at an unauthorised site;
- (g) has been declared undesirable in terms of the Act;
- (h) belongs to the State and is found to be possessed by an unauthorised person; or
- (i) is used in unauthorised clinical trial.

(2) An inspector seizing any item in terms of section 28(1)(c) of the Act shall, as soon as possible and at the scene of seizure, make a written inventory of all items seized and the inventory shall include-

- (a) the date, place and time of seizure;
- (b) the name and personal details of the person from whom the items were seized;
- (c) the name and quantity of every item seized; and
- (d) the name of the inspector conducting the seizure.

(3) An item contemplated in subregulation (2) may be used as evidence in any criminal proceedings in terms of this Act.

(4) An inspector taking any sample in terms of section 28(1)(d) of the Act shall make a written inventory of all samples taken which inventory shall include-

- (a) the date on which, the place where and time when the sample was taken;
- (b) a description of nature and size of each sample taken; and
- (c) the personal details of the person in whose presence the samples were taken; and the name of the inspector taking the sample.

**REPACKAGING OF MEDICINES**

33.(1) The repackaging of medicines shall-

- (a) only be carried out by-
  - (i) a pharmacist or under the supervision of a pharmacist; or
  - (ii) any other person authorised in terms section 29(4) of the Pharmacy Act, 1974;
- (b) have a batch numbering system which contains all the information linking the repackaged medicine with the original packaging thereof; and
- (c) be carried out in accordance with good manufacturing practice.

#### **CONDUCT OF CLINICAL TRIALS FOR HUMANS AND ANIMALS**

**34.(1)** A person desiring to initiate or conduct a clinical trial in respect of an unregistered medicine, a new indication or new dosage regimen of a registered medicine or substance, shall apply to the Authority for authorisation to conduct such a clinical trial.

(2) An application referred to in subregulation (1) shall be accompanied by a prescribed fee contain at least the following information:

- (a) Clinical trial protocol;
- (b) investigator's brochure containing relevant chemical, pharmaceutical, pre-clinical pharmacological and toxicological data and where applicable, human or animal pharmacological and safety and efficacy clinical data with the substance concerned;
- (c) professional information pertaining to all registered medicines used or the international equivalent thereof if the medicines are not registered in South Africa;
- (d) Curriculum Vitae of all investigators;
- (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 subregulation (1); and
  - (ii) professional indemnity insurance for investigators;
- (g) details of the site(s) where the trial is to be conducted;
- (h) signed declaration by the applicant referred to in subregulation (1) and all investigators of the trial that they are familiar with and understand the protocol and will comply with Good Clinical Practice as determined by the Authority in the conduct of the trial;
- (i) participant information in the case of human trials or owner information in the case of animal trials;
- (j) informed consent document in the case of human trials or owner consent document in the case of animal trials;



- (j) approval of the clinical trial by 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);
  - (k) any other information as may be required by the Authority;
  - (l) the details of the principal investigator who will be responsible for the site(s) where the trial is to be conducted and who shall be-
    - (i) an appropriately qualified and competent person;
    - (ii) registered with the relevant statutory health council; and
    - (iii) resident in the Republic;
  - (m) the details of at least one appropriately qualified and competent sub-investigator, registered with the relevant statutory health council; and
  - (n) any other information as may be required by the Authority.
- (4) Clinical trials shall be conducted in accordance with guidelines for good clinical practice as may be determined by the Authority from time to time.
- (5) No person may conduct clinical trials referred to in subregulation (1) without the authorisation of the Authority.
- (6) The person authorised by the Authority to conduct the clinical trial shall submit-
- (a) progress reports to the Authority every six months from the date of approval of an application and 30 days after the completion or termination of the clinical trial; and
  - (b) development safety updates report annually and the final safety report 30 days after the completion or termination of the clinical trial.
- (7) The principal investigator shall inform the Authority of any-
- (a) suspected adverse events; or
  - (b) safety concerns,
- occurring as a result of the use of any medicine during the conduct of a clinical trial.
- (8) A person desiring to amend the protocol of a clinical trial shall apply to the Authority together with the prescribed fee for authorisation related to such amendment
- (9) Medicines referred to in subregulation (1) shall be properly labelled and the package shall sufficiently identify the-
- (a) clinical trial to be carried out;
  - (b) medicine(s) to be used;

- (c) person to whom the medicine is to be administered or in the case of animals the name of the person under whose supervision it is to be administered;
- (d) name and address of the site where the clinical trial is conducted;
- (e) the directions in regard to the manner in which such medicine should be used;
- (f) date of dispensing; and
- (g) reference number.

(10) The Authority may-

- (a) request additional information;
- (b) inspect a clinical trial; or
- (c) withdraw the authorisation to conduct a clinical trial,

if the Authority is of the opinion that the safety of the subjects of the trial may be compromised or that the scientific reasons for conducting the trial have changed.

#### **AUTHORISATION OF SALE OF UNREGISTERED MEDICINE FOR CERTAIN PURPOSES**

**34A.(1)** A person desiring to sell an unregistered medicine or substance, for purposes other than a clinical trial, shall apply to the Authority for authorisation in terms of section 21 of the Act to sell such a medicine or substance.

(2) An application referred to in subregulation (1) must be accompanied by the prescribed fee and must contain at least the following information-

- (a) duly completed application form obtained from the Chief Executive Officer;
- (b) product or substance brochure containing relevant chemical, pharmaceutical, pre-clinical pharmacological and toxicological data and where applicable, human or animal pharmacological and clinical data with the substance concerned;
- (c) witnessed informed consent document, where applicable;
- (d) details of registration of the medicine with any regulatory authority, if available;
- (e) investigator's brochure in the case of a medicine under development;
- (e) evidence of compliance of the manufacturer of the medicine with Good Manufacturing Practice standards;
- (f) reasons why a South African registered medicine cannot be used; and
- (g) any other information as may be required by the Authority relating to safety, quality or efficacy of the unregistered medicine.

(3) The protocol for the use of the unregistered medicine referred to in paragraph (a) of subregulation (2) shall contain at least the following information:

- (a) The name of the authorised prescriber who must be an appropriately qualified and competent person registered by the relevant statutory health council, resident in the Republic; and
  - (b) any other information as may be required by the Authority.
- (4) The person under whose supervision the unregistered medicine or substance is prescribed shall submit progress reports to the Authority-
- (a) after every six months from the date following commencement of the use of the unregistered medicine or substance; and
  - (b) 30 days after the completion or termination of the treatment.
- (5) The Authority may-
- (a) impose any additional conditions;
  - (b) request additional information;
  - (c) inspect the site where the unregistered medicine or substance is manufactured or administered; or
  - (d) withdraw the authorisation to treat the human or animal subject,
- if the Authority is of the opinion that the safety of any subject is compromised, that the scientific reasons for administering the unregistered medicine or substance have changed or for any other reason as determined by the Authority.
- (6) A medicine referred to in subregulation (1) shall be properly labelled and the package shall sufficiently identify the information as per the provisions of regulation 8(4)(c).

#### **SKILLS OF STAFF OF THE AUTHORITY**

35.(1) For purposes of providing monitoring, evaluation, regulation, investigation, inspection, registration and control of medicines, Scheduled substances, medical devices and IVDs, the Authority shall ensure that staff are appointed with expertise in and knowledge of at least—

- (a) clinical medicine;
- (b) clinical pharmacology;
- (c) pharmaceutical chemistry;
- (d) toxicology and drug safety;
- (e) biotechnology;
- (f) pharmaceuticals;
- (g) adverse drug reactions and vigilance;
- (h) virology and microbiology;
- (i) veterinary clinical pharmacology;
- (j) good manufacturing practises, clinical and laboratory practises;

- (k) technical engineering; or
- (l) investigations on matters relating to existing legislation.

(2) For purposes of oversight, leadership and accountability, the Authority shall ensure that staff are appointed with expertise and knowledge relating to at least—

- (a) operational management;
- (b) supply chain and asset management;
- (c) financial management;
- (d) human resource management;
- (e) information and record management; and
- (f) knowledge in law.

#### **CONTROL OF MEDICINES IN HOSPITALS**

36. The responsible pharmacist shall supervise the safety, security, purchasing, storage, and dispensing of medicines in a hospital.

#### **VIGILANCE**

37.(1) A person who has applied for registration of a medicine in terms of section 15 of the Act, a holder of a certificate of registration in respect of a medicine or Scheduled substance, or a holder of a licence in terms of section 22C(1)(b) must inform the Authority, in the manner and within the time frame as determined by the Authority, of any-

- (a) new or existing quality or safety concerns related to any medicine or scheduled substance, including but not limited to adverse drug reactions;
- (b) risk minimisation associated with such safety concerns as per paragraph (a); and
- (c) risk mitigation activities associated with paragraph (a) and the impact of these activities.

(2) 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 drug reactions; or
- (b) new or existing safety concerns,

occurring as a result of the use of any medicine or scheduled substance.

(3) Subregulations (1) and (2) also apply in the case of unregistered medicines used in terms of sections 14(4), 15C, 21 and 36 of the Act.

(4) Nothing in this regulation shall be interpreted as prohibiting any person from reporting any adverse drug reaction or safety concern related to any medicine or Scheduled substance to the Authority.

#### **PRICING COMMITTEE**

**38.** (1) The pricing committee contemplated in section 22G of the Act shall consist of no more than eighteen members, but shall include-

- (a) one person nominated by the Minister of Finance;
- (b) one person nominated by the Minister of Trade and Industry;
- (c) one or more persons representing the Department of Health;
- (d) at least one person with background in pharmacology;
- (e) at least one person with background in the law;
- (f) at least one person with background in academic medical research;
- (g) at least two persons with economics background, one of whom must be a health economist; and
- (h) at least one person representing independent patient or consumer groups.

(2) The Committee shall determine the procedure for the conduct of its business.

(3) The Committee may appoint, subject to the approval of the Minister, subcommittees as it may deem necessary, to investigate and report to it any matter within the purview of the Committee in terms of the Act.

(4) The Director-General may designate employees of the Department to serve as the secretariat of the Committee.

#### **INVESTIGATIONS**

**39.** The Authority may conduct an investigation with regard to a medicine or a Scheduled substance if-

- (a) such a medicine or Scheduled substance is recalled in South Africa or any other country;
- (b) adverse reaction is reported;
- (c) the medicine or Scheduled substance is suspected or found not to comply with the requirements of the Act;
- (d) there is an international alert with regard to such a medicine or Scheduled substance; or
- (e) for any other reason related to the safety, quality and efficacy of medicine or a Scheduled substance, the Authority deems it fit to conduct an investigation on the medicine or Scheduled substance.

**PROFESSIONAL INFORMATION FOR VETERINARY MEDICINES**

40.(1) Subject to subregulation (2), professional information shall be made available for each veterinary medicine, in at least English or one official language and in type having a minimum legibility, under the headings and in the format specified in this Regulation, and which shall contain the following particulars:

- (a) The proprietary name;
- (b) scheduling status;
- (c) dosage form;
- (d) composition, using generic or approved names;
- (e) pharmacological classification;
- (f) pharmacological action;
- (g) pharmacokinetic properties and pharmacodynamic properties;
- (h) contra-indications;
- (i) warnings or withdrawal period in the case of food producing animals;
- (j) side-effects and special precautions;
- (k) known signs of overdose and particulars of its treatment;
- (l) quantity and strength of active ingredients per dosage unit;
- (m) storage instructions;
- (n) registration number;
- (o) name and business address of holder of certificate of registration;
- (p) any other information as the Authority may from time to time determine; and
- (q) in the case of a complementary medicine-
  - (i) a statement identifying the discipline of the medicine where relevant; and
  - (ii) if the medicine has not received registration with the Authority the disclaimer "This medicine has not been evaluated by the Medicines Control Council for its quality, safety or intended use."

(2) The Authority may, upon application, authorise a deviation from subregulation (1).

**LABELLING FOR VETERINARY MEDICINES**

41.(1) Subject to subregulations (2), (3) and (4), the immediate container of every package in which a veterinary medicine is sold shall have a label attached to it on which the following particulars pertaining to the contents of such package shall appear in clearly legible, indelible lettering in at least English or one official language:

- (a) The words 'Veterinary Medicine';



- (b) the proprietary name of such medicine;
- (c) the registration number allocated to such medicine under section 15(5) of the Act or, in the case of a medicine in respect of which an application for registration has been submitted in accordance with regulation 22, the reference number allocated to such application by the Registrar, followed by the words '(Act 101/1965)';
- (d) the dosage form of the medicine;
- (e) the approved name of each active ingredient of the medicine and the quantity thereof contained in a dosage unit or per suitable mass or volume or unit in lettering which shall not be less than-
  - (i) in the case of a medicine containing only one active ingredient, one half the size of the largest lettering which is used for the said proprietary name;
  - (ii) in the case of a medicine which contains more than one but less than six active ingredients, one-quarter the size of the largest lettering which is used for the said proprietary name; and
  - (iii) in the case of a medicine containing six and more active ingredients, the minimum type size permitted by this regulation: Provided that such lettering shall have a minimum legibility;
- (f) the name and percentage of any bacteriostatic or bactericidal agent which has been added to the medicine as a preservative;
- (g) the content of the medicine package expressed in the appropriate unit or volume of the medicine;
- (h) where practicable, the indications for use of the medicine;
- (i) where practicable, the recommended dosage of the medicine;
- (j) where applicable, the instruction 'Shake the bottle before use';
- (k) in the case of a medicine intended for injection by a particular route of administration only, that route of administration by means of suitable words or abbreviations;
- (l) in the case of a medicine listed in any Schedule to the Act, the letter 'S' followed by the number of the relevant Schedule, in a prominent type size and face and surrounded by a square border, immediately preceding the proprietary name of such medicine;
- (m) the lot number of the medicine;
- (n) the expiry date of the medicine;
- (o) the name of the holder of certificate of registration of the said medicine;
- (p) the requirements regarding the manner in which the medicine shall be stored with specific reference to the applicable storage temperature and other precautions required for the preservation of the medicine;
- (q) where applicable, the statement: 'For external use only';
- (r) the warning: 'Keep out of reach of children and uninformed persons';

- (s) in the case of any medicine intended to be used in food producing animals and involving the possibility of the ingredients of such medicine or metabolites thereof being present in the eggs, milk or tissue of such animals, a warning regarding the withdrawal period of such medicine;
- (t) any specified warning which, in terms of the provisions of section 15(6) of the Act, has to be included on the label of a particular medicine as a condition of registration of that medicine;
- (u) the category of medicine;
- (v) the pharmacological classification of medicine; and
- (w) in the case of a complementary medicine-
  - (i) a statement identifying the discipline of the medicine where relevant; and
  - (ii) if the medicine has not received registration with the Authority the following disclaimer: "This unregistered medicine has not been evaluated by the Medicines Control Council for its quality, safety or intended use."

(2) If the medicine package bears both an immediate container label and an outer label, the requirements of subregulation (1) shall apply to the outer label: Provided that it shall be sufficient to contain on the immediate container label-

- (a) in the case of medicines intended for administration by injection and having a total volume not exceeding 5 ml, the particulars referred to in subregulation (1)(a), (b), (e), (k), (l) (m), (n) and (w);
- (b) in the case of an ointment, cream, gel or powder having a nett mass not exceeding 10 grams; the particulars referred to in subregulation (1)(a), (b), (c), (e), (m), (n), (o) and (w);
- (c) in the case of a liquid, solution or suspension having a total volume more than 1 ml but not exceeding 15 ml, the particulars referred to in subregulation (1)(a), (b), (c), (d), (e), (l), (m), (n), (o) and (w);
- (d) in the case of a liquid, solution or suspension having a total volume not exceeding 1 ml, the particulars referred to in subregulation (1)(a), (b), (o) and (w); and
- (e) in the case of a medicine packed in blister or similar packaging, the particulars referred to in subregulation (1)(a), (b), (m), (n), (o) and (w), repeated as frequently as is practicable.

(3) The Authority may, on application to it by an applicant, authorise the inclusion on the label of a medicine of any specified information, which is not required by this regulation to be so included.

(4) The requirements of subregulation (1) shall not apply to a medicine excluded there from by the Minister in terms of section 36 of the Act or to-

- (a) any medicine sold in accordance with the provisions of section 14(4) of the Act for the treatment of a specific animal;
- (b) any medicine sold by a veterinarian or pharmacist in the course of his or her professional activities for the treatment of a particular animal; or
- (c) any medicine sold by a pharmacist in accordance with a prescription issued by a veterinarian for treatment of a particular animal:

Provided that such medicine shall be sold in a package to which is attached a label containing the following information:

- (i) The name of the medicine or the name of each active ingredient or constituent medicine, unless the relevant prescription issued by the veterinarian concerned has been clearly marked with the words '*non nomen proprium*';
- (ii) the name of the person to whom such medicine has been sold and a description, as accurate as possible, of the animals for which the treatment is intended;
- (iii) the directions for the use of such medicine;
- (iv) the name and address of the veterinarian or pharmacist who has sold such medicine;
- (v) the reference number allocated to the sale of the medicine as referred to in regulation 11(1)(f); and where applicable, the warning, referred to in subregulation (1)(s), regarding the withdrawal period of such medicine;
- (vi) date of dispensing; and
- (vii) a statement identifying the discipline of the medicine, if falling in Category D.

#### OFFENCES AND PENALTIES

42. Any person who fails to comply with, contravenes the provisions of or wilfully furnishes incorrect information, as the case may be, in respect of -

- (a) regulation 7(1)(c) or (d) with regard to the parallel importation of medicines;
- (b) regulation 8 with regard to the labelling of medicines for human use;
- (c) regulation 9 with regard to the professional information;
- (d) regulation 10 with regard to the patient information leaflet;
- (e) regulation 11 with regard to the prescription book;
- (f) regulations 12 or 13 with regard to the importation or transmission of medicines;
- (g) regulation 14 with regard to the permits or authorisation issued in terms of section 22A of the Act;
- (h) regulation 15 with regard to the importation or exportation of specified Schedule 5, Schedules 6, 7 or 8 substances;

- (i) regulation 16 with regard to the possession of specified quantities of Schedule substances for personal medicinal use by persons entering from the Republic;
- (j) regulation 17 with regard to the information to be furnished annually to the Director-General by the holder of a permit to import or export specified Schedule 5, Schedules 6, 7 or 8 substances;
- (k) regulation 18 with regard to the licence to dispense or compound and dispense medicines;
- (l) regulation 19 with regard to the licence to manufacture, act as a wholesaler or medicines or Scheduled substances;
- (m) regulation 27 with regard to the destruction of medicines or Scheduled substances;
- (n) regulation 28 or 28A with regard to the particulars which must appear on a prescription or order for medicine;
- (o) regulation 29 with regard to the returns to be furnished in respect of specified Schedule 5, Schedules 6, 7 and 8 medicines and specified substances;
- (p) regulation 30 with regard to the register of Schedule 5 & 6 medicines;
- (q) regulation 33 with regard to the repackaging of medicines;
- (r) regulation 34 with regard to the conduct of clinical trials;
- (s) regulation 34A with regard to authorisation of sale of unregistered medicine for certain purposes;
- (t) regulation 40 with regard to the package inserts for veterinary medicines;
- (u) regulation 45 with regard to the advertising of medicines or Scheduled substances; or
- (v) regulation 48 with regard to the labelling of veterinary medicines; or
- (w) sells a medicine that has expired,

shall be guilty of an offence and upon conviction be liable to a fine or to imprisonment for a period not exceeding 10 years.

#### **COMPLIANCE WITH REQUIREMENTS**

43. (1) Every medicine must continue to comply with the standards and specifications which were furnished to the Authority and which have been accepted by the Authority with regard to such medicine.

(2) Any proposed deviation from accepted standards and specifications referred to in subregulation (1) must be submitted to the Authority for prior approval and such deviation must not be introduced before the said approval has been granted.

(3) Any marketing of a medicine, medical device or IVD must comply with the Code of Practice for the relevant industries.

#### **BATCH RELEASE FOR BIOLOGICAL MEDICINES**

44. (1) The Authority may, with regard to the registration of biological medicines, require, in terms of section 15(7) of the Act, that at least six samples of every batch, together with six copies of the protocols of testing of the bulk batch and filling batch and six copies of the certificate of release issued by the competent Authority in the country in which the product was manufactured, be submitted to the Authority as a batch release condition and the holder of the certificate of registration must pay the prescribed batch release fee.

(2) The Authority may, with regard to the registration of biological medicines, require, in terms of section 15(7) of the Act, that at least six samples of every batch, together with six copies of the protocols of testing of the bulk batch and filling batch of the biological medicine manufactured in the Republic be submitted to the National Control Laboratory of the Authority as a batch release condition and the holder of the certificate of registration must pay the prescribed batch release fee.

(3) The Authority may with regard to the sale of unregistered biological medicines as per the provisions of section 21 of the Act request a batch release of the medicine as per the requirements of sub regulation 1.

#### **ADVERTISING OF MEDICINES**

45.(1) Medicines which contain a Schedule 0 substance or a substance listed as Schedule 1 may be advertised to the public.

(2) Medicines which contain a substance listed as Schedule 2, Schedule 3, Schedule 4, Schedule 5 or Schedule 6 may be advertised-

- (a) only for the information of medical practitioners, dentists, veterinarians, practitioners, pharmacists and other authorised prescribers; or
- (b) in a publication which is normally or only made available to persons referred to in paragraph (a).

(3) Subregulation (2) shall not be so construed as to prohibit informing the public of the prices, names, pack sizes and strengths of medicines which contain a substance appearing in Schedule 2, Schedule 3, Schedule 4, Schedule 5 or Schedule 6.

(4) No advertisement for a medicine may contain a statement which deviates from, is in conflict with or goes beyond the evidence submitted in the application for registration of such medicine with regard to its safety, quality or efficacy where such evidence has been accepted by the Authority in respect of such medicine and incorporated into the approved professional information of such medicine.

- (5) An advertisement for a medicine shall contain-
- (a) the proprietary name of such medicine;
  - (b) in the case of a written advertisement, the approved name and quantity of each active ingredient of such medicine in lettering having minimum legibility: Provided that, in the case of a medicine containing only one active ingredient, such lettering shall be not less than one half the size of the largest lettering used for the said proprietary name; and
  - (c) in the case—
    - (i) of a registered medicine, the registration number allocated to it in terms of section 15(5) of the Act;
    - (ii) of a medicine in respect of which an application for registration has been submitted in terms of section 14 of the Act, the reference number allocated to such application by the Authority, followed by the words "Act 101/1965";
    - (iii) where a name other than the proprietary name is also used, such other name shall be in lettering one half the size of the largest type size in which the proprietary name appears in such advertisement;
    - (iv) of a veterinary medicine, an indication that the medicine is for veterinary use;
    - (v) of a complementary medicine-
      - (aa) a statement identifying the discipline of the medicine where relevant;
      - (bb) an indication that the medicine must be used in accordance with the applicable complementary discipline and principles where relevant; and
      - (cc) if the medicine has not received registration with the Authority the following disclaimer:

"This unregistered medicine has not been evaluated by the Medicines Control Council for its quality, safety or intended use.";
- (6) In the case of an advertisement for a medicine which contains more than one active ingredient, no specific reference shall be made to the specific properties of any individual active ingredient unless a reference of this nature has been approved by the Authority for inclusion in the professional information of such medicine.
- (7) When a medicine is advertised verbally for the first time to persons contemplated to in subregulation 2(b), written information, which shall include at least the information referred to in regulation 9 or regulation 40, shall simultaneously be given to the person to whom the oral advertisement is directed, and when the medicine is advertised orally on subsequent occasions such information shall be available on request.

**OBTAINING PAIN CONTROL MEDICINES BY REGISTERED MIDWIVES**

46. Any nurse practitioner providing intra-partum care registered in terms of the Nursing Act, 2005 (Act No. 33 of 2005) within the prescribed scope of practice, may have access to pain control medicines as prescribed in the standard treatment guideline.

**ACQUISITION AND USE OF MEDICINES BY MASTERS OF SHIPS AND OFFICERS IN CHARGE OF ANY AIRCRAFT**

47. An official in charge of health services at a local government or a medical practitioner designated by such official may, notwithstanding these Regulations, on the written request of a person in charge of the master of the ship or the officer in charge of an aircraft, authorise the purchase, acquisition, keeping or use of a Schedule 0, Schedule 1, Schedule 2, Schedule 3, Schedule 4, Schedule 5 or Schedule 6 substance: Provided that the quantity shall be reasonable and on condition that such medicine is intended for emergency medicinal use only.

**USE OF MEDICINES FOR EXHIBITION PURPOSES**

48. A manufacturer, importer, wholesaler or a person marketing medicines may use a medicine or scheduled substance sample for exhibition purposes or to introduce such medicine or scheduled substance to healthcare providers or the public: Provided that such samples—

- (a) are only meant for such exhibition or the launch of such medicine or scheduled substance; and
- (b) may not be handed out or given to any healthcare provider or member of the public.

**REPEAL**

49. The Regulations published under Government Notice. No. R 510 of 10 April 2003 in *Government Gazette* No. 24727 is hereby repealed.

**COMMENCEMENT**

50. These Regulations come into operation on the day of commencement of the Medicines and Related Substances Amendment Act, 2008 (Act No. 72 of 2008) and the Medicine and related Substances Amendment Act, 2015 (Act No. 14 of 2015) at the time of the first sitting of the Board.



**DR A MOTSOLEDI, MP**  
**MINISTER OF HEALTH**



## SCHEDULES

### Annexure 1

#### Pharmacological Classifications of Medicines in categories A and D (human complementary medicine)

##### 1. Central nervous system stimulants

- 1.1 Central analeptics.
- 1.2 Psychoanaleptics (antidepressants).
- 1.3 Special antidepressant combinations.
- 1.4 Respiratory stimulants.
- 1.5 Hallucinogenic medicines.
- 1.6 Other central nervous system stimulants.
- 1.7 Other

##### 2. Central nervous system depressants

- 2.1 Anaesthetics.
- 2.2 Sedatives, hypnotics.
- 2.3 Barbiturates.
- 2.4 Non-barbiturates.
- 2.5 Anticonvulsants, including anti-epileptics.
- 2.6 Tranquillisers.
  - 2.6.1 Phenothiazines and their derivatives.
  - 2.6.2 Rauwolfia: Alkaloids and combinations.
  - 2.6.3 Diphenylmethane and its derivatives.
  - 2.6.4 Alkyl diols and their derivatives.
  - 2.6.5 Miscellaneous structures.
- 2.7 Antipyretics or antipyretic and anti-inflammatory analgesics.
- 2.8 Analgesic combinations.
- 2.9 Other analgesics.
- 2.10 Centrally acting muscle relaxants.
- 2.11 Other medicines acting on the central nervous system
- 2.12 Depressants.

**3. Connective Tissue Medicines**

- 3.1 Antirheumatics (anti-inflammatory agents).
- 3.2 Non-hormonal preparations.
- 3.3 Anti-gout preparations.
- 3.4 Combinations with corticosteroids.
- 3.5 Others.

**4. Local anaesthetics****5. Medicines affecting autonomic function**

- 5.1 Adrenomimetics (sympathomimetics).
- 5.2 Adrenolytics (sympatholytics).
- 5.3 Cholinomimetics (cholinergics).
- 5.4 Cholinolytics (anticholinergics).
  - 5.4.1 Anti-Parkinsonism preparations.
  - 5.4.2 General.
- 5.5 Ganglion blockers.
- 5.6 Histamine.
- 5.7 Antihistaminics, anti-emetics and antivertigo preparations.
  - 5.7.1 Antihistaminics.
  - 5.7.2 Anti-emetics and antivertigo preparations.
- 5.8 Preparations for the common cold including nasal decongestants.
- 5.9 Hydroxytryptamine (serotonin).
- 5.10 Serotonin antagonists.
- 5.11 Others.

**6. Cardiac medicines**

- 6.1 Cardiac stimulants.
- 6.2 Cardiac depressants.
- 6.3 Cardiac glycosides.
- 6.4 Antidysrhythmics/conduction modifying medicines.
- 6.5 Others.

**7. Vascular medicines**

- 7.1 Vasodilators, hypotensive, antihypertensive medicines include other antihypertensive medicines e.g. ACE-inhibitors, ARBs, RAAS, etc]
  - 7.1.1 Rauwolfia and combinations.
  - 7.1.2 Rauwolfia: Diuretic combinations.
  - 7.1.3 Other hypotensives.
  - 7.1.4 Vasodilators - coronary and other medicines used in angina pectoris.
  - 7.1.5 Vasodilators - peripheral.
- 7.2 Vasoconstrictors, pressor medicines.
- 7.3 Migraine preparations.
- 7.4 Lipotropic agents.
- 7.5 Serum-cholesterol reducers.
- 7.6 Others.

**8. Medicines acting on blood and haemopoietic system**

- 8.1 Coagulants, haemostatics.
- 8.2 Anticoagulants.
- 8.3 Erythropoietics (haematinics).
- 8.4 Plasma expanders.
- 8.5 Others.

**9. Medicines against alcoholism****10. Medicines acting on respiratory system**

- 10.1 Antitussives and expectorants.
- 10.2 Bronchodilators.
  - 10.2.1 Inhalants.

**11. Medicines acting on gastro-intestinal tract**

- 11.1 Digestants.
- 11.2 Gastro-intestinal antispasmodics and cholinolytics (anticholinergics).
- 11.3 Anorexigenics.
- 11.4 Antacids.
  - 11.4.1 Acid neutralisers.
  - 11.4.2 Acid neutralisers with antispasmodics.

- 11.4.3 Other.
- 11.5 Laxatives.
- 11.6 Lubricants and faecal softeners.
- 11.7 Cholagogues.
- 11.8 Suppositories and anal ointments.
- 11.9 Antidiarrhoeals.
  - 11.9.1 Antidiarrhoeals in combination with anti-infective agents.
  - 11.9.2 Special combinations.
- 11.10 Others.

## **12. Anthelmintics, bilharzia medicines, filaricides, etc.**

### **13. Dermatological preparations**

- 13.1 Antiseptics, disinfectants and cleansing agents.
- 13.2 Antiscabies medicines.
- 13.3 Surface anaesthetics.
- 13.4 Antipruritics.
  - 13.4.1 Corticosteroids with or without anti-infective agents.
  - 13.4.2 Emollients and protectives.
- 13.5 Rubefacients.
- 13.6 Counterirritants.
- 13.7 Keratolytics.
- 13.8 Special combinations.
  - 13.8.1 Preparations for psoriasis.
  - 13.8.2 Fungicides.
- 13.9 Radiation protectants.
- 13.10 Melanin inhibitors and stimulants.
- 13.11 Acne preparations.
- 13.12 Others.

### **14. Preparations for treatment of wounds**

- 14.1 Wound disinfectants.
- 14.2 Wound dressings.
- 14.3 Others.

**15. Ophthalmic preparations**

- 15.1 Ophthalmic preparations with antibiotics and/or sulphonamides.
- 15.2 Ophthalmic preparations with corticosteroids.
- 15.3 Combination antibiotics.
- 15.4 Others.

**16. Ear, nose and throat preparations**

- 16.1 Nasal decongestants.
- 16.2 Aural preparations.
- 16.3 Surface anaesthetics.
- 16.4 Naso-pharyngeal and bucco-pharyngeal antiseptics.
- 16.5 Others.

**17. Medicines acting on muscular system**

- 17.1 Peripherally acting muscle relaxants.
- 17.2 Muscle activators.
- 17.3 Others.

**18. Medicines acting on reno-urinary and genital system**

- 18.1 Diuretics.
- 18.2 Antidiuretics.
- 18.3 Ion-exchange preparations.
- 18.4 Urolitholytics.
- 18.5 Urinary tract antiseptics.
- 18.6 Vaginal preparations.
- 18.7 Contraceptive preparations.
- 18.8 Ovulation controlling agents.
- 18.9 Uterine antispasmodics.
- 18.10 Others.

**19. Oxytocics****20. Antimicrobial (chemotherapeutic) agents**

- 20.1 Antibiotics and antibiotic combinations.
  - 20.1.1 Broad and medium spectrum antibiotics.

- 20.1.2 Penicillins.
- 20.1.3 Penicillin-streptomycin combinations.
- 20.1.4 Antibiotic-sulphonamide combinations.
- 20.1.5 Streptomycin and combinations.
- 20.1.6 Topical antibiotics.
- 20.1.7 Antifungal antibiotics.
- 20.2 Other than antibiotics.
  - 20.2.1 Sulphonamides.
  - 20.2.2 Fungicides.
  - 20.2.3 Tuberculostatics.
  - 20.2.4 Leprostatics.
  - 20.2.5 Germicides.
  - 20.2.6 Medicines against protozoa.
  - 20.2.7 Spirochaeticides.
  - 20.2.8 Antiviral agents.
- 20.3 Others.

## **21. Hormones, antihormones and oral hypoglycaemics**

- 21.1 Insulin preparations.
- 21.2 Oral hypoglycaemics.
- 21.3 Thyroid preparations.
- 21.4 Parathyroid preparations.
- 21.5 Corticosteroids.
  - 21.5.1 Corticosteroids and analogues.
  - 21.5.2 Analgesic combinations.
  - 21.5.3 Anti-infective combinations.
- 21.6 Anabolic steroids.
- 21.7 Male sex hormones.
- 21.8 Female sex hormones.
  - 21.8.1 Oestrogens.
  - 21.8.2 Progesterones with or without oestrogens.
- 21.9 Androgen-oestrogen combinations.
- 21.10 Tropic hormones.
- 21.11 Hyperglycaemic hormones.
- 21.12 Hormone inhibitors.

21.13 Others.

**22. Vitamins**

22.1 Multivitamins and multivitamins with minerals.

22.1.1 Vitamins for paediatric use.

22.1.2 Vitamins for prenatal use.

22.1.3 Vitamins for geriatric use.

22.1.4 Vitamin B-complex with Vitamin C.

22.2 Others.

**23. Amino-acids**

**24. Mineral substitutes, electrolytes and trace elements**

**25. Special foods**

25.1 Infant foods and other formulae, excluding foods used solely as a substitute for human milk.

**26. Cytostatic agents**

**27. Chelating agents (versenates) as heavy metal antidotes**

**28. Contrast media**

**29. Diagnostic agents**

**30. Biologicals**

30.1 Antibodies.

30.2 Antigens.

30.3 Blood fractions.

30.4 Probiotics.

30.5 Others.

**31. Enzymatic preparations**



**32. Other substances or agents**

- 32.1 Tonics.
- 32.2 Other.
- 32.3 Slimming preparations.
- 32.4 Water for injection.
- 32.5 Artificial tear and contact lens solutions.
- 32.6 Preparations of boracic acid, borax and zinc, starch and boracic powder.
- 32.7 Topical applications of delousing agents.
- 32.8 Topical applications of insect repellents.
- 32.9 Intra-uterine devices.
- 32.10 Dental preparations.
- 32.11 Solutions for haemo- or peritoneal dialysis.
- 32.12 Preparations for which the expressions "medicated", "medicinal", "for medical use" or expressions with similar connotations are used.
- 32.13 Preparations intended to promote hair growth.
- 32.14 Sales packs containing two or more medicines with different indications.
- 32.15 Radiopharmaceuticals.
- 32.16 Others.

**33. Minerals****34. Animal Extracts, Products and Derivates****35. Fats, Oils and Fatty Acids****36. Carotenoids****37. Polyphenols (including Bioflavonoids)****38. Aminosaccharides****39. Saccharides (including prebiotics)****40. Complementary medicines not otherwise specified**

- 40.1 Discipline Specific Traditional Claim.
- 40.2 Health Supplement – Multiple Substance formulation.

## Annexure 2

### Pharmacological Classification of Medicines in categories C and D (veterinary complementary medicines)

#### 1. Central and Peripheral Nervous System

- 1.1 Central nervous system stimulants.
  - 1.1.1 Central analeptics.
  - 1.1.2 Respiratory Stimulants.
- 1.2 Anaesthetics.
  - 1.2.1 Inhalation anaesthetics.
  - 1.2.2 Parenteral anaesthetics.
  - 1.2.3 Local anaesthetics.
- 1.3 Narcotic analgesics.
  - 1.3.1 Opioid agonists.
  - 1.3.2 Opioid antagonists.
- 1.4 Sedatives.
  - 1.4.1 Sedative hypnotics.
  - 1.4.2 Sedative analgesics.
  - 1.4.3 Sedative antagonists.
- 1.5 Anticonvulsants including anti-epileptics.
- 1.6 Tranquillisers.
  - 1.6.1 Phenothiazine derivatives.
  - 1.6.2 Butyrophenone derivatives.
- 1.7 Neuroleptanalgesics.
- 1.8 Analgesic antipyretics.
- 1.9 Drugs used for euthanasia.

#### 2. Autonomic Nervous System

- 2.1 Sympathomimetics.
- 2.2 Sympatholytics.
- 2.3 Cholinergics.
- 2.4 Antimuscarinics.

#### 3. Musculo-Skeletal System and Joints

- 3.1 Anti-inflammatory.
  - 3.1.1 Steroidals.
  - 3.1.2 Non-steroidal anti-inflammatory drugs (NSAIDs).
    - 3.1.2.1 Non selective COX2 inhibitors.
    - 3.1.2.2 Selective COX2 inhibitors.
  - 3.1.3 Topical agents.
  - 3.1.4 Combinations.
  - 3.1.5 Other.
- 3.2 Analgesics
  - 3.2.1 Opioids.
  - 3.2.2 NSAIDs.
  - 3.2.3 Topical agents.
  - 3.2.4 Combinations.
- 3.3 Muscle relaxants.
  - 3.3.1 Centrally acting.
  - 3.3.2 Peripherally-acting.

#### **4. Autacoids**

- 4.1 Histamine inhibitors.
  - 4.1.1 Antihistamines.
  - 4.1.2 Histamine release inhibitors.
- 4.2 Serotonin antagonists.
- 4.3 Others.

#### **5. Cardio-Vascular System**

- 5.1 Positive inotropic agents.
  - 5.1.1 Cardiac glycosides.
  - 5.1.2 Methylxanthines.
  - 5.1.3 Others.
- 5.2 Anti-arrhythmics.
- 5.3 Vasodilators.
  - 5.3.1 Peripheral-acting vasodilators.
  - 5.3.2 Angiotensin inhibitors.
  - 5.3.3 Calcium channel inhibitors.

**6. Blood AndHaemopoeitic System**

- 6.1 Coagulants, haemostatics.
- 6.2 Anticoagulants.
- 6.3 Haematinics.
- 6.4 Plasma expanders.

**7. Respiratory System**

- 7.1 Antitussives and expectorants.
- 7.2 Mucolytics.
- 7.3 Bronchodilators.
- 7.4 Combinations.

**8. Gastro-Intestinal System**

- 8.1 Mouth washes.
- 8.2 Emetics.
- 8.3 Anti-emetics.
- 8.4 Acid-reducers.
  - 8.4.1 Antacids and combinations.
  - 8.4.2 Histamine-2 receptor antagonists.
  - 8.4.3 Proton pump inhibitors.
  - 8.4.4 Cytoprotective agents.
- 8.5 Motility enhancers.
  - 8.5.1 Lubricants and Faecal softeners.
  - 8.5.2 Laxatives and Purgatives.
- 8.6 Antispasmodics.
- 8.7 Antidiarrhoeals.
  - 8.7.1 Plain.
  - 8.7.2 With anti-microbial agents.
  - 8.7.3 Antimicrobial agents.
  - 8.7.4 Biologicals.
- 8.8 Analgesics.
- 8.9 Digestants.
- 8.10 Preparations used in the rumen.
  - 8.10.1 Ruminotorics.
  - 8.10.2 Anti-bloat remedies.

8.10.3 Others.

### **9. Hepatic System**

- 9.1 Cholagogues and cholerectics.
- 9.2 Liver protectants and lipotropics.

### **10. Urinary System**

- 10.1 Diuretics.
- 10.2 Urolitholytics and antispasmodics.
- 10.3 Urinary tract antiseptics.
- 10.4 pH modifiers.
  - 10.4.1 Urinary acidifiers.
  - 10.4.2 Urinary alkalinisers.
- 10.5 Others.

### **11. Reproductive System**

- 11.1 Intravaginal and intra-uterine preparations.
- 11.2 Sex hormones.
  - 11.2.1 Testosterone.
  - 11.2.2 Oestrogens.
  - 11.2.3 Progesterones&Progestogens.
  - 11.2.4 Combinations.
- 11.3 Prostaglandins.
- 11.4 Trophic hormones.
- 11.5 Myometrial stimulants (Ecboics).
- 11.6 Myometrial relaxants (Tocolytics).
- 11.7 Ovulation controlling agents.

### **12. Endocrine System**

- 12.1 Insulin preparations.
- 12.2 Thyroid preparations.
- 12.3 Corticosteroids.
- 12.4 Growth Hormone.
- 12.5 Anabolic steroids.

**13. Dermatologicals**

- 13.1 Disinfectants and cleaning agents.
- 13.2 Antiseptic and antimicrobial preparations.
- 13.3 Antipuritics.
  - 13.3.1 Topical corticosteroids with or without anti-infective agents.
  - 13.3.2 Topical antihistamines with or without anti-infective agents.
- 13.4 Emollients and protectives.
- 13.5 Rubefacients and counter irritants.
- 13.6 Keratolytics.
- 13.7 Antifungals.
- 13.8 Anti-parasitics.

**14. Ophthalmic And Aural Preparations**

- 14.1 Anti-infectives.
- 14.2 Corticosteroids.
- 14.3 Combinations (anti-infective with corticosteroids).
- 14.4 Others.

**15. Wounds**

- 15.1 Wound antiseptics.
- 15.2 Wound dressings.
- 15.3 Desloughing agents.

**16. Mammary Gland**

- 16.1 Intra-mammary preparations.
- 16.2 Preparations for the care of teats and udders.

**17. Antimicrobials**

- 17.1 Antibacterials.
  - 17.1.1 Beta-lactams.
    - 17.1.1.1 Penicillins.
    - 17.1.1.2 Cephalosporins.
  - 17.1.2 Tetracyclines.
  - 17.1.3 Aminoglycosides.
  - 17.1.4 Macrolides and Lincosamides.



- 17.1.5 Amphenicol.
- 17.1.6 Quinolones.
- 17.1.7 Sulphonamides and potentiators.
- 17.1.8 Nitrofurans.
- 17.1.9 Polypeptides.
- 17.1.10 Other.
- 17.1.11 Antibacterial combinations.
- 17.2 Antifungals.
- 17.3 Antivirals.
- 17.4 Anti-protozoals.
  - 17.4.1 Anticoccidials.
  - 17.4.2 Antibabesials.
  - 17.4.3 Spirochaeticides.
  - 17.4.4 Others.

## **18. Antiparasitic Agents**

- 18.1 Endoparasiticides.
  - 18.1.1 Benzimidazoles and Probenzimidazoles.
  - 18.1.2 Macrocyclic lactones.
  - 18.1.3 Halogenated salicylanilides and Nitrophenols.
  - 18.1.4 Imidazoles.
  - 18.1.5 Tetrahydropyrimidines.
  - 18.1.6 Piperazines.
  - 18.1.7 Organophosphores.
  - 18.1.9 Combinations.
- 18.2 Endectocides.
- 18.3 Ectoparasiticides.
  - 18.3.1 Organochlorines.
  - 18.3.2 Organophosphores.
  - 18.3.3 Pyrethrin and Pyrethroids.
  - 18.3.4 Formamidines.
  - 18.3.5 Nitroquanidines.
  - 18.3.6 Phenylpyrazoles.
  - 18.3.7 Insect growth hormones.
  - 18.3.8 Chitin inhibitors.

18.3.9 Others.

18.3.10 Combinations.

## **19. Vitamins, Minerals And Geriatric Preparations**

19.1 Vitamins only.

19.2 Vitamin and mineral combinations.

19.3 Minerals and electrolytes.

19.4 Vitamins, electrolytes and aminoacid combinations.

## **20. Cytostatic Agents**

## **21. Immune Modulating Agents**

## **22. Chelating Agents**

## **23. Contrast Media**

## **24. Biologicals**

24.1 Dogs vaccines.

24.2 Cats vaccines.

24.3 Poultry vaccines.

24.4 Other vaccines.

24.5 Other biologicals.

## **25. Production Enhancers**

25.1 Antimicrobials.

25.2 Hormones.

25.2.1 Sex hormones.

25.3 Beta agonists.

25.4 Other.

## **26. Fish Medicines**

## Annexure 3

### Certificate of registration for medicines

#### MEDICINES AND RELATED SUBSTANCES ACT 1965, (ACT NO. 101 OF 1965): MEDICINE REGISTRATION CERTIFICATE

It is hereby certified that registration of the medicine described below has been approved by the Authority in terms of section 15(3)(a) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), subject to the conditions indicated.

1. Proprietary name.....
2. Registration number.....
3. Approved name of every active pharmaceutical ingredient and quantities thereof per dosage unit or per suitable mass or volume or unit of the medicine.....
4. Dosage form.....
5. Conditions under which the medicine is registered.....
6. Name of holder of certificate of registration.....
7. Name and address of the manufacturer and the manufacturing facility.....
8. Name of the final product release control.....
9. Name of the final product release responsibility.....
10. Date of registration.....
11. Category of medicine.....
12. Pharmacological classification.....
13. Discipline of medicine, if falling under Category D.....

\_\_\_\_\_  
Chief Executive Officer

Issued at.....on.....20

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 51

27 JANUARY 2017

**PROMOTION OF ACCESS TO INFORMATION ACT, 2000****DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)**

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, hereby publish under section 15(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the descriptions submitted to me in terms of section 15(1) of the said Act by the –

**DEPARTMENT OF THE NATIONAL SCHOOL OF GOVERNMENT**

As set out in the Schedule

**TSHILOLO MICHAEL MASUTHA, MP (ADV)****MINISTER FOR JUSTICE AND CORRECTIONAL SERVICES**

Annexure A 1



school of government

Department  
National School of Government  
REPUBLIC OF SOUTH AFRICA

## REPUBLIC OF SOUTH AFRICA

## FORM D

**AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:**  
**(Section 15 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))**  
**[Regulation 5A]**

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website)(section 15(1)(b))
<b>1. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):</b>	
<ul style="list-style-type: none"> <li>• General Information on the Department</li> <li>• Calendar of events</li> <li>• Contact numbers</li> <li>• Strategic plans</li> <li>• Annual reports</li> <li>• Annual Performance Plans</li> <li>• Legislation</li> <li>• Training Calendars</li> <li>• Training programmes offered including e-learning programmes</li> <li>• Price list</li> <li>• Terms and Conditions</li> <li>• Course Directory</li> <li>• Promotion of Access to Information Act Manual</li> </ul>	<p>The records may be inspected at the Department on request addressed to the Deputy Information Officer, National School of Government, Private Bag X 759, Pretoria 0001; Tel. No. (012) 441 6003; email address: <a href="mailto:bernadetta.tabane@thensg.gov.za">bernadetta.tabane@thensg.gov.za</a> or visit our website: <a href="http://www.thensg.gov.za">www.thensg.gov.za</a></p>
<b>2. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):</b>	
(a) The list of records above.	<p>The records may be obtained on request in writing and addressed to the Deputy Information Officer: National School of Government; Private Bag X759; Pretoria, 0001; email address: <a href="mailto:bernadetta.tabane@thensg.gov.za">bernadetta.tabane@thensg.gov.za</a>; Tel no: (012)</p>

	441 6003 and on payment of the amount of R 20.00.
<b>3. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)</b>	
(a) The list of records above.	The records may be obtained on request in writing and addressed to the Deputy Information Officer: National School of Government; Private Bag X759; Pretoria, 0001; email address: <a href="mailto:bernadetta.tabane@thensg.gov.za">bernadetta.tabane@thensg.gov.za</a> ; Tel no: (012) 441 6003; and on payment of the fee prescribed in Item 2 of Part II of Annexure A of the Regulations relating to the Promotion of Access to Information.
<b>4. DESCRIPTION OF CATEGORY OF RECORDS AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)</b>	
(a) The list of records above and where the record requested is available free of charge.	The records may be obtained on request in writing addressed to the Deputy Information Officer, National School of Government, Private Bag X 759; Pretoria 0001; email address: <a href="mailto:bernadetta.tabane@thensg.gov.za">bernadetta.tabane@thensg.gov.za</a> ; Tel no: (012) 441 6003.

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 52

27 JANUARY 2017

**PROMOTION OF ACCESS TO INFORMATION ACT, 2000****DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)**

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, hereby publish under section 15(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the descriptions submitted to me in terms of section 15(1) of the said Act by the –

**EASTERN CAPE PROVINCIAL GOVERNMENT: COOPERATIVE  
GOVERNANCE AND TRADITIONAL AFFAIRS**

As set out in the Schedule



**TSHILOLO MICHAEL MASUTHA, MP**  
**MINISTER FOR JUSTICE AND CORRECTIONAL SERVICES**





Province of the  
**EASTERN CAPE**  
LOCAL GOVERNMENT  
& TRADITIONAL AFFAIRS

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**FORM "D"**

**AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS**

(Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))

(Regulation 5A)

DESCRIPTION OF CATEGORY OR RECORD AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (SECTION 15(1)(b))
<b>FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)</b>	
<ul style="list-style-type: none"> <li>• Job description of various post categories</li> <li>• Departmental Plans               <ul style="list-style-type: none"> <li>○ Human Resource Plan</li> <li>○ Operational Plan</li> <li>○ Annual Performance Plan</li> <li>○ Strategic Plan</li> </ul> </li> <li>• All Departmental Policies and procedure manuals</li> <li>• Promotion of Access to Information Manual</li> <li>• Service Standards</li> <li>• Service Delivery Charter</li> <li>• Departmental Events Calendar</li> <li>• Departmental Circulars</li> <li>• Public Service Forms</li> </ul>	<p>The records may be inspected at the Department on request in writing addressed to the Deputy Information Officer</p> <p>Department of Cooperative Governance and Traditional Affairs</p> <p>Private Bag X0035, BHISHO, 5605</p> <p>Tel No: 040-609 5656</p> <p>Fax No: 040- 639 2135</p>



*Itimvo eLigagambliyo!*

<ul style="list-style-type: none"> <li>• <b>Staff Contact details Directory</b></li> <li>• <b>Journals and magazines</b></li> <li>• <b>Tender documents</b></li> <li>• <b>Newsletters</b></li> <li>• <b>Promotional materials</b></li> </ul>	
<b>FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)</b>	
<ul style="list-style-type: none"> <li>• <b>Departmental Strategic Plans</b></li> <li>• <b>Departmental Annual Performance Plan</b></li> <li>• <b>Employment Equity Reports</b></li> <li>• <b>Approved Organisational Structures</b></li> <li>• <b>Departmental file plans</b></li> <li>• <b>Audited financial statements</b></li> <li>• <b>Departmental policies and procedure manuals</b></li> <li>• <b>Promotion of Access to Information Manual</b></li> <li>• <b>Service Standards</b></li> <li>• <b>Service Delivery Charter</b></li> <li>• <b>Departmental Events Calendar</b></li> <li>• <b>Departmental Circulars</b></li> <li>• <b>Public Service forms</b></li> <li>• <b>Staff Contact details Directory</b></li> <li>• <b>Journals and magazines</b></li> <li>• <b>Tender documents</b></li> <li>• <b>Newsletters</b></li> <li>• <b>Promotional materials</b></li> </ul>	<p>The records may be inspected at the Department on request in writing addressed to the Deputy Information Officer</p> <p>Department of Cooperative Governance and Traditional Affairs</p> <p>Private Bag X0035, BHISHO, 5605</p> <p>Tel No: 040-609 5656</p> <p>Fax No: 040- 639 2135</p>

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 53

27 JANUARY 2017

**PROMOTION OF ACCESS TO INFORMATION ACT, 2000****DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)**

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, hereby publish under section 15(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the descriptions submitted to me in terms of section 15(1) of the said Act by the –

**DEPARTMENT OF TELECOMMUNICATIONS AND POSTAL SERVICES**

As set out in the Schedule



**TSHILOLO MICHAEL MASUTHA, MP (ADV)**  
**MINISTER FOR JUSTICE AND CORRECTIONAL SERVICES**

**FORM D****VOLUNTARY DISCLOSURE AND AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS (Revised 2016/17 Section 15 of PAIA)****[Regulations 5A]**

DESCRIPTION OF RECORDS IN TERMS OF 15(1)(a) THE ACT	MANNER OF ACCESS TO RECORDS(electronic e.g. website)	CONTACT PERSON
<b>FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):</b>		
Not applicable for now		
<b>FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):</b>		
Not applicable for now		
<b>FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii):</b>		
<b>STRATEGIC PLANS</b>		
<b>YEAR</b>		
2015 - 2020	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
2015-2019	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
2013-2018	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
2012-2017	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
2011-2014	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
2010-2013	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
2005-2008	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
2006-2009	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
2007-2010	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005

VOLUNTARY DISCLOSURE AND AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS  
(Revised 2016/17 Section 15 of PAIA)



2008-2011	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
2009-2012	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
<b>ANNUAL PERFORMANCE PLAN</b>		
<b>YEAR</b>		
2016 - 2017	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
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2013-2014	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
2012-2013	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
<b>BUSINESS PLANS</b>		
<b>YEAR</b>		
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2009-2010	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
2007-2008	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
2006-2007	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
<b>ANNUAL REPORTS</b>		
<b>YEAR</b>		
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2013 - 2014	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
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2011-2012	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
2010-2011	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
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2000-2001	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
2003-2004	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
1996-1997	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
<b>OTHER REPORTS</b>		
DOC financial model report	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
Progress final PCC report	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
Digital dividend final report	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
Public hearings report	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
Request for information: ICT SMMEs	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download



<b>NATIONAL POLICIES</b>		
Spectrum policy directions Gazette of 2011-12-14	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
SA Broadband policy Gazette 33377 of 2010-07-13	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
Proposed amendment of broadcasting digital migration policy	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
ICT Policy Review	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
TOR for the ICT sector Charter Council	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
Proclamation Gazette of 2014-05-19	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
<b>BUDGET VOTE SPEECH</b>		
YEAR 2009-2015	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
<b>MINISTER &amp; DEPUTY MINISTER SPEECHES</b>		
YEAR 2014	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
<b>TENDERS</b>		
New tenders	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
Bidders	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
Closed tenders	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
Awarded tenders	Available for free on <a href="http://www.dtps.gov.za">www.dtps.gov.za</a>	Download
<b>E-NDABA NEWSLETTER</b>		
Year –End Issue 2013	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
First Quarter 2013; Nr.1	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005



**CONTINUES ON PAGE 130 - PART 2**



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

Vol. 619

27 January 2017  
Januarie

No. 40577

**PART 2 OF 3**

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ISSN 1682-5843



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September 2006	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
August 2006	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
Information Society Month	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005
Spotlight on Children in Broadcasting	Available in the departmental Knowledge Centre	Ms TG Manzini Deputy Information Officer Tel: 012- 427 7005

**OTHER RECORDS AVAILABLE IN THE KNOWLEDGE CENTRE  
AVAILABLE FOR COPYING**

<b>TITLE</b>
ICT Research Bulletin
South African Institution of Traditional Leadership
Broadcasting Digital Migration Policy 2008
DoC Profile
Report on the Fifth Presidential International Council on Information Society and Development (PIAC on ISAD) 2-4 September 2005
6 <sup>th</sup> Annual Meeting: Presidential International Advisory Council on Information Society and Development- 2 <sup>nd</sup> -3 <sup>rd</sup> September 2006
Trends and Developments in the ICT Industry
Go DIGITAL South Africa Roadmap
ITU News : Asia Gateway to Opportunity – Special Edition November 2000
A Green Paper for Public Discussion
Information Society and Development Intergovernmental Relations Forum, (ISAD IGRF) Consolidated Report
Towards an Inclusive Information Society in South Africa
Effective e-Government
Building a Digital Life for all South Africans
Media Landscape 2012
National e-Skills Plan of Action- October 2010
Information Security Awareness Handbook from IT Chief Directorate
Budget Vote- 31 May 2011
2009 Budget Vote Speech
Electronic Communications & Transactions Act
Directory of Public Community Access Points and Services in SA
International Peer Benchmarking Study on South Africa's ICT Sector
Electronic Communications Act
DoC Employee Wellness & Health Programme
Mereka e-Skills Institute
ICT Research Bulletin
Sustaining community Radio in the ERA of convergence
World summit on the information society (WSIS) documents
Broadcasting Act 4 of 1999



## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 54

27 JANUARY 2017

**GENERAL NOTICE IN TERMS OF SECTION 11A (2) OF THE RESTITUTION OF LAND RIGHTS ACT, NO. 22 OF 1994 (AS AMENDED).**

**WHEREAS** a land claim was lodged by Mrs Nomhlekhabo Martha Mncwanga , which claim was published in terms of Section 11(1) of the Restitution of Land Rights Act , No, 22 of 1994 (as amended), hereinafter referred to as "the Act".

and

**WHEREAS** during further investigation of the land claim in so far as it relates to the properties referred to below, the Regional Land Claims Commissioner, has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met.

**NOW THEREFORE NOTICE** is hereby given in terms of Section 11A (2) of the Act that at the expiry of 60 days from the date of the publication of this notice in the Government Gazette, the notice of the claim previously published in terms of section 11(1) of the Act in Gazette No. 38782, under Notice 418 of 2015, dated 15 May 2015, to the extent that it relates to the properties listed below, will be withdrawn unless cause to the contrary is shown to the satisfaction of the Regional Land Claims Commissioner.

The details of the Gazette No. 38782, under Notice 418 of 2015, dated 15 May 2015, relevant for this notice include the following:

**Reference No:** P 0043  
**Claimant:** Mrs Nomhlekhabo Martha Mncwanga  
**Property Description:** See below  
**Total extent:** See below  
**Owner:** See below  
**Date Submitted:** 31 December 1998

No.	Property Description	Extent Ha	Land Owner
1.	Portion 11 (RE) of farm Mooiplaas 367 JR	4.9496	Halle Zain Kai
2.	Portion 258 of farm Mooiplaas 367 JR	48.2608	Jepetto Prop Pty Ltd
3.	Portion 271 of farm Mooiplaas 367 JR	21.7050	Platinum Mile Inv 544 Pty Ltd
4	Portion 272 of farm Mooiplaas 367 JR	21.4184	Robert Eugene Zietsman
5	Portion 273 of farm Mooiplaas 367 JR	27.6317	Jaw Joubert Trust
6	Portion 274 of farm Mooiplaas 367 JR	25.0600	Sara Frederika Grobler
7	Portion 596 (portion of portion 275) of farm Mooiplaas 367 JR	4.2032	Not yet registered at deeds office

The reasons the acting Regional Land Claims Commissioner believes that the criteria in section 11(1) of the Act may not have been met, is that:

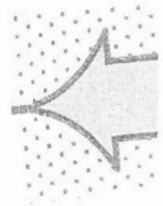
- (a) The claimed land does not extend to portions 11 (RE); 258; and 271 of the farm Mooiplaas 367 JR; and/or

- (b) The ascendants of the claimants did not have rights in land (as defined in the Act) on the three (3) properties listed above; and
- (c) The claimed land only affects portions 589 (portion of portion 10), 590, 591, 592, 595 (portion of portion 275), 596 (portion of portion 275), 597 (portion of portion 275), 598 (portion of portion 275), 599 (portion of portion 275), 600, 601 (portion of portion 275), 660, 661, 658, and 659 of the farm Mooiplaats 367 JR.

Any party who may have an interest in the above-mentioned land claim is hereby invited to make representations, within 60 days from the publication of this notice, as to why the claim should not be withdrawn in terms of section 11A (3) of the Act.

The representations must be forwarded to the Regional Land Claims Commissioner

  
**MR L H MAPHUTHA**  
**The Regional Land Claims Commissioner**  
Private Bag X 03  
ARCADIA  
0007  
Tel: (012) 310-6500  
Fax: (012) 323-2961



**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

NO. 55

27 JANUARY 2017

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

Notice is hereby given in terms of section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994 as amended) that a claim for restitution of land rights on:

REFERENCE : 6/2/2/D/51/797/1680/5  
CLAIMANT : Sabelo Elwin Majika (On behalf of Kopo family claim)  
PROPERTY DESCRIPTION : Portion 3 Farmer Field Farm 549, Grahamstown  
EXTENT OF LAND : 485,7424 hectares  
TITLE DEED : T12385/1936  
DISTRICT : Grahamstown / Cacadu  
DATE SUBMITTED : 31<sup>st</sup> December 1998  
CURRENT OWNER : Francois Paul Wehmeyer

Has been submitted to the Regional Land Claims Commissioner and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within sixty (60) days from the publication of this notice, any comments/information to

**Office of the Regional Land Claims Commissioner : Eastern Cape  
Department of Rural Development and Land Reform  
PO Box 1375  
East London  
5200  
Tel : 043 700 6000  
Fax : 043 743 3687**



**Mr. L.H. Maphutha  
Regional Land Claims Commissioner**



## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 56

27 JANUARY 2017

**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 No. 22 of 1994, as amended, that a land claim for Restitution of Land Rights has been lodged on Portion E of the farm Vlaklaagte 284 JS currently consolidated into Portion 704,705 and 706 of the farm Loskop Noord 12 JS situated within the Ephraim Mogale Local Municipality, Sekhukhune District: Limpopo.

Mr Tseke James Matshika lodged the land claim on behalf of the Matshika family on the 15<sup>th</sup> December 1998. The land claim was lodged before the cutoff date of 31<sup>st</sup> December 1998. The date falls within the prescribed period for lodgment of land claims as laid down in Section 2(1) (e) of Restitution of Land Rights Act, 1994 (Act No.22 of 1994) as amended.

At the time of dispossession the said property was registered in the names of Thais Matshika's two sons, Simon Matshika and Solomon Matshika who are both deceased. The land claim therefore comprised of the direct descendants of Simon and Solomon Matshika who resides at Masemola village in Sekhukhune and Mabopane in Pretoria.

**The Table below indicates the previous description of the property before dispossession**

Farm Name	Owner	Title Deed	Extent(Hectors)
Portion E of the farm Vlaklaagte	Simon and Solomon Matshika	T10763/1935	100 Morgens

**The Table below indicates the current description of the property after dispossession**

Farm Name	Owner	Title Deed	Extent(Hectors)
Loskop Noord 12 JS Portion 704 Portion 705 Portion 706	J A De Beer Familie Trust	T146006/2004	58, 5707
	J A De Beer Familie Trust	T146007/2004	58, 5705
	J A De Beer Familie Trust	T146008/2004	58, 5707

**Take further notice that** any party that has an interest in the above- mentioned property is hereby invited to submit in writing, within **14** days of publication of this notice, any comments, objections or information under reference number **KRP 11231** to :

**The Regional Land Claims Commission: Limpopo**  
Private Bag X 9552  
Polokwane  
0700

OR

**Submission may also be delivered to**  
**First Floor, 96 Kagiso House**  
**Corner Rissik & Schoeman Streets**  
**Polokwane**  
**0700**

  
\_\_\_\_\_  
MAPHUTHA L.  
REGIONAL LAND CLAIMS COMMISSIONER  
DATE: 19/12/16

**SOUTH AFRICAN REVENUE SERVICE****NO. 57****27 JANUARY 2017****INCOME TAX ACT, 1962****AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME**

In terms of section 108(2) of the Income Tax Act, 1962 (Act No 58 of 1962), read in conjunction with section 231(4) of the Constitution of the Republic of South Africa, 1996, it is hereby notified that the Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income set out in the Schedule to this Notice has been entered into with the Government of the Republic of Singapore and has been approved by Parliament in terms of section 231(2) of the Constitution.

It is further notified in terms of paragraph 1 of Article 26 of the Agreement that the date of entry into force is 16 December 2016.

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME**

**PREAMBLE**

The Government of the Republic of South Africa and the Government of the Republic of Singapore desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

**HAVE AGREED** as follows:

**ARTICLE 1**

**PERSONS COVERED**

This Agreement shall apply to persons who are residents of one or both of the Contracting States.

**ARTICLE 2**

**TAXES COVERED**

1. This Agreement shall apply to taxes on income imposed on behalf of a Contracting State or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income all taxes imposed on total income or on elements of income, including taxes on gains from the alienation of movable or immovable property.

3. The existing taxes to which the Agreement shall apply are in particular:

(a) in Singapore:

the income tax  
(hereinafter referred to as "Singapore tax"); and

(b) in South Africa:

- (i) the normal tax;
- (ii) the dividends tax;
- (iii) the withholding tax on interest;
- (iv) the withholding tax on royalties; and
- (v) the tax on foreign entertainers and sportspersons  
(hereinafter referred to as "South African tax").

4. The Agreement shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any significant changes that have been made in their respective taxation laws.

### ARTICLE 3

#### GENERAL DEFINITIONS

1. For the purposes of this Agreement, unless the context otherwise requires:
  - (a) the term "Singapore" means the Republic of Singapore and, when used in a geographical sense, includes its land territory, internal waters and territorial sea, as well as any maritime area situated beyond the territorial sea which has been or might in the future be designated under its national law, in accordance with international law, as an area within which Singapore may exercise sovereign rights or jurisdiction with regards to the sea, the sea-bed, the subsoil and the natural resources;
  - (b) the term "South Africa" means the Republic of South Africa and, when used in a geographical sense, includes the territorial sea thereof as well as any area outside the territorial sea, including the continental shelf, which has been or may hereafter be designated, under the laws of South Africa and in accordance with international law, as an area within which South Africa may exercise sovereign rights or jurisdiction;
  - (c) the terms "a Contracting State" and "the other Contracting State" mean Singapore or South Africa, as the context requires;
  - (d) the term "business" includes the performance of professional services and of other activities of an independent character;
  - (e) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
  - (f) the term "competent authority" means:
    - (i) in Singapore, the Minister for Finance or an authorised representative of the Minister; and
    - (ii) in South Africa, the Commissioner for the South African Revenue Service or an authorised representative of the Commissioner;
  - (g) the term "enterprise" applies to the carrying on of any business;
  - (h) the terms "enterprise of a Contracting State" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;

- (i) the term “international traffic” means any transport by a ship or aircraft operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;
- (j) the term “national”, in relation to a Contracting State, means:
  - (i) any individual possessing the nationality or citizenship of that Contracting State; and
  - (ii) any legal person or association deriving its status as such from the laws in force in that Contracting State; and
- (k) the term “person” includes an individual, a company and any other body of persons that is treated as an entity for tax purposes.

2. For the purposes of Articles 10, 11 and 12, a trustee subject to tax in a Contracting State in respect of dividends, interest or royalties shall be deemed to be the beneficial owner of that interest or those dividends or royalties.

3. As regards the application of the Agreement at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

#### **ARTICLE 4**

##### **RESIDENT**

1. For the purposes of this Agreement, the term “resident of a Contracting State” means any person who, under the laws of that State, is liable to tax therein by reason of that person’s domicile, residence, place of management or any other criterion of a similar nature, and also includes that State and any political subdivision, local authority or statutory body thereof.

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then that individual’s status shall be determined as follows:

- (a) the individual shall be deemed to be a resident only of the State in which a permanent home is available to the individual; if a permanent home is available to the individual in both States, the individual shall be deemed to be a resident only of the State with which the individual’s personal and economic relations are closer (centre of vital interests);
- (b) if the State in which the centre of vital interests is situated cannot be determined, or if the individual has not a permanent home available in either State, the individual shall be deemed to be a resident only of the State in which the individual has an habitual abode;

- (c) if the individual has an habitual abode in both States or in neither of them, the individual shall be deemed to be a resident only of the State of which the individual is a national; and
- (d) in any other case, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall by mutual agreement endeavour to settle the question and determine the mode of application of the Agreement to such person. In the absence of such agreement such person shall be considered to be outside the scope of the Agreement except for the provisions of Article 24.

## ARTICLE 5

### PERMANENT ESTABLISHMENT

1. For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

2. The term "permanent establishment" includes especially:

- (a) a place of management;
- (b) a branch;
- (c) an office;
- (d) a factory;
- (e) a workshop; and
- (f) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources.

3. The term "permanent establishment" also encompasses:

- (a) a building site, a construction, assembly or installation project or supervisory activities in connection with such site or project, but only where such site, project or activities continue for a period of more than 12 months;
- (b) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by the enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned;
- (c) the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned; and



- (d) the carrying on of activities by an enterprise that consist of, or that are connected with, the exploration for or exploitation of natural resources situated in a Contracting State, but only where such activities continue for more than 6 months.

4. Notwithstanding the preceding provisions of this Article, the term "permanent establishment" shall be deemed not to include:

- (a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
- (b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
- (c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
- (d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information, for the enterprise;
- (e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character; and
- (f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

5. Notwithstanding the provisions of paragraphs 1 and 2, where a person - other than an agent of an independent status to whom paragraph 6 applies - is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.

6. An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.

7. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.



## ARTICLE 6

### INCOME FROM IMMOVABLE PROPERTY

1. Income derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other State.
2. The term “immovable property” shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources. Ships, boats and aircraft shall not be regarded as immovable property.
3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting or use in any other form of immovable property.
4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise.

## ARTICLE 7

### BUSINESS PROFITS

1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment.
2. Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.
3. In determining the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.
4. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.
5. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.

6. Where profits include items of income which are dealt with separately in other Articles of this Agreement, then the provisions of those Articles shall not be affected by the provisions of this Article.

## ARTICLE 8

### SHIPPING AND AIR TRANSPORT

1. Profits derived by an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall be taxable only in that State.

2. For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include:

- (a) profits from the rental on a bareboat basis of ships or aircraft; and
- (b) profits from the use, maintenance or rental of containers (including trailers and related equipment for the transport of containers), used for the transport of goods or merchandise;

where such rental, use or maintenance, as the case may be, is incidental to the operation of ships or aircraft in international traffic.

3. The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.

## ARTICLE 9

### ASSOCIATED ENTERPRISES

1. Where

- (a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or
- (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

2. Where a Contracting State includes, in accordance with the provisions of paragraph 1, in the profits of an enterprise of that State - and taxes accordingly - profits on which an enterprise of the other Contracting State has been charged to tax in that other State and where the competent authorities of the Contracting States agree, upon consultation, that all or part of the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State shall make an appropriate adjustment to the amount of the tax charged therein on those agreed profits. In determining such adjustment, due regard shall be had to the other provisions of this Agreement.

## ARTICLE 10

### DIVIDENDS

1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.

2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed:

- (a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 10 per cent of the capital of the company paying the dividends; or
- (b) 10 per cent of the gross amount of the dividends in all other cases.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of these limitations.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3. The term "dividends" as used in this Article means income from shares or other rights participating in profits (not being debt-claims), as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the State of which the company making the distribution is a resident.

4. Notwithstanding the provisions of paragraphs 1 and 2, dividends paid by a company which is a resident of South Africa to the Government of Singapore shall be exempt from South African tax.

5. For the purposes of paragraph 4, the term "Government of Singapore" includes:
- (a) the Monetary Authority of Singapore;
  - (b) GIC Private Limited;
  - (c) a statutory body; and
  - (d) any institution wholly or mainly owned by the Government of Singapore, as may be agreed from time to time between the competent authorities of the Contracting States.

6. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident, through a permanent establishment situated therein and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

7. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment situated in that other State, nor subject the company's undistributed profits to a tax on the company's undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

8. The provisions of this Article shall not apply if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of the shares or other rights in respect of which the dividend is paid to take advantage of this Article by means of that creation or assignment.

## ARTICLE 11

### INTEREST

1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such interest may also be taxed in the Contracting State in which it arises and according to the laws of that State, but if the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed 7.5 per cent of the gross amount of the interest.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.

3. Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if:

- (a) the interest is paid by the Government of that State; or
- (b) the interest is paid to the Government of the other State; or
- (c) the interest arises in respect of any debt instrument listed on a recognised stock exchange.

4. For the purposes of paragraph 3, the term "Government":

- (a) in Singapore, means the Government of Singapore and shall include:
  - (i) the Monetary Authority of Singapore;
  - (ii) GIC Private Limited;
  - (iii) a statutory body; and
  - (iv) any institution wholly or mainly owned by the Government of Singapore, as may be agreed from time to time between the competent authorities of the Contracting States; and
- (b) in South Africa, means the Government of South Africa or a political subdivision or a local authority thereof and shall include:
  - (i) the South African Reserve Bank;
  - (ii) a statutory body; and
  - (iii) any institution wholly or mainly owned by the Government of South Africa, as may be agreed from time to time between the competent authorities of the Contracting States

5. For the purposes of paragraph 3(c), the term "recognised stock exchange" means:

- (a) in Singapore, the Singapore Exchange (SGX);
- (b) in South Africa, the Johannesburg Stock Exchange;
- (c) any other stock exchange as may be agreed from time to time between the competent authorities of the Contracting States.

6. The term "interest" as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as interest for the purpose of this Article.

7. The provisions of paragraphs 1, 2 and 3 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises through a permanent establishment situated therein and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

8. Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the State in which the permanent establishment is situated.

9. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

10. The provisions of this Article shall not apply if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of the debt-claim in respect of which the interest is paid to take advantage of this Article by means of that creation or assignment.

## ARTICLE 12

### ROYALTIES

1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such royalties may also be taxed in the Contracting State in which they arise and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the royalties.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.

3. The term "royalties" as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph films, and films, tapes or discs for radio or television broadcasting, any patent, trade mark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise through a permanent establishment situated therein and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

5. Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated.

6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

7. The provisions of this Article shall not apply if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of the rights in respect of which the royalties are paid to take advantage of this Article by means of that creation or assignment.

### **ARTICLE 13**

#### **CAPITAL GAINS**

1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State may be taxed in that other State.

2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise), may be taxed in that other State.

3. Gains of an enterprise of a Contracting State from the alienation of ships or aircraft operated in international traffic, or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State.

4. Gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State.

5. Gains from the alienation of any property other than that referred to in the preceding paragraphs of this Article, shall be taxable only in the Contracting State of which the alienator is a resident.



**ARTICLE 14****INCOME FROM EMPLOYMENT**

1. Subject to the provisions of Articles 15, 17 and 18, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

- (a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned, and
- (b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and
- (c) the remuneration is not borne by a permanent establishment which the employer has in the other State.

3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State.

**ARTICLE 15****DIRECTORS' FEES**

Directors' fees and other similar payments derived by a resident of a Contracting State in that person's capacity as a member of the board of directors of a company which is a resident of the other Contracting State may be taxed in that other State.

**ARTICLE 16****ENTERTAINERS AND SPORTSPERSONS**

1. Notwithstanding the provisions of Articles 7 and 14, income derived by a resident of a Contracting State as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsperson, from that person's personal activities as such exercised in the other Contracting State, may be taxed in that other State.

2. Where income in respect of or in connection with personal activities exercised by an entertainer or a sportsperson in that person's capacity as such accrues not to the entertainer or sportsperson but to another person, that income may, notwithstanding the provisions of Articles 7 and 14, be taxed in the Contracting State in which the activities of the entertainer or sportsperson are exercised.

3. The provisions of paragraphs 1 and 2 shall not apply to income derived from activities exercised in a Contracting State by an entertainer or a sportsperson if the visit to that Contracting State is wholly or mainly supported by public funds of one or both of the Contracting States or political subdivisions or local authorities or statutory bodies thereof. In such case, the income shall be taxable only in the Contracting State in which the entertainer or the sportsperson is a resident.

**ARTICLE 17****PENSIONS AND ANNUITIES**

1. Subject to the provisions of paragraph 2 of Article 18, pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State.

2. The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

**ARTICLE 18****GOVERNMENT SERVICE**

1. (a) Salaries, wages and other similar remuneration paid by a Contracting State or a political subdivision, a local authority or a statutory body thereof to an individual in respect of services rendered to that State or subdivision, authority or body shall be taxable only in that State.
- (b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:
  - (i) is a national of that State; or
  - (ii) did not become a resident of that State solely for the purpose of rendering the services.
2. (a) Notwithstanding the provisions of paragraph 1, pensions and other similar remuneration paid by, or out of funds created by, a Contracting State or a political subdivision, a local authority or a statutory body thereof to an individual in respect of services rendered to that State or subdivision, authority or body shall be taxable only in that State.
- (b) However, such pensions and other similar remuneration shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State.
3. The provisions of Articles 14, 15, 16 and 17 shall apply to salaries, wages, pensions, and other similar remuneration in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision, a local authority or a statutory body thereof.

**ARTICLE 19****STUDENTS**

A student or business apprentice who is present in a Contracting State solely for the purpose of that individual's education or training and who is, or immediately before being so present was, a resident of the other Contracting State, shall be exempt from tax in the first-mentioned State on payments arising from sources outside that first-mentioned State for the purposes of that individual's maintenance, education or training.

**ARTICLE 20****OTHER INCOME**

1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that State.

2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein and the right or property in respect of which the income is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

3. Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Agreement and arising in the other Contracting State may also be taxed in that other State.

**ARTICLE 21****ELIMINATION OF DOUBLE TAXATION**

Double taxation shall be eliminated as follows:

- (a) in Singapore, where a resident of Singapore derives income from South Africa which, in accordance with the provisions of this Agreement, may be taxed in South Africa, Singapore shall, subject to its laws regarding the allowance as a credit against Singapore tax of tax payable in any country other than Singapore, allow the South African tax paid, whether directly or by deduction, as a credit against the Singapore tax payable on the income of that resident. Where such income is a dividend paid by a company which is a resident of South Africa to a resident of Singapore which is a company owning directly or indirectly not less than 10 per cent of the share capital of the first-mentioned company, the credit shall take into account the South African tax paid by that company on the portion of its profits out of which the dividend is paid. The credit shall not, however, exceed that part of the Singapore tax, as computed before the credit is given, which is appropriate to such item of income.
- (b) in South Africa, subject to the provisions of the law of South Africa regarding the deduction from tax payable in South Africa of tax payable in any country other than South Africa (which shall not affect the general principle hereof), Singapore tax paid by residents of South Africa in respect of income taxable in Singapore, in accordance with the provisions of this Agreement, shall be deducted from the taxes due according to South African fiscal law. Such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income.

**ARTICLE 22****NON-DISCRIMINATION**

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances, in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.

2. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities.

3. Except where the provisions of paragraph 1 of Article 9, paragraph 9 of Article 11 or paragraph 6 of Article 12 apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State.

4. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.

5. Nothing in this Article shall be construed as obliging a Contracting State to grant to:

- (a) residents of the other Contracting State any personal allowances, reliefs and reductions for tax purposes which it grants to its own residents; or
- (b) nationals of the other Contracting State those personal allowances, reliefs and reductions for tax purposes which it grants to its own nationals who are not residents of that Contracting State or to such other persons as may be specified in the taxation laws of that Contracting State.

6. Where a Contracting State grants tax incentives to its nationals designed to promote economic or social development in accordance with its national policy and criteria, it shall not be construed as discrimination under this Article.

## ARTICLE 23

### MUTUAL AGREEMENT PROCEDURE

1. Where a person considers that the actions of one or both of the Contracting States result or will result for that person in taxation not in accordance with the provisions of this Agreement, that person may, irrespective of the remedies provided by the domestic law of those States, present a case to the competent authority of the Contracting State of which the person is a resident or, if the case comes under paragraph 1 of Article 22, to that of the Contracting State of which the person is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement. They may also consult together for the elimination of double taxation in cases not provided for in the Agreement.

4. The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs.

## ARTICLE 24

### EXCHANGE OF INFORMATION

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Articles 1 and 2.

2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.

3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:

- (a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
- (b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;
- (c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (*ordre public*).

4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

## ARTICLE 25

### MEMBERS OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

Nothing in this Agreement shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.



**ARTICLE 26****ENTRY INTO FORCE**

1. Each of the Contracting States shall notify the other in writing, through the diplomatic channel, of the completion of the procedures required by its law for the bringing into force of this Agreement.

2. The Agreement shall enter into force on the date of the later of these notifications and its provisions shall have effect:

(a) in Singapore:

- (i) with regard to taxes withheld at source, in respect of amounts paid, deemed to be paid or liable to be paid (whichever is the earliest) on or after the first day of January of the calendar year next following the year in which the Agreement enters into force;
- (ii) with regard to taxes chargeable (other than taxes withheld at source), in respect of income for any year of assessment beginning on or after the first day of January of the second calendar year following the year in which the Agreement enters into force; and
- (iii) in respect of Article 24 (Exchange of Information), for requests made on or after the date of entry into force concerning information for taxes relating to taxable periods beginning on or after the first day of January of the calendar year next following the year in which the Agreement enters into force; or where there is no taxable period, for all charges to tax arising on or after the first day of January of the calendar year next following the year in which the Agreement enters into force.

(b) in South Africa:

- (i) with regard to taxes withheld at source, in respect of amounts paid or credited on or after the first day of January next following the date upon which the Agreement enters into force;
- (ii) with regard to other taxes, in respect of taxable years beginning on or after the first day of January next following the date upon which the Agreement enters into force; and
- (iii) in respect of Article 24 (Exchange of Information), for requests made on or after the date of entry into force concerning information for taxes relating to taxable periods beginning on or after the first day of January of the calendar year next following the year in which the Agreement enters into force; or where there is no taxable period, for all charges to tax arising on or after the first day of January of the calendar year next following the year in which the Agreement enters into force.

3. The Agreement between the Government of the Republic of Singapore and the Government of the Republic of South Africa for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed on 23<sup>rd</sup> December 1996 shall cease to have effect with regard to each of the matters specified in paragraph 2 from the date upon which this Agreement has effect with regard to such matter in accordance with the provisions of paragraph 2.

## ARTICLE 27

### TERMINATION

This Agreement shall remain in force until terminated by a Contracting State. Either Contracting State may terminate the Agreement, through diplomatic channels, by giving notice of termination at least six months before the end of any calendar year after the expiration of a period of five years from the date of its entry into force. In such event, the Agreement shall cease to have effect:

- (a) in Singapore:
  - (i) with regard to taxes withheld at source, in respect of amounts paid, deemed to be paid or liable to be paid (whichever is the earliest) after the end of that calendar year in which the notice is given;
  - (ii) with regard to taxes chargeable (other than taxes withheld at source), in respect of income for any year of assessment beginning on or after the first day of January of the second calendar year following the year in which the notice is given; and
  - (iii) in all other cases, including requests made under Article 24 (Exchange of Information) after the end of that calendar year in which the notice is given.
- (b) in South Africa:
  - (i) with regard to taxes withheld at source, in respect of amounts paid or credited after the end of the calendar year in which such notice is given;
  - (ii) with regard to other taxes, in respect of taxable years beginning after the end of the calendar year in which such notice is given; and
  - (iii) in all other cases, including requests made under Article 24 (Exchange of Information) after the end of that calendar year in which the notice is given.

**IN WITNESS WHEREOF** the undersigned, duly authorised by their respective Governments, have signed and sealed this Agreement in two originals in the English language, both texts being equally authentic.

**DONE** at Pretoria in the Republic of South Africa on this 23<sup>rd</sup> day of November in the year 2015 and in the Republic of Singapore on this 30<sup>th</sup> day of November in the year 2015.

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**FOR THE GOVERNMENT OF THE  
REPUBLIC OF SOUTH AFRICA**

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**FOR THE GOVERNMENT OF THE  
REPUBLIC OF SINGAPORE**

## PROTOCOL

At the time of signing the Agreement between the Government of the Republic of South Africa and the Government of the Republic of Singapore for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, the undersigned have agreed that the following provisions shall form an integral part of this Agreement:

1. With reference to this Agreement:

“The term “statutory body” means a body constituted by any statute of a Contracting State or political subdivision or local authority thereof, and performing only non-commercial functions which would otherwise be performed by the Government of that Contracting State.”

2. With reference to Article 8:

It is understood that the interpretation in the Commentary to Article 8 of the OECD Model Tax Convention on Income and on Capital as it read on 17 July 2008 shall apply in relation to interest. In particular, it is understood that interest on funds connected with the operation of ships or aircraft in international traffic shall be regarded as profits derived from such operations where the investment that generates that interest is made as an integral part of the carrying on of the business of the operation of ships or aircraft in international traffic in the context of the Commentary.

3. With reference to Article 10:

If, in an agreement for the avoidance of double taxation that may subsequently be concluded between South Africa and a third State, the rates for taxation of dividends in the source State are lower than those specified in paragraph 2 of Article 10 of this Agreement, South Africa shall immediately inform the Government of the Republic of Singapore in writing through the diplomatic channel and shall enter into negotiations with the Government of the Republic of Singapore with a view to providing comparable treatment as may be provided for the third State.

4. With reference to paragraph 3 of Article 22:

It is understood that, for the purposes of allowing deduction of an interest payment to a non-resident, nothing in this paragraph shall be construed as preventing a Contracting State from imposing any obligation to withhold tax from such payment.

**IN WITNESS WHEREOF** the undersigned, duly authorised by their respective Governments, have signed and sealed this Agreement in two originals in the English language, both texts being equally authentic.

**DONE** at Pretoria in the Republic of South Africa on this 23<sup>rd</sup> day of November in the year 2015 and in the Republic of Singapore on this 30<sup>th</sup> day of November in the year 2015.

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**FOR THE GOVERNMENT OF THE  
REPUBLIC OF SOUTH AFRICA**

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**FOR THE GOVERNMENT OF THE  
REPUBLIC OF SINGAPORE**

**SUID-AFRIKAANSE INKOMSTEDIENS**

NO. 57

27 JANUARIE 2017

**INKOMSTEBELASTINGWET, 1962****OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN DIE REPUBLIEK VAN SINGAPOER TER VERMYDING VAN DUBBELE BELASTING EN TER VOORKOMING VAN FISKALE ONTDUIKING MET BETREKKING TOT BELASTINGS OP INKOMSTE**

Ingevolge artikel 108(2) van die Inkomstebelastingwet, 1962 (Wet No 58 van 1962), saamgelees met artikel 231(4) van die Grondwet van die Republiek van Suid-Afrika, 1996, word hiermee kennis gegee dat die Ooreenkoms ter vermyding van dubbele belasting en ter voorkoming van fiskale ontduiking met betrekking tot belastings op inkomste wat in die Bylae tot hierdie Kennisgewing vervat is, aangegaan is met die Regering van die Republiek van Singapoer en deur die Parlement goedgekeur is ingevolge artikel 231(2) van die Grondwet.

Daar word verder bekendgemaak dat ingevolge paragraaf 1 van Artikel 26 van die Ooreenkoms, die datum van inwerkingtreding 16 Desember 2016 is.

**OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN DIE REPUBLIEK VAN SINGAPOER TER VERMYDING VAN DUBBELE BELASTING EN TER VOORKOMING VAN FISKALE ONTDUIKING MET BETREKKING TOT BELASTINGS OP INKOMSTE**

**AANHEF**

Die Regering van die Republiek van Suid-Afrika en die Regering van die Republiek van Singapoer, begerig om 'n Ooreenkoms aan te gaan ter vermyding van dubbele belasting en ter voorkoming van fiskale ontduiking met betrekking tot belasting op inkomste,

**HET SOOS VOLG OOREENGEKOM:**

**ARTIKEL 1**

**PERSONE GEDEK**

Hierdie Ooreenkoms is van toepassing op persone wat inwoners van een van of albei die Kontrakterende State is.

**ARTIKEL 2**

**BELASTINGS GEDEK**

1. Hierdie Ooreenkoms is van toepassing op belasting op inkomste wat ten behoeve van 'n Kontrakterende Staat of sy staatkundige onderverdelings of plaaslike owerhede gehef word, ongeag die wyse waarop dit gehef word.

2. Alle belasting op totale inkomste gehef word, of op elemente van inkomste, insluitende belasting op winste uit die vervreemding van roerende of onroerende eiendom, word as belasting op inkomste beskou.

3. Die bestaande belasting waarop hierdie Ooreenkoms van toepassing is, is in die besonder:-

- (a) in Singapoer:  
die inkomstebelasting  
(hieronder die "Singapoerse belasting" genoem); en
- (b) in Suid-Afrika:
  - (i) die normale belasting;
  - (ii) die dividendbelasting;
  - (iii) die terughoubelasting op rente;
  - (iv) die terughoubelasting op tantième; en
  - (v) die belasting op buitelandse vermaaklikheidskunstenaars en sportpersone  
(hieronder die "Suid-Afrikaanse belasting" genoem).



4. Hierdie Ooreenkoms is ook van toepassing op enige identiese of wesenlik soortgelyke belastings wat ná die datum van ondertekening van hierdie Ooreenkoms benewens of in die plek van die bestaande belastings gehef word. Die bevoegde owerhede van die Kontrakterende State moet mekaar in kennis stel van enige beduidende veranderinge wat aan hulle onderskeie belastingreg aangebring is.

### ARTIKEL 3

#### ALGEMENE WOORDOMSKRYWING

1. Vir doeleindes van hierdie Ooreenkoms, tensy dit uit die samehang anders blyk:
  - (a) beteken die uitdrukking "Singapoer" die Republiek van Singapoer en, wanneer dit in 'n geografiese sin gebruik word, ook sy grondgebied, binnelandse waters en gebiedswaters, sowel as enige maritieme gebied geleë buite die gebiedswaters wat ingevolge sy landsreg en ooreenkomstig die volkereg aangewys is of hierna aangewys word as 'n gebied waarin Singapoer met betrekking tot die see, die seabodem, die ondergrond en die natuurlike hulpbronne soewereine regte of jurisdiksie kan uitoefen;
  - (b) beteken die uitdrukking "Suid-Afrika" die Republiek van Suid-Afrika en, wanneer dit in 'n geografiese sin gebruik word, ook die gebiedswaters daarvan asook enige gebied buite die gebiedswaters, insluitende die vastelandsplat, wat ingevolge die wette van Suid-Afrika en ooreenkomstig die volkereg aangewys is of hierna aangewys word as 'n gebied waarin Suid-Afrika soewereine regte of jurisdiksie kan uitoefen;
  - (c) beteken die uitdrukking "'n Kontrakterende Staat" en "die ander Kontrakterende Staat" Suid-Afrika of Singapoer, na gelang van die samehang;
  - (d) beteken die uitdrukking "besigheid" ook die verrigting van beroepsdienste en van ander bedrywighede van 'n onafhanklike aard;
  - (e) beteken die uitdrukking "maatskappy" enige regspersoon of enige entiteit wat vir belastingdoeleindes as 'n regspersoon behandel word;
  - (f) beteken die uitdrukking "bevoegde owerheid":
    - (i) in Singapoer, die Minister van Finansies of 'n gemagtigde verteenwoordiger van die Minister; en
    - (ii) in Suid-Afrika, die Kommissaris van die Suid-Afrikaanse Inkomstediens of 'n gemagtigde verteenwoordiger van die Kommissaris;
  - (g) het die uitdrukking "onderneming" betekning op die dryf van 'n besigheid;
  - (h) beteken die uitdrukking "onderneming van 'n Kontrakterende Staat" en "onderneming van die ander Kontrakterende Staat" onderskeidelik 'n onderneming wat deur 'n inwoner van 'n Kontrakterende Staat gedryf word en 'n onderneming wat deur 'n inwoner van die ander Kontrakterende Staat gedryf word;

- (i) beteken die uitdrukking "internasionale verkeer" enige vervoer per skip of lugvaartuig wat deur 'n onderneming van 'n Kontrakterende Staat bedryf word, uitgesonderd waar die skip of lugvaartuig slegs tussen plekke in die ander Kontrakterende Staat bedryf word;
- (j) beteken die uitdrukking "burger" met betrekking tot 'n Kontrakterende Staat:
  - (i) enige individu wat burgerskap van daardie Kontrakterende Staat het;
  - (ii) enige regspersoon of vereniging wat sy status as sodanig verkry uit die wette wat in daardie Kontrakterende Staat van krag is; en
- (k) beteken die uitdrukking "persoon" ook 'n individu, 'n maatskappy en enige ander liggaam van persone wat vir belastingdoeleindes as 'n entiteit behandel word.

2. Vir die doeleindes van Artikel 10, 11 en 12, word 'n trustee, wat in 'n Kontrakterende Staat ten opsigte van dividende, rente of tantième aan belasting onderhewig is, geag die voordelige eenaar van daardie rente of daardie dividende of tantième te wees.

3. Betreffende die toepassing van hierdie Ooreenkoms te eniger tyd deur 'n Kontrakterende Staat het enige uitdrukking wat nie daarin omskryf is nie, tensy dit uit die samehang anders blyk, die betekenis wat dit op daardie tydstip ingevolge die reg van daardie Staat het vir doeleindes van die belastinge waarop die Ooreenkoms van toepassing is en geniet enige betekenis ingevolge die toepaslike belastingwette van daardie Staat voorrang bo 'n betekenis wat ingevolge ander wette van daardie Staat aan die uitdrukking geheg is.

#### ARTIKEL 4

#### INWONER

1. Vir doeleindes van hierdie Ooreenkoms beteken die uitdrukking "inwoner van 'n Kontrakterende Staat" enige persoon wat ingevolge die wette van daardie Staat daarin belastingpligtig is uit hoofde van daardie persoon se domisilie, verblyf, plek van bestuur of enige ander kriterium van 'n soortgelyke aard, en behels dit ook daardie Staat en enige staatkundige onderverdeling, plaaslike owerheid of statutêre liggaam daarvan.

2. Waar 'n individu uit hoofde van die bepalings van paragraaf 1 'n inwoner van albei Kontrakterende State is, word daardie individu se status soos volg bepaal:

- (a) die individu word geag 'n inwoner te wees net van die Staat waarin 'n permanente tuiste tot die individu se beskikking is; indien 'n permanente tuiste in albei State tot die individu se beskikking is, word die individu geag 'n inwoner te wees net van die Staat waarmee die individu se persoonlike en ekonomiese betrekkinge die nouste is (tuiste van lewensbelange);
- (b) indien die Staat waarin die tuiste van lewensbelange gesetel is nie bepaal kan word nie, of indien die individu nie in een van die State 'n permanente tuiste tot sy of haar beskikking het nie, word die individu geag 'n inwoner te wees net van die Staat waarin hy of sy 'n gebruikelike verblyfplek het;

- (c) indien die individu 'n gebruikelike verblyfplek in albei State of in nie een van hulle het nie, word die individu geag 'n inwoner te wees net van die Staat waarvan die individu 'n burger is; en
- (d) in enige ander geval, moet die bevoegde owerhede van die Kontrakterende State die saak deur onderlinge ooreenkoms beslis.

3. Waar 'n ander persoon as 'n individu uit hoofde van die bepalings van paragraaf 1 'n inwoner van albei Kontrakterende State is, moet die bevoegde owerhede van die Kontrakterende State deur onderlinge ooreenkoms poog om die saak te beslis en die wyse van toepassing van die Ooreenkoms op daardie persoon bepaal. By ontstentenis van sodanige ooreenkoms word daardie persoon geag buite die bestek van hierdie Ooreenkoms te wees, met die uitsondering van die bepalings van Artikel 24.

## ARTIKEL 5

### PERMANENTE SAAK

1. Vir doeleindes van hierdie Ooreenkoms beteken die uitdrukking "permanente saak" 'n vaste besigheidsplek waardeur die besigheid van 'n onderneming in geheel of gedeeltelik bedryf word.

2. Die uitdrukking "permanente saak" sluit veral in:

- (a) 'n plek van bestuur;
- (b) 'n tak;
- (c) 'n kantoor;
- (d) 'n fabriek;
- (e) 'n werkwinkel; en
- (f) 'n myn, 'n olie- of gasbron, 'n steengroef of enige ander plek van winning van natuurlike hulpbronne.

3. Die uitdrukking "permanente saak" omvat eweneens:

- (a) 'n bouperseel, 'n konstruksie-, monteer- of installeerprojek of enige toesighoudende bedrywigheid in verband met so 'n perseel of projek, maar net waar so 'n perseel, projek of bedrywigheid langer as twaalf maande voortduur;
- (b) die lewering van dienste, ook konsultasiedienste, deur 'n onderneming deur middel van werknemers of ander personeel wat vir dié doel deur 'n onderneming in diens geneem word, maar net as bedrywigheide van daardie aard in die Kontrakterende Staat voortduur (vir dieselfde of 'n daaraan verbonde projek) vir 'n tydperk of tydperke wat altesaam meer is as 183 dae in enige twaalfmaandetydperk wat in die betrokke fiskale jaar begin of eindig;
- (c) die verrigting van beroepsdienste of ander bedrywigheide van 'n onafhanklike aard deur 'n individu, maar net indien daardie dienste of bedrywigheide in 'n Kontrakterende Staat voortduur vir 'n tydperk of tydperke wat altesaam meer is as 183 dae in enige twaalfmaandetydperk wat in die betrokke fiskale jaar begin of eindig; en

- (d) die uitoefening van bedrywighede deur 'n onderneming wat bestaan uit of verband hou met die opsporing of winning van natuurlike hulpbronne wat in 'n Kontrakterende Staat geleë is, maar slegs indien daardie bedrywighede langer as ses maande voortduur.

4. Ondanks die voorgaande bepalings van hierdie Artikel word die uitdrukking "permanente saak" nie geag die volgende in te sluit nie:

- (a) die gebruik van fasiliteite uitsluitlik met die doel om goedere of handelsware wat aan die onderneming behoort, te stoor, ten toon te stel of te lewer;
- (b) die instandhouding van 'n voorraad goedere of handelsware wat aan die onderneming behoort, uitsluitlik met die doel om dit te stoor, ten toon te stel of te lewer;
- (c) die instandhouding van 'n voorraad goedere of handelsware wat aan die onderneming behoort, uitsluitlik vir die doel van verwerking deur 'n ander onderneming;
- (d) die instandhouding van 'n vaste besigheidsplek uitsluitlik met die doel om vir die onderneming goedere of handelsware aan te koop of inligting in te win;
- (e) die instandhouding van 'n vaste besigheidsplek uitsluitlik met die doel om enige ander bedrywigheid van 'n voorbereidende of bykomstige aard vir die onderneming te beoefen; en
- (f) die instandhouding van 'n vaste besigheidsplek uitsluitlik vir enige kombinasie van bedrywighede in subparagrafe (a) tot (e) genoem, met dien verstande dat die oorkoepelende bedrywigheid van die vaste besigheidsplek wat uit hierdie kombinasie voortspruit, van 'n voorbereidende of bykomstige aard is.

5. Ondanks die bepalings van paragrafe 1 en 2, waar 'n persoon – uitgesonderd 'n agent met onafhanklike status op wie paragraaf 6 van toepassing is – namens 'n onderneming optree en in 'n Kontrakterende Staat 'n bevoegdheid het, en daardie bevoegdheid gewoonlik uitoefen, om kontrakte op naam van die onderneming aan te gaan, word daardie onderneming geag 'n permanente saak in daardie Staat te hê ten opsigte van enige bedrywighede wat daardie persoon vir die onderneming onderneem, tensy die bedrywighede van sodanige persoon beperk is tot daardie in paragraaf 4 genoem, wat, indien dit deur 'n vaste besigheidsplek uitgeoefen word, hierdie vaste besigheidsplek ingevolge die bepalings van daardie paragraaf nie 'n permanente saak maak nie.

6. 'n Onderneming word nie geag 'n permanente saak in 'n Kontrakterende Staat te hê bloot omdat hy in daardie Staat deur 'n makelaar, algemene kommissieagent of enige ander agent met onafhanklike status besigheid dryf nie, met dien verstande dat sulke persone in die gewone loop van hulle besigheid handel.

7. Die feit dat 'n maatskappy wat 'n inwoner van 'n Kontrakterende Staat is, beheer het oor, of beheer word deur, 'n maatskappy wat 'n inwoner van die ander Kontrakterende Staat is of wat in daardie ander Staat besigheid dryf (hetsy deur 'n permanente saak of andersins), beteken nie op sigself dat enigeen van die maatskappye 'n permanente saak van die ander is nie.

**ARTIKEL 6****INKOMSTE UIT ONROERENDE EIENDOM**

1. Inkomste wat 'n inwoner van 'n Kontrakterende Staat verkry uit onroerende eiendom (ook inkomste uit landbou of bosbou) wat in die ander Kontrakterende Staat geleë is, kan in daardie ander Staat belas word.
2. Die uitdrukking "onroerende eiendom" het die betekenis wat daaraan geheg word ingevolge die reg van die Kontrakterende Staat waarin die betrokke eiendom geleë is. Die uitdrukking sluit in elk geval eiendom in bykomstig by onroerende eiendom, lewende hawe en toerusting wat in die landbou en bosbou gebruik word, regte waarop die bepalings van die algemene reg ten opsigte van onroerende eiendom van toepassing is, vruggebruik op onroerende eiendom en regte op veranderlike of vaste betalings as vergoeding vir die ontginning, of die reg op die ontginning, van mineraalafsettings, bronne en ander natuurlike hulpbronne. Skepe, bote en lugvaartuie word nie as onroerende eiendom beskou nie.
3. Die bepalings van paragraaf 1 is van toepassing op inkomste wat verkry word uit die regstreekse gebruik, verhuring of gebruik in enige ander vorm van onroerende eiendom.
4. Die bepalings van paragrawe 1 en 3 is ook van toepassing op die inkomste uit die onroerende eiendom van 'n onderneming.

**ARTIKEL 7****BESIGHEIDSWINSTE**

1. Die winste van 'n onderneming van 'n Kontrakterende Staat is net in daardie Staat belasbaar, tensy die onderneming in die ander Kontrakterende Staat besigheid dryf deur 'n permanente saak wat daarin geleë is. Indien die onderneming besigheid dryf soos in die voorgaande sin genoem, kan die winste van die onderneming in die ander Staat belas word, maar net soveel daarvan as wat aan daardie permanente saak toeskryfbaar is.
2. Behoudens die bepalings van paragraaf 3, waar 'n onderneming van 'n Kontrakterende Staat in die ander Kontrakterende Staat besigheid dryf deur middel van 'n permanente saak wat daarin geleë is, word daar in elke Kontrakterende Staat aan daardie permanente saak die winste toegeskryf wat hy na verwagting sou maak as hy 'n aparte en afsonderlike onderneming was wat met dieselfde of soortgelyke bedrywighede besig is onder dieselfde of soortgelyke toestande en heeltemal onafhanklik handel met die onderneming waarvan hy 'n permanente saak is.
3. By die vasstelling van die winste van 'n permanente saak word uitgawes wat vir die doel van die permanente saak aangegaan is, ook uitvoerende en algemene administratiewe uitgawes aldus aangegaan, hetsy in die Staat waarin die permanente saak geleë is of elders, as aftrekkings toegelaat.
4. Geen winste word aan 'n permanente saak toegeskryf op grond van die blote aankoop deur daardie permanente saak van goedere of handelsware vir die onderneming nie.
5. Vir doeleindes van die voorgaande paragrawe word die winste wat aan die permanente saak toegeskryf moet word, jaar na jaar volgens dieselfde metode vasgestel, tensy daar goeie en afdoende redes vir die teendeel is.

6. Waar winste inkomste-items insluit wat afsonderlik in ander Artikels van hierdie Ooreenkoms behandel word, word die bepalings van daardie Artikels nie deur die bepalings van hierdie Artikel geraak nie.

## ARTIKEL 8

### SKEEPS- EN LUGVERVOER

1. Die winste wat 'n onderneming van 'n Kontrakterende Staat verkry uit die bedryf van skepe of lugvaartuie in internasionale verkeer is net in daardie Staat belasbaar.

2. Vir doeleindes van hierdie Artikel sal wins uit die bedryf van skepe of lugvaartuie in internasionale verkeer:-

- (a) winste uit die verhuring op 'n sonderbemanningbasis van skepe of lugvaartuie; en
- (b) winste uit die gebruik, instandhouding of verhuring van houers (ook treilers en verwante toerusting vir die vervoer van houers) wat vir die vervoer van goedere of handelsware gebruik word;

waar sodanige verhuring, gebruik of instandhouding, na gelang van die geval, bykomstig is by die bedryf van skepe of lugvaartuie in internasionale verkeer.

3. Die bepalings van paragraaf 1 is ook van toepassing op winste uit deelname aan 'n poel, 'n gesamentlike besigheid of 'n internasionale bedryfsagentskap.

## ARTIKEL 9

### VERWANTE ONDERNEMINGS

1. Waar-

- (a) 'n onderneming van 'n Kontrakterende Staat regstreeks of onregstreeks aan die bestuur, beheer of kapitaal van 'n onderneming van die ander Kontrakterende Staat deelneem, of
- (b) dieselfde persone regstreeks of onregstreeks aan die bestuur, beheer of kapitaal van 'n onderneming van 'n Kontrakterende Staat en 'n onderneming van die ander Kontrakterende Staat deelneem,

en in enigeen van die gevalle voorwaardes tussen die twee ondernemings in hulle handels- of finansiële betrekkinge gestel of opgelê word wat verskil van dié wat tussen onafhanklike ondernemings gestel sou word, kan enige wins wat by ontstentenis van daardie voorwaardes aan een van die ondernemings sou toegeval het maar as gevolg van daardie voorwaardes nie aldus toegeval het nie, by die winste van daardie onderneming ingesluit en dienoooreenkomstig belas word.

2. Waar 'n Kontrakterende Staat, ooreenkomstig die bepalings van paragraaf 1, by die winste van 'n onderneming van daardie Staat wins insluit – en dit dienooreenkomstig belas – waarop 'n onderneming van die ander Kontrakterende Staat in daardie ander Staat belas is, en indien die bevoegde owerhede van die Kontrakterende State ná oorlegpleging met mekaar ooreenkom dat al die winste aldus ingesluit, of 'n deel daarvan, winste is wat aan die onderneming van eersgenoemde Staat sou toegeval het indien die voorwaardes wat tussen die twee ondernemings gestel is dieselfde was as dié wat tussen onafhanklike ondernemings gestel sou gewees het, moet daardie ander Staat die bedrag van die belasting wat hy daarin op daardie ooreengekome winste hef, toepaslik aanpas. By die vasstelling van daardie aanpassing moet daar behoorlik ag geslaan word op die ander bepalings van hierdie Ooreenkoms.

## ARTIKEL 10

### DIVIDENDE

1. Dividende wat deur 'n maatskappy wat 'n inwoner van 'n Kontrakterende Staat is, aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in die ander Staat belas word.

2. Sodanige dividende kan egter ook belas word in die Kontrakterende Staat waarvan die maatskappy wat die dividende betaal, 'n inwoner is, en wel ooreenkomstig die wette van daardie Staat, maar as die voordelige eienaar van die dividende 'n inwoner van die ander Kontrakterende Staat is, mag die belasting wat aldus gehef word nie meer wees nie as:–

- (a) 5 persent van die bruto bedrag van die dividende indien die voordelige eienaar 'n maatskappy is wat minstens 10 persent hou van die kapitaal van die maatskappy wat die dividende betaal;
- (b) 10 persent van die bruto bedrag van die dividende in alle ander gevalle.

Die bevoegde owerhede van die Kontrakterende State moet deur onderlinge ooreenkoms besluit oor die wyse van toepassing van hierdie beperkings.

Hierdie paragraaf raak nie die belasting van die maatskappy ten opsigte van die winste waaruit die dividende betaal word nie.

3. Die uitdrukking "dividende" soos in hierdie Artikel gebruik word, beteken inkomste uit aandele of ander regte wat in winste deel (wat nie skuldeise is nie), sowel as inkomste uit ander regs persoonlike regte wat onderhewig is aan dieselfde belastingbehandeling as inkomste uit aandele ingevolge die reg van die Staat waarvan die maatskappy wat die uitkering doen 'n inwoner is.

4. Ondanks die bepalings van paragrawe 1 en 2, is dividende betaal aan die Regering van Singapoer deur 'n maatskappy wat 'n inwoner van Suid-Afrika is, vrygestel van Suid-Afrikaanse belasting.



5. Vir doeleindes van paragraaf 4, behels die uitdrukking "Regering van Singapoer":
- (a) die Monetêre Owerheid van Singapoer;
  - (b) *GIC Private Limited*;
  - (c) 'n statutêre liggaam; en
  - (d) enige instelling wat in geheel of hoofsaaklik deur die Regering van Singapoer besit word waartoe die bevoegde owerhede van die Kontrakterende State van tyd tot tyd onderling ooreenkom.

6. Die bepalings van paragrawe 1 en 2 is nie van toepassing nie indien die voordelige eienaar van die dividende, wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat waarvan die maatskappy wat die dividende betaal 'n inwoner is, besigheid dryf deur middel van 'n permanente saak wat daarin geleë is en die aandeelhouding ten opsigte waarvan die dividende betaal word, effektief aan sodanige permanente saak verbonde is. In sodanige geval is die bepalings van Artikel 7 van toepassing.

7. Waar 'n maatskappy wat 'n inwoner van 'n Kontrakterende Staat is, wins of inkomste uit die ander Kontrakterende Staat verkry, hef daardie ander Staat geen belasting op die dividende wat deur die maatskappy betaal word nie, uitgesonderd in soverre sodanige dividende aan 'n inwoner van daardie ander Staat betaal word of in soverre die aandeelhouding ten opsigte waarvan die dividende betaal word, effektief verbonde is aan 'n permanente saak wat in daardie ander Staat geleë is, en onderwerp hy ook nie die maatskappy se onuitgekeerde wins aan 'n belasting op onuitgekeerde wins nie, selfs al bestaan die dividende wat betaal word of die onuitgekeerde wins in geheel of gedeeltelik uit wins of inkomste wat in sodanige ander Staat ontstaan.

8. Die bepalings van hierdie Artikel is nie van toepassing nie indien dit die hoofoogmerk of een van die hoofoogmerke was van enige persoon betrokke by die skep of toedeling van die aandele of ander regte ten opsigte waarvan die dividende betaal word, om by wyse van daardie skepping of toedeling voordeel te trek uit hierdie Artikel.

## ARTIKEL 11

### RENTE

1. Rente wat in 'n Kontrakterende Staat ontstaan en aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in daardie ander Staat belas word.

2. Sodanige rente kan egter ook in die Kontrakterende Staat waarin dit ontstaan en ooreenkomstig die wette van daardie Staat belas word, maar as die voordelige eienaar van die rente 'n inwoner van die ander Kontrakterende Staat is, mag die belasting wat aldus gehef word nie meer as 7,5 persent van die bruto bedrag van die rente wees nie.

Die bevoegde owerhede van die Kontrakterende State moet deur onderlinge ooreenkoms besluit oor die wyse van toepassing van hierdie beperking.

3. Ondanks die bepalings van paragraaf 2, is rente wat in 'n Kontrakterende Staat ontstaan, in daardie Staat van belasting vrygestel indien:-

- (a) die rente deur die Regering van daardie Staat betaal word; of
- (b) die rente aan die Regering van die ander Staat betaal word; of
- (c) die rente ontstaan ten opsigte van enige skuldinstrument wat op 'n erkende effektebeurs genoteer is.

4. Vir doeleindes van paragraaf 3, beteken die uitdrukking "Regering":-

- (a) in Singapoer, die Regering van Singapoer, en behels dit ook:
  - (i) die Monetêre Owerheid van Singapoer;
  - (ii) *GIC Private Limited*;
  - (iii) 'n statutêre liggaam; en
  - (iv) enige instelling wat in geheel of hoofsaaklik deur die Regering van Singapoer besit word waartoe die bevoegde owerhede van die Kontrakterende State van tyd tot tyd onderling ooreenkom; en
- (b) in Suid-Afrika, die Regering van Suid-Afrika of 'n staatkundige onderverdeling of 'n plaaslike owerheid daarvan, en behels dit ook:
  - (i) die Suid-Afrikaanse Reserwebank;
  - (ii) 'n statutêre liggaam; en
  - (iii) enige instelling wat in geheel of hoofsaaklik deur die Regering van Suid-Afrika besit word waartoe die bevoegde owerhede van die Kontrakterende State van tyd tot tyd onderling ooreenkom.

5. Vir doeleindes van paragraaf 3(c), beteken die uitdrukking "erkende effektebeurs":-

- (a) in Singapoer, die Singapoerse Effektebeurs (SGX);
- (b) in Suid-Afrika, die Johannesburgse Effektebeurs;
- (c) enige ander effektebeurs waartoe die bevoegde owerhede van die Kontrakterende State van tyd tot tyd onderling ooreenkom.

6. Die uitdrukking "rente" soos dit in hierdie Artikel gebruik word, beteken inkomste uit alle soorte skuldeise, hetsy deur 'n verband gesekureer al dan nie en hetsy dit 'n reg inhou om in die skuldenaar se winste te deel al dan nie en, in die besonder, inkomste uit staatseffekte en inkomste uit obligasies of skuldbriewe, ook premies en pryse verbonde aan sodanige effekte, obligasies of skuldbriewe. Boeteheffings vir laat betaling word nie vir die doel van hierdie Artikel as rente beskou nie.

7. Die bepalings van paragrawe 1, 2 en 3 is nie van toepassing nie indien die voordelige eienaar van die rente wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat waarin die rente ontstaan, besigheid dryf deur 'n permanente saak wat daarin geleë is, en die skuldeis ten opsigte waarvan die rente betaal word, effektief aan sodanige permanente saak verbonde is. In sodanige geval is die bepalings van Artikel 7 van toepassing.

8. Rente word geag in 'n Kontrakterende Staat te ontstaan wanneer die betaler 'n inwoner van daardie Staat is. Waar die persoon wat die rente betaal, hetsy daardie persoon 'n inwoner van 'n Kontrakterende Staat is al dan nie, in 'n Kontrakterende Staat 'n permanente saak het in verband waarmee die skuld waarop die rente betaal word aangegaan is en sodanige rente deur sodanige permanente saak gedra word, word sodanige rente egter geag te ontstaan in die Staat waarin die permanente saak geleë is.

9. Waar, vanweë 'n besondere verhouding tussen die betaler en die voordelige eienaar of tussen hulle albei en 'n ander persoon, die bedrag van die rente, met inagneming van die skuldeis waarvoor dit betaal word, meer is as die bedrag waarop die betaler en die voordelige eienaar sou ooreengekom het by ontstentenis van so 'n verhouding, is die bepalings van hierdie Artikel net op laasgenoemde bedrag van toepassing. In sodanige geval bly die oormaatdeel van die betalings belasbaar ooreenkomstig die wette van elke Kontrakterende Staat, met behoorlike inagneming van die ander bepalings van hierdie Ooreenkoms.

10. Die bepalings van hierdie Artikel is nie van toepassing nie indien dit die hoofogmerk of een van die hoofogmerke was van enige persoon betrokke by die skep of oordrag van die skuldeis ten opsigte waarvan die rente betaal word om by wyse van daardie skepping of oordrag voordeel te trek uit hierdie Artikel.

## ARTIKEL 12

### TANTIÈME

1. Tantième wat in 'n Kontrakterende Staat ontstaan en aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in daardie ander Staat belas word.

2. Sodanige tantième kan egter ook in die Kontrakterende Staat waarin dit ontstaan en ooreenkomstig die wette van daardie Staat belas word, maar as die voordelige eienaar van die tantième 'n inwoner van die ander Kontrakterende Staat is, mag die belasting wat aldus gehef word nie meer as 5 persent van die bruto bedrag van die tantième wees nie.

Die bevoegde owerhede van die Kontrakterende State moet deur onderlinge ooreenkoms besluit oor die wyse van toepassing van hierdie beperking.

3. Die uitdrukking "tantième" soos dit in hierdie Artikel gebruik word, beteken betalings van enige soort wat ontvang word as vergoeding vir die gebruik, of die reg op die gebruik, van enige outeursreg op letterkundige, artistieke of wetenskaplike werk (ook kinematograaffilms en films, bande of skywe vir radio- of televisie-uitsending), enige patent, handelsmerk, ontwerp of model, plan, geheime formule of proses, of vir inligting rakende nywerheids-, handels- of wetenskapondervinding.

4. Die bepalings van paragrawe 1 en 2 is nie van toepassing nie indien die voordelige eienaar van die tantième, wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat waarin die tantième ontstaan, besigheid dryf deur middel van 'n permanente saak wat daarin geleë is en die reg of eiendom ten opsigte waarvan die tantième betaal word, effektief verbonde is aan sodanige permanente saak. In so 'n geval is die bepalings van Artikel 7 van toepassing.

5. Tantième word geag in 'n Kontrakterende Staat te ontstaan wanneer die betaler 'n inwoner van daardie Staat is. Waar die persoon wat die tantième betaal, hetsy daardie persoon 'n inwoner van 'n Kontrakterende Staat is al dan nie, in 'n Kontrakterende Staat 'n permanente saak het in verband waarmee die verpligting om tantième te betaal aangegaan is, en sodanige tantième deur sodanige permanente saak gedra word, word daardie tantième geag te ontstaan in die Staat waarin die permanente saak geleë is.

6. Waar, as gevolg van 'n spesiale verhouding tussen die betaler en die voordelige eienaar of tussen hulle albei en 'n ander persoon, die bedrag van die tantième, met inagneming van die gebruik, reg of inligting waarvoor dit betaal word, meer is as die bedrag waarop die betaler en die voordelige eienaar sou ooreengekom het by ontstentenis van so 'n verhouding, is die bepalings van hierdie Artikel net op laasgenoemde bedrag van toepassing. In so 'n geval bly die oormaatdeel van die betalings belasbaar ooreenkomstig die wette van elk van die Kontrakterende State, met behoorlike inagneming van die ander bepalings van hierdie Ooreenkoms.

7. Die bepalings van hierdie Artikel is nie van toepassing nie indien dit die hoofmerk of een van die hoofmerke was van enige persoon betrokke by die skep of oordrag van die regte ten opsigte waarvan die tantième betaal word om by wyse van daardie skepping of oordrag voordeel te trek uit hierdie Artikel.

## **ARTIKEL 13**

### **KAPITAALWINS**

1. Wins wat 'n inwoner van 'n Kontrakterende Staat verkry uit die vervreemding van onroerende eiendom wat in Artikel 6 bedoel word, en wat in die ander Kontrakterende Staat geleë is, kan in daardie ander Staat belas word.

2. Wins uit die vervreemding van roerende eiendom wat deel uitmaak van die besigheidseiendom van 'n permanente saak wat 'n onderneming van 'n Kontrakterende Staat in die ander Kontrakterende Staat het, insluitende die wins uit die vervreemding van so 'n permanente saak (alleen of met die hele onderneming), kan in daardie ander Staat belas word.

3. Wins van 'n onderneming van 'n Kontrakterende Staat uit die vervreemding van skepe of lugvaartuie wat in internasionale verkeer bedryf word of roerende eiendom wat op die bedryf van sodanige skepe of lugvaartuie betrekking het, is net in daardie Staat belasbaar.

4. Wins wat 'n inwoner van 'n Kontrakterende Staat ontvang uit die vervreemding van aandele wat meer as 50 persent van hulle waarde regstreeks of onregstreeks verkry uit onroerende eiendom wat in die ander Kontrakterende Staat geleë is, kan in daardie ander Staat belas word.

5. Wins uit die vervreemding van enige ander eiendom as daardie in die voorgaande paragrawe van hierdie Artikel genoem, is net in die Kontrakterende Staat waarvan die vervreemder 'n inwoner is, belasbaar.

**ARTIKEL 14****INKOMSTE UIT DIENSBETREKING**

1. Behoudens die bepalings van Artikel 15, 17 en 18 is salarisse, lone en ander soortgelyke besoldiging wat 'n inwoner van 'n Kontrakterende Staat ten opsigte van 'n diensbetrekking ontvang, net in daardie Staat belasbaar, tensy die diens in die ander Kontrakterende Staat beoefen word. Indien die diens aldus beoefen word, kan die besoldiging wat daaruit verkry word in daardie ander Staat belas word.

2. Ondanks die bepalings van paragraaf 1 is besoldiging wat 'n inwoner van 'n Kontrakterende Staat ontvang ten opsigte van diens wat in die ander Kontrakterende Staat beoefen word, net in eersgenoemde Staat belasbaar indien:-

- (a) die ontvanger in die ander Staat teenwoordig is vir 'n tydperk of tydperke wat altesaam hoogstens 183 dae is in enige twaalfmaandetydperk wat in die betrokke fiskale jaar begin of eindig, en
- (b) die besoldiging betaal word deur of namens 'n werkgever wat nie 'n inwoner van die ander Staat is nie, en
- (c) die besoldiging nie deur 'n permanente saak wat die werkgever in die ander Staat het, gedra word nie.

3. Ondanks die voorgaande bepalings van hierdie Artikel is besoldiging verkry ten opsigte van 'n diensbetrekking wat uitgeoefen word aan boord van 'n skip of lugvaartuig wat deur 'n onderneming van 'n Kontrakterende Staat in internasionale verkeer bedryf word, net in daardie Staat belasbaar.

**ARTIKEL 15****DIREKTEURSGELDE**

Direkteursgelde en ander soortgelyke betalings ontvang deur 'n inwoner van 'n Kontrakterende Staat in daardie persoon se hoedanigheid van lid van die direksie van 'n maatskappy wat 'n inwoner van die ander Kontrakterende Staat is, kan in daardie ander Staat belas word.

**ARTIKEL 16****VERMAAKLIKHEIDSKUNSTENAARS EN SPORTPERSONE**

1. Ondanks die bepalings van Artikel 7 en 14 kan inkomste verkry deur 'n inwoner van 'n Kontrakterende Staat as 'n vermaaklikheidskunstenaar, soos 'n teater-, rolprent-, radio- of televisiekunstenaar, of 'n musikant, of as 'n sportpersoon, uit daardie persoon se persoonlike bedrywighede wat as sodanig in die ander Kontrakterende Staat beoefen word, in daardie ander Staat belas word.

2. Waar inkomste ten opsigte van of in verband met persoonlike bedrywighede uitgeoefen deur 'n vermaaklikheidskunstenaar of sportpersoon in daardie persoon se hoedanigheid as sodanig, nie aan die vermaaklikheidskunstenaar of sportpersoon toeval nie maar aan 'n ander persoon, kan daardie inkomste, ondanks die bepalings van Artikel 7 en 14, belas word in die Kontrakterende Staat waarin die bedrywighede van die vermaaklikheidskunstenaar of sportpersoon beoefen word.

3. Die bepalings van paragrawe 1 en 2 is nie van toepassing nie op inkomste wat verkry word uit die bedrywighede wat deur 'n vermaaklikheidskunstenaar of 'n sportpersoon in 'n Kontrakterende Staat beoefen word indien die besoek aan daardie Kontrakterende Staat in geheel of hoofsaaklik gesteun word deur openbare fondse van een van of albei die Kontrakterende State of staatkundige onderverdelings of plaaslike owerhede of statutêre liggame daarvan. In sodanige geval, is die inkomste net in die Kontrakterende Staat waarvan die vermaaklikheidskunstenaar of die sportpersoon 'n inwoner is, belasbaar.

**ARTIKEL 17****PENSIOENE EN ANNUÏTEITE**

1. Behoudens die bepalings van paragraaf 2 van Artikel 18 kan pensioene en ander soortgelyke besoldiging, en annuïteite, wat in 'n Kontrakterende Staat ontstaan en aan 'n inwoner van die ander Kontrakterende Staat betaal word, in eersgenoemde Staat belas word.

2. Die uitdrukking "annuïteit" beteken 'n vermelde bedrag wat periodiek op vermelde tye gedurende 'n persoon se lewe of gedurende 'n gespesifiseerde of vasstelbare tydperk betaalbaar word ingevolge 'n verpligting om die betalings te doen in ruil vir voldoende en volle teenprestasie in geld of geldwaarde.

**ARTIKEL 18****REGERINGSDIENS**

1. (a) Salarisse, lone en ander soortgelyke besoldiging wat deur 'n Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid of 'n statutêre liggaam daarvan aan 'n individu betaal word ten opsigte van dienste gelewer aan daardie Staat of onderverdeling, owerheid of liggaam is net in daardie Staat belasbaar.
- (b) Sodanige salarisse, lone en ander soortgelyke besoldiging is egter net in die ander Kontrakterende Staat belasbaar as die dienste in daardie Staat gelewer word en die individu 'n inwoner van daardie Staat is wat:-
  - (i) 'n burger van daardie Staat is; of
  - (ii) nie 'n inwoner van daardie Staat geword het uitsluitlik met die doel om die dienste te lewer nie.
2. (a) Ondanks die bepalings van paragraaf 1, is pensioene en ander soortgelyke besoldiging wat betaal word deur, of uit fondse geskep deur, 'n Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid of 'n statutêre liggaam daarvan aan 'n individu ten opsigte van dienste gelewer aan daardie Staat of onderverdeling, owerheid of liggaam, net in daardie Staat belasbaar.
- (b) Sodanige pensioene en ander soortgelyke besoldiging is egter net in die ander Kontrakterende Staat belasbaar indien die individu 'n inwoner en 'n burger van daardie Staat is.
3. Artikel 14, 15, 16 en 17 is van toepassing op salarisse, lone, pensioene en ander soortgelyke besoldiging ten opsigte van dienste gelewer in verband met 'n besigheid wat deur 'n Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid of 'n statutêre liggaam daarvan gedryf word.

**ARTIKEL 19****STUDENTE**

'n Student of besigheidsleerling wat in 'n Kontrakterende Staat aanwesig is uitsluitlik vir die doel van daardie individu se onderwys of opleiding en wat 'n inwoner is, of onmiddellik voor sodanige aanwesigheid 'n inwoner was, van die ander Kontrakterende Staat, is in eersgenoemde Staat vrygestel van belasting op betalings wat uit bronne buite daardie eersgenoemde Staat vir die doel van daardie individu se onderhoud, onderwys of opleiding ontvang word.



**ARTIKEL 20****ANDER INKOMSTE**

1. Die inkomste-items van 'n inwoner van 'n Kontrakterende Staat, ongeag waar dit ontstaan, wat nie in die voorgaande Artikels van hierdie Ooreenkoms behandel is nie, is net in daardie Staat belasbaar.
2. Die bepalings van paragraaf 1 is nie op inkomste van toepassing nie, uitgesonder inkomste uit onroerende eiendom soos in paragraaf 2 van Artikel 6 omskryf, indien die ontvanger van sodanige inkomste wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat besigheid dryf deur middel van 'n permanente saak wat daarin geleë is, en die reg of eiendom ten opsigte waarvan die inkomste betaal word effektief aan sodanige permanente saak verbonde is. In so 'n geval is die bepalings van Artikel 7 van toepassing.
3. Ondanks die bepalings van paragrawe 1 en 2 kan inkomste-items van 'n inwoner van 'n Kontrakterende Staat wat nie in die voorgaande Artikels van die Ooreenkoms behandel word nie en in die ander Kontrakterende Staat ontstaan, ook in daardie ander Staat belas word.

**ARTIKEL 21****UITSKAKELING VAN DUBBELE BELASTING**

Dubbele belasting word soos volg uitgeskakel:

- (a) In Singapoer, indien 'n inwoner van Singapoer inkomste verkry uit Suid-Afrika wat ooreenkomstig die bepalings van hierdie Ooreenkoms in Suid-Afrika belas kan word, moet Singapoer, behoudens sy wette betreffende die toestaan as 'n krediet teen Singapoerse belasting van belasting betaalbaar in enige ander land as Singapoer, die Suid-Afrikaanse belasting wat betaal is, hetsy regstreeks of by wyse van aftrekking, toestaan as 'n krediet teen die Singapoerse belasting wat op die inkomste van daardie inwoner betaalbaar is. Waar sodanige inkomste 'n dividend is wat deur 'n maatskappy, wat 'n inwoner van Suid-Afrika is, betaal is aan 'n inwoner van Singapoer, wat 'n maatskappy is wat regstreeks of onregstreeks nie minder nie as 10 persent van die aandelekapitaal van die eersgenoemde maatskappy besit, bring die krediet in rekening die Suid-Afrikaanse belasting wat deur daardie maatskappy betaal is op die deel van sy winste waaruit die dividend betaal word. Die krediet mag egter nie meer wees nie as daardie deel van die Singapoerse belasting, soos bereken voordat die krediet toegestaan is, wat op daardie inkomste-item van toepassing is.
- (b) In Suid-Afrika, behoudens die bepalings van die reg van Suid-Afrika betreffende die aftrekking vanaf belasting betaalbaar in Suid-Afrika van belasting betaalbaar in enige ander land as Suid-Afrika (wat nie die algemene beginsel hiervan raak nie), word Singapoerse belasting wat deur inwoners van Suid-Afrika betaal word ten opsigte van inkomste wat in Singapoer belasbaar is, ooreenkomstig die bepalings van hierdie Ooreenkoms afgetrek van die belastings wat ooreenkomstig die Suid-Afrikaanse fiskale reg verskuldig is. Sodanige aftrekking mag egter nie meer wees nie as 'n bedrag wat tot die totale Suid-Afrikaanse belasting betaalbaar in dieselfde verhouding staan as waarin die betrokke inkomste tot die totale inkomste staan.

**ARTIKEL 22****NIEDISKRIMINASIE**

1. Die burgers van 'n Kontrakterende Staat mag nie in die ander Kontrakterende Staat onderwerp word aan enige belasting of enige vereiste in verband daarmee wat anders of knellender is as die belasting en verwante vereistes waaraan burgers van daardie ander Staat in dieselfde omstandighede, in die besonder met betrekking tot verblyf, onderworpe is of onderwerp kan word nie. Hierdie bepaling is ondanks die bepalings van Artikel 1 ook van toepassing op persone wat nie inwoners van een van of albei die Kontrakterende State is nie.

2. Die belasting op 'n permanente saak wat 'n onderneming van 'n Kontrakterende Staat in die ander Kontrakterende Staat het, word nie in daardie ander Staat minder gunstig gehef as die belasting wat gehef word op ondernemings van daardie ander Staat wat dieselfde bedrywighede beoefen nie.

3. Uitgesonderd waar die bepalings van paragraaf 1 van Artikel 9, paragraaf 9 van Artikel 11 of paragraaf 6 van Artikel 12 van toepassing is, is rente, tantième en ander betalings deur 'n onderneming van 'n Kontrakterende Staat aan 'n inwoner van die ander Kontrakterende Staat met die doel om die belasbare wins van sodanige onderneming te bepaal, aftrekbaar op dieselfde voorwaardes asof dit aan 'n inwoner van eersgenoemde Staat betaal is.

4. Ondernemings van 'n Kontrakterende Staat, waarvan die kapitaal regstreeks of onregstreeks in geheel of gedeeltelik deur een of meer inwoners van die ander Kontrakterende Staat besit of beheer word, word nie in eersgenoemde Staat onderwerp aan enige belasting of enige vereiste in verband daarmee wat anders of knellender is as die belasting en verwante vereistes waaraan ander soortgelyke ondernemings van die eersgenoemde Staat onderworpe is of onderwerp kan word nie.

5. Niks in hierdie Artikel word so uitgelê dat dit 'n Kontrakterende Staat verplig om aan:-

- (a) die inwoners van die ander Kontrakterende Staat enige persoonlike kortings, verligtings of verminderings vir belastingdoeleindes toe te staan wat hy aan sy eie inwoners verleen nie; of
- (b) die burgers van die ander Kontrakterende Staat daardie persoonlike kortings, verligtings of verminderings vir belastingdoeleindes toe te staan wat hy aan sy eie burgers verleen wat nie inwoners van daardie Kontrakterende Staat is nie, of aan sodanige ander persone wat in die belastingreg van daardie Kontrakterende Staat gemeld word.

6. Waar 'n Kontrakterende Staat belastingaansporings aan sy burgers bied wat bedoel is om ekonomiese en maatskaplike ontwikkeling ooreenkomstig sy nasionale beleid en vereistes te bevorder, word dit nie kragtens hierdie Artikel as diskriminasie uitgelê nie.

## ARTIKEL 23

### PROSEDURE VIR ONDERLINGE OOREENKOMS

1. Waar 'n persoon van mening is dat die optrede van een van of albei die Kontrakterende State tot gevolg het of sal hê dat daardie persoon nie ooreenkomstig hierdie Ooreenkoms belas word nie, kan daardie persoon, ongeag die regs-middele waarvoor die landsreg van daardie State voorsiening maak, 'n saak stel aan die bevoegde owerheid van die Kontrakterende Staat waarvan die persoon 'n inwoner is of, indien die saak onder paragraaf 1 van Artikel 22 ressorteer, aan dié van die Kontrakterende Staat waarvan die persoon 'n burger is. Die saak moet gestel word binne drie jaar na die eerste kennisgewing van die optrede wat lei tot belasting wat nie ooreenkomstig die bepalings van hierdie Ooreenkoms is nie.

2. Die bevoegde owerheid moet, indien die beswaar na sy oordeel geregverdig voorkom en indien hy nie self 'n bevredigende oplossing kan kry nie, probeer om die saak deur onderlinge ooreenkoms met die bevoegde owerheid van die ander Kontrakterende Staat te besleg met die oog op die vermyding van belasting wat nie in ooreenstemming met hierdie Ooreenkoms is nie. Enige ooreenkoms wat bereik word, moet toegepas word ondanks enige tydsbeperkings in die landsreg van die Kontrakterende State.

3. Die bevoegde owerhede van die Kontrakterende State moet poog om enige moeilikhede of twyfel wat oor die vertolking of toepassing van hierdie Ooreenkoms ontstaan, deur onderlinge ooreenkoms te besleg. Hulle kan wat die uitskakeling van dubbele belasting betref ook saam oorleg pleeg in gevalle waarvoor in hierdie Ooreenkoms nie voorsiening gemaak is nie.

4. Die bevoegde owerhede van die Kontrakterende State kan regstreeks met mekaar kommunikeer met die doel om 'n ooreenkoms te bereik soos in die voorgaande paragraawe beoog.

## ARTIKEL 24

### UITRUIL VAN INLIGTING

1. Die bevoegde owerhede van die Kontrakterende State moet sodanige inligting uitruil wat voorsienbaar tersaaklik is vir die uitvoering van die bepalings van hierdie Ooreenkoms of die toepassing of afdwinging van hul landsreg rakende belastings van elke soort en beskrywing wat namens die Kontrakterende State of hulle staatkundige onderverdelings of plaaslike owerhede gehef word, in soverre die belasting daarkragtens nie strydig met die Ooreenkoms is nie. Die uitruil van inligting word nie deur Artikel 1 en 2 beperk nie.

2. Enige inligting wat ingevolge paragraaf 1 deur 'n Kontrakterende Staat ontvang word, word as geheim behandel op dieselfde wyse as inligting wat ingevolge die landsreg van daardie Staat verkry is, en mag slegs bekend gemaak word aan persone of owerhede (insluitende howe en administratiewe liggame) gemoed met die aanslaan of invordering van, die afdwinging of vervolging ten opsigte van, die beslissing van appèlle met betrekking tot die belastings in paragraaf 1 bedoel, of toesig oor die voorgaande. Sodanige persone of owerhede mag die inligting net vir sodanige doeleindes gebruik. Hulle mag die inligting in openbare hofverrigtinge of by regterlike beslissings openbaar maak.

3. In geen geval word die bepalings van paragrawe 1 en 2 so uitgelê nie dat dit aan 'n Kontrakterende Staat die verpligting oplê om:-

- (a) administratiewe maatreëls uit te voer wat strydig is met die wette en administratiewe praktyk van daardie of van die ander Kontrakterende Staat;
- (b) inligting te verskaf wat nie ingevolge die wette of in die normale loop van die administrasie van daardie of die ander Kontrakterende Staat verkrygbaar is nie;
- (c) inligting te verstrek wat enige handels-, sake-, nywerheids-, kommersiële of beroepsgeheim of handelsproses openbaar sal maak, of inligting waarvan die openbaarmaking strydig met die openbare beleid (*ordre public*) sal wees.

4. Indien inligting ooreenkomstig hierdie Artikel deur 'n Kontrakterende Staat aangevra word, gebruik die ander Kontrakterende Staat sy inligtingversamelmaatreëls om die verlangde inligting te verkry, al het daardie ander Staat nie sodanige inligting vir sy eie belastingdoeleindes nodig nie. Die verpligting vervat in die voorgaande sin is onderhewig aan die beperkings van paragraaf 3, maar sodanige beperkings word in geen geval so uitgelê dat dit 'n Kontrakterende Staat toelaat om te weier om inligting te verstrek bloot omdat hy geen plaaslike belang by sodanige inligting het nie.

5. In geen geval word die bepalings van paragraaf 3 so uitgelê dat dit 'n Kontrakterende Staat toelaat om te weier om inligting te verstrek bloot omdat die inligting gehou word deur 'n bank, ander finansiële instelling, benoemde of persoon wat in 'n agentskap- of 'n fidusiêre hoedanigheid optree, of omdat dit met eienaarskapbelange in 'n persoon verband hou nie.

## ARTIKEL 25

### LEDE VAN DIPLOMATIEKE MISSIES EN KONSULÊRE POSTE

Niks in hierdie Ooreenkoms raak die fiskale voorregte van lede van diplomatieke missies of konsulêre poste ingevolge die algemene reëls van die volkereg of ingevolge die bepalings van spesiale ooreenkomste nie.

**ARTIKEL 26****INWERKINGTREDING**

1. Elk van die Kontrakterende State stel die ander skriftelik langs die diplomatieke kanaal in kennis van die afhandeling van die prosedures wat ingevolge sy reg vir die inwerkingtreding van hierdie Ooreenkoms vereis word.

2. Hierdie Ooreenkoms tree in werking op die datum van ontvangs van die laaste van hierdie kennisgewings en die bepalings daarvan word van krag:-

(a) in Singapoer:

- (i) met betrekking tot belastings wat by die bron teruggehou word, ten opsigte van bedrae wat betaal, geag te betaal of betaalbaar is (wat ook al eerste voorkom), op of na die eerste dag van Januarie van die kalenderjaar wat eerste volg op die jaar waarin hierdie Ooreenkoms van krag word;
- (ii) met betrekking tot belastings wat invorderbaar is (uitgesonderd belastings wat by die bron teruggehou word), ten opsigte van inkomste vir enige jaar van aanslag wat begin op of na die eerste dag van Januarie van die tweede kalenderjaar wat volg op die jaar waarin hierdie Ooreenkoms van krag word; en
- (iii) ten opsigte van Artikel 24 (Uitruil van inligting), ten opsigte van versoeke gerig op of na die datum van inwerkingtreding om inligting ten opsigte van belastings rakende belasbare tydperke wat begin op of na die eerste dag van Januarie van die kalenderjaar wat eerste volg op die jaar waarin die Ooreenkoms van krag word of, waar daar geen belasbare tydperk is nie, ten opsigte van alle belastingheffings wat ontstaan op of na die eerste dag van Januarie van die kalenderjaar wat eerste volg op die jaar waarin die Ooreenkoms van krag word;

(b) in Suid-Afrika:

- (i) met betrekking tot belastings wat by die bron teruggehou word, ten opsigte van bedrae betaal of gekrediteer op of na die eerste dag van Januarie wat eerste volg op die datum waarop hierdie Ooreenkoms van krag word;
- (ii) met betrekking tot ander belastings, ten opsigte van jare van aanslag wat begin op of na die eerste dag van Januarie wat eerste volg op die datum waarop hierdie Ooreenkoms van krag word; en
- (iii) ten opsigte van Artikel 24 (Uitruil van inligting), ten opsigte van versoeke gerig op of na die datum van inwerkingtreding om inligting ten opsigte van belastings rakende belasbare tydperke wat begin op of na die eerste dag van Januarie van die kalenderjaar wat eerste volg op die jaar waarin die Ooreenkoms van krag word of, waar daar geen belasbare tydperk is nie, ten opsigte van alle belastingheffings wat ontstaan op of na die eerste dag van Januarie van die kalenderjaar wat eerste volg op die jaar waarin die Ooreenkoms van krag word.

3. Die Ooreenkoms tussen die Regering van die Republiek van Suid-Afrika en die Regering van die Republiek Singapoer ter Vermyding van Dubbele Belasting en ter Voorkoming van Fiskale Ontduiking met betrekking tot Belastings op Inkomste, geteken op 23 Desember 1996, is, ten opsigte van elk van die aangeleenthede gemeld in paragraaf 2, nie meer van krag nie vanaf die datum waarop hierdie Ooreenkoms ingevolge die bepalings van paragraaf 2 ten opsigte van daardie aangeleentheid in werking tree.

## ARTIKEL 27

### OPSEGGING

Hierdie Ooreenkoms bly van krag totdat dit deur 'n Kontrakterende Staat opgesê word. Enigeen van die Kontrakterende State kan die Ooreenkoms langs die diplomatieke kanaal opse deur ná die verstryking van 'n tydperk van vyf jaar vanaf die datum van inwerkingtreding, en minstens ses maande voor die einde van 'n kalenderjaar, kennis van opsegging te gee. In so 'n geval hou die Ooreenkoms op om van toepassing te wees:-

(a) In Singapoer:

- (i) met betrekking tot belasting wat by die bron teruggehou word, ten opsigte van bedrae betaal, geag betaal te wees of betaalbaar (wat ook al eerste voorkom), na die einde van die kalenderjaar waarin kennis gegee word;
- (ii) met betrekking tot belasting wat invorderbaar is (uitgesonderd belasting wat by die bron teruggehou word), ten opsigte van inkomste vir enige jaar van aanslag wat begin op of na die eerste dag van Januarie van die tweede kalenderjaar wat volg op die jaar waarin kennis gegee word; en
- (iii) in alle ander gevalle, ook versoeke gerig kragtens Artikel 24 (Uitruil van inligting), na die einde van die kalenderjaar waarin kennis gegee word.

(b) In Suid-Afrika:

- (i) met betrekking tot belasting wat by die bron teruggehou word, ten opsigte van bedrae betaal of gekrediteer na die einde van die kalenderjaar waarin sodanige kennis gegee word;
- (ii) met betrekking tot ander belasting, ten opsigte van jare van aanslag wat begin na die einde van die kalenderjaar waarin sodanige kennis gegee word; en
- (iii) in alle ander gevalle, ook versoeke gerig kragtens Artikel 24 (Uitruil van inligting), na die einde van die kalenderjaar waarin kennis gegee word.

**TEN BEWYSE WAARVAN** die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms geteken en geseël het in twee oorspronklike eksemplare in die Engelse taal, waarvan beide tekste ewe outentiek is.

**GEDOEN** te Pretoria in die Republiek van Suid-Afrika op hede die 23<sup>ste</sup> dag van November in die jaar 2015 en in die Republiek van Singapoer op hede die 30<sup>ste</sup> dag van November in die jaar 2015.

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**VIR DIE REGERING VAN DIE  
REPUBLIC VAN SUID-AFRIKA**

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**VIR DIE REGERING VAN DIE  
REPUBLIC VAN SINGAPOER**



## PROTOKOL

Ten tye van die ondertekening van die Ooreenkoms tussen die Regering van die Republiek van Suid-Afrika en die Regering van die Republiek van Singapoer ter Vermydning van Dubbele Belasting en ter Voorkoming van Fiskale Ontduiking met betrekking tot Belasting op Inkomste, het die ondergetekendes ooreengekom dat die volgende bepalings 'n integrale deel van hierdie Ooreenkoms uitmaak:

1. Ten opsigte van hierdie Ooreenkoms:

"Die uitdrukking 'statutêre liggaam' beteken 'n liggaam opgerig by enige Wet van 'n Kontrakterende Staat of staatkundige onderverdeling of plaaslike owerheid daarvan, wat slegs niekommersiële bedrywighede verrig wat andersins deur die Regering van daardie Kontrakterende Staat verrig sou word."

2. Ten opsigte van Artikel 8:

Daar word verstaan dat die uitleg in die *Kommentaar* by Artikel 8 van die *Organisasie vir Ekonomiese Samewerking en Ontwikkeling (OESO) se Modelbelastingverdrag op Inkomste en op Kapitaal*, soos gelees op 17 Julie 2008, op rente van toepassing is. Daar word in die besonder verstaan dat rente op fondse wat verband hou met die bedryf van skepe of lugvaartuie in internasionale verkeer beskou word as winste verkry uit sodanige bedrywe waar die belegging wat daardie rente oplewer, in die konteks van die *Kommentaar*, gedoen word as 'n integrale deel van die beoefening van die besigheid van die dryf van skepe of lugvaartuie in internasionale verkeer.

3. Ten opsigte van Artikel 10:

Indien, in 'n ooreenkoms ter vermyding van dubbele belasting wat hierna tussen Suid-Afrika en 'n derde Staat aangegaan word, die belastingkoerse van dividende in die bronstaat laer is as daardie gemeld in paragraaf 2 van Artikel 10 van hierdie Ooreenkoms, moet Suid-Afrika die Regering van die Republiek Singapoer onverwyld skriftelik langs die diplomatieke kanaal daarvoor inlig en met die Regering van die Republiek Singapoer begin onderhandel met die doel om behandeling te bied wat vergelykbaar is met daardie wat aan die derde Staat gebied word.

4. Ten opsigte van paragraaf 3 van Artikel 22:

Daar word verstaan dat, vir doeleindes van die toestaan van 'n aftrekking van 'n rentebetaling aan 'n nie-inwoner, niks in hierdie paragraaf so uitgelê word dat dit 'n Kontrakterende Staat verhoed om 'n verpligting op te lê om belasting uit sodanige betaling terug te hou nie.

**TEN BEWYSE WAARVAN** die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms geteken en geseël het in twee oorspronklike eksemplare in die Engelse taal, waarvan beide tekste ewe outentiek is.

**GEDOEN** te Pretoria in die Republiek van Suid-Afrika op hede die 23<sup>ste</sup> dag van November in die jaar 2015 en in die Republiek van Singapoer op hede die 30<sup>ste</sup> dag van November in die jaar 2015.

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**VIR DIE REGERING VAN DIE  
REPUBLIC VAN SUID-AFRIKA**

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**VIR DIE REGERING VAN DIE  
REPUBLIC VAN SINGAPOER**

**SOUTH AFRICAN REVENUE SERVICE****NO. 58****27 JANUARY 2017****INCOME TAX ACT, 1962****AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME**

In terms of section 108(2) of the Income Tax Act, 1962 (Act No 58 of 1962), read in conjunction with section 231(4) of the Constitution of the Republic of South Africa, 1996, it is hereby notified that the Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income set out in the Schedule to this Notice has been entered into with the Government of the Republic of Zimbabwe and has been approved by Parliament in terms of section 231(2) of the Constitution.

It is further notified in terms of paragraph 1 of Article 28 of the Agreement that the date of entry into force is 1 December 2016.

**SCHEDULE****AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME****PREAMBLE**

The Government of the Republic of South Africa and the Government of the Republic of Zimbabwe;

**DESIRING** to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income;

**HAVE AGREED AS FOLLOWS:**

**ARTICLE 1****PERSONS COVERED**

This Agreement shall apply to persons who are residents of one or both of the Contracting States.

**ARTICLE 2****TAXES COVERED**

1. This Agreement shall apply to taxes on income imposed on behalf of a Contracting State or of its political subdivisions, irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income, including taxes on gains from the alienation of movable or immovable property.

3. The existing taxes to which this Agreement shall apply are:

(a) in South Africa:

- (i) the normal tax;
- (ii) the dividends tax;
- (iii) the withholding tax on royalties;
- (iv) the tax on foreign entertainers and sportspersons; and
- (v) the withholding tax on interest;  
(hereinafter referred to as "South African tax");

- (b) in Zimbabwe:
- (i) the income tax;
  - (ii) the non-resident shareholders' tax;
  - (iii) the non-residents' tax on fees;
  - (iv) the non-residents' tax on royalties;
  - (v) the capital gains tax; and
  - (vi) the residents' tax on interest;
- (hereinafter referred to as "Zimbabwean tax").

4. The Agreement shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any significant changes that have been made in their respective taxation laws.

### ARTICLE 3

#### GENERAL DEFINITIONS

1. For the purposes of this Agreement, unless the context otherwise requires:
- (a) the term "South Africa" means the Republic of South Africa and, when used in a geographical sense, includes the territorial sea thereof as well as any area outside the territorial sea, including the continental shelf, which has been or may hereafter be designated, under the laws of South Africa and in accordance with international law, as an area within which South Africa may exercise sovereign rights or jurisdiction;
  - (b) the term "Zimbabwe" means the Republic of Zimbabwe;
  - (c) the terms "a Contracting State" and "the other Contracting State" mean South Africa or Zimbabwe, as the context requires;
  - (d) the term "business" includes the performance of professional services and of other activities of an independent character;
  - (e) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
  - (f) the term "competent authority" means:
    - (i) in South Africa, the Commissioner for the South African Revenue Service or an authorised representative of the Commissioner; and
    - (ii) in Zimbabwe, the Commissioner General of the Zimbabwe Revenue Authority or an authorised representative of the Commissioner General;
  - (g) the term "enterprise" applies to the carrying on of any business;

- (h) the terms “enterprise of a Contracting State” and “enterprise of the other Contracting State” mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;
- (i) the term “international traffic” means any transport by ship, aircraft, or road or rail transport vehicle operated by an enterprise of a Contracting State, except when the ship, aircraft, or road or rail transport vehicle is operated solely between places in the other Contracting State;
- (j) the term “national”, in relation to a Contracting State, means:
  - (i) any individual possessing the nationality of that Contracting State; and
  - (ii) any legal person or association deriving its status as such from the laws in force in that Contracting State; and
- (k) the term “person” includes an individual, an estate, a trust, a company and any other body of persons that is treated as an entity for tax purposes.

2. As regards the application of the provisions of the Agreement at any time by a Contracting State, any term not otherwise defined herein shall, unless the context otherwise requires, have the meaning that it has at that time under the laws of that State for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

## ARTICLE 4

### RESIDENT

1. For the purposes of this Agreement, the term “resident of a Contracting State” means any person who, under the laws of that State, is liable to tax therein by reason of that person’s domicile, residence, place of management or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority thereof. This term, however, does not include any person who is liable to tax in that State in respect only of income from sources therein.

2. Where by reason of the provisions of paragraph 1 of this Article, an individual is a resident of both Contracting States, then that individual’s status shall be determined as follows:

- (a) the individual shall be deemed to be a resident solely of the State in which a permanent home is available to the individual; if a permanent home is available to the individual in both States, the individual shall be deemed to be a resident solely of the State with which the individual’s personal and economic relations are closer (centre of vital interests);

- (b) if the State in which the centre of vital interests is situated cannot be determined, or if the individual has not a permanent home available in either State, the individual shall be deemed to be a resident solely of the State in which the individual has an habitual abode;
- (c) if the individual has an habitual abode in both States or in neither of them, the individual shall be deemed to be a resident solely of the State of which the individual is a national;
- (d) if the individual is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 of this Article, a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall endeavour to determine by mutual agreement, the Contracting State of which such person shall be deemed to be a resident for the purposes of the Agreement, having regard to its place of effective management, the place where it is incorporated or otherwise constituted and any other relevant factors. In the absence of such agreement, such person shall not be entitled to any relief or exemption from tax provided by this Agreement except to the extent and in such manner as may be agreed upon by the competent authorities of the Contracting State.

## **ARTICLE 5**

### **PERMANENT ESTABLISHMENT**

1. For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

2. The term "permanent establishment" shall include especially:

- (a) a place of management;
- (b) a branch;
- (c) an office;
- (d) a factory;
- (e) a workshop;
- (f) a warehouse, in relation to a person providing storage facilities for others;
- (g) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources; and
- (h) an installation or structure used for the exploration of natural resources.



3. The term “permanent establishment” shall be deemed to include:
- (a) a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only if such site, project or activity continues for a period of more than six months;
  - (b) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by the enterprise for such purposes, but only where activities of that nature continue (for the same or a connected project) within a Contracting State for a period or periods exceeding in the aggregate 183 days within any twelve-month period commencing or ending in the year of assessment concerned; and
  - (c) the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days within any twelve-month period commencing or ending in the year of assessment concerned.

4. Notwithstanding the preceding provisions of this Article, the term “permanent establishment” shall be deemed not to include:

- (a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
- (b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
- (c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
- (d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or of collecting information, for the enterprise;
- (e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character;
- (f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (e) of this paragraph, provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

5. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, where a person – other than an agent of an independent status to whom paragraph 6 of this Article applies – is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 of this Article which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.

6. An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.

7. Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 6 applies.

8. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

## ARTICLE 6

### INCOME FROM IMMOVABLE PROPERTY

1. Income derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other State.

2. For purposes of this Agreement, the term “immovable property” shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources. Ships and aircraft shall not be considered as immovable property.

3. The provisions of paragraph 1 of this Article shall also apply to income derived from the direct use, letting or use in any other form of immovable property and to income from the alienation of such property.

4. The provisions of paragraphs 1 and 3 of this Article shall also apply to the income from immovable property of an enterprise.

**ARTICLE 7****BUSINESS PROFITS**

1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment.

2. Subject to the provisions of paragraph 3 of this Article, where an enterprise of a Contracting State carries on or has carried on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

3. In determining the profits of a permanent establishment, there shall be allowed as deductions those deductible expenses which are incurred for the purposes of the business of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.

4. Insofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 of this Article shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary. The method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.

5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

6. For the purposes of the preceding paragraphs of this Article, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.

7. Where profits include items of income which are dealt with separately in other Articles of this Agreement, then the provisions of those Articles shall not be affected by the provisions of this Article.

**ARTICLE 8****INTERNATIONAL TRANSPORT**

1. Profits of an enterprise of a Contracting State from the operation of ships, aircraft, or road or rail transport vehicles in international traffic shall be taxable only in that State.
2. For the purposes of this Article, profits from the operation of ships, aircraft, or road or rail transport vehicles in international traffic shall include:
  - (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic,
  - (b) profits derived from the use or rental of containers, and
  - (c) profits derived from the rental of road or rail transport vehicles,if such profits are incidental to the profits to which the provisions of paragraph 1 of this Article apply.
3. The provisions of paragraph 1 of this Article shall also apply to profits from the participation in a pool, a joint business or an international operating agency.

**ARTICLE 9****ASSOCIATED ENTERPRISES**

1. Where:
  - (a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State; or
  - (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State;

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

2. Where a Contracting State includes in the profits of an enterprise of that State – and taxes accordingly – profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State, if it agrees that the adjustment made by the first mentioned State is justified both in principle and as regards the amount, shall make an appropriate adjustment to the amount of tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Agreement and the competent authorities of the Contracting States shall consult each other.

## ARTICLE 10

### DIVIDENDS

1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.

2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed:

- (a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company which holds directly at least 25 per cent of the capital of the company paying the dividends;
- (b) 10 per cent of the gross amount of the dividends in all other cases.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of these limitations.

The provisions of this paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3. The term “dividends” as used in this Article means income from shares or other rights participating in profits (not being debt-claims), as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the Contracting State of which the company making the distribution is a resident.

4. The provisions of paragraphs 1 and 2 of this Article shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident, through a permanent establishment situated therein and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment. In such case, the provisions of Article 7 shall apply.

5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment situated in that other State, nor subject the company's undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

## ARTICLE 11

### INTEREST

1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such interest may also be taxed in the Contracting State in which it arises, and according to the laws of that State, but if the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the interest.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.

3. Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if:

- (a) the payer of the interest is the Government of that Contracting State or a political subdivision or a local authority thereof; or
- (b) the interest is paid to the Government of the other Contracting State or a political subdivision or a local authority thereof; or
- (c) the interest is paid by the Central Bank of that Contracting State or to the Central Bank of the other Contracting State; or
- (d) the interest is paid to any institution or body which is wholly owned, directly or indirectly, by the other Contracting State or a political subdivision or a local authority thereof; or
- (e) the interest arises in respect of any debt instrument listed on a recognised stock exchange.

4. For the purposes of paragraph 3(e), the term "recognised stock exchange" means:

- (a) in South Africa, the Johannesburg Stock Exchange;
- (b) in Zimbabwe, the Zimbabwe Stock Exchange;
- (c) any other stock exchange agreed upon by the competent authorities of the Contracting States.

5. The term “interest” as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor’s profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as interest for the purposes of this Article.

6. The provisions of paragraphs 1 and 2 of this Article shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises, through a permanent establishment situated therein and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment. In such case, the provisions of Article 7 shall apply.

7. Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the State in which the permanent establishment is situated.

8. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

## **ARTICLE 12**

### **ROYALTIES**

1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.

3. The term “royalties” as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright, any patent, trade mark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience.



4. The provisions of paragraphs 1 and 2 of this Article shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise, through a permanent establishment situated therein and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment. In such case, the provisions of Article 7 shall apply.

5. Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the obligation to pay the royalties was incurred, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated.

6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

## **ARTICLE 13**

### **TECHNICAL FEES**

1. Technical fees arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such technical fees may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the technical fees is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the technical fees.

3. The term "technical fees" as used in this Article means payments of any kind to any person, other than to an employee of the person making the payments, in consideration for any service of an administrative, technical, managerial or consultancy nature.

4. The provisions of paragraphs 1 and 2 of this Article shall not apply if the beneficial owner of the technical fees, being a resident of a Contracting State, carries on business in the other Contracting State in which the technical fees arise, through a permanent establishment situated therein and the technical fees are effectively connected with such permanent establishment. In such case, the provisions of Article 7 shall apply.

5. Technical fees shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the technical fees, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the obligation to pay the technical fees was incurred, and such technical fees are borne by the permanent establishment, then such technical fees shall be deemed to arise in the State in which the permanent establishment is situated.

6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the technical fees paid exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

## ARTICLE 14

### CAPITAL GAINS

1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State, or from the alienation of shares in a company the assets of which consist directly or indirectly principally of such property, may be taxed in that other State.

2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise), may be taxed in that other State.

3. Gains derived by a resident of a Contracting State from the alienation of ships, aircraft or rail or road transport vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or rail or road transport vehicles, shall be taxable only in that State.

4. Gains from the alienation of any property other than that referred to in paragraphs 1, 2 and 3, shall be taxable only in the Contracting State of which the alienator is a resident.

5. Notwithstanding the provisions of paragraph 4, gains from the alienation of shares or other corporate rights of a company which is a resident of one of the Contracting States derived by an individual who was a resident of that State and who after acquiring such shares or rights has become a resident of the other Contracting State, may be taxed in the first-mentioned State if the alienation of the shares or other corporate rights occur at any time during the period of ten years next following the date on which the individual has ceased to be a resident of the first-mentioned State.

**ARTICLE 15****INCOME FROM EMPLOYMENT**

1. Subject to the provisions of Articles 16, 18 and 19, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

2. Notwithstanding the provisions of paragraph 1 of this Article, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

- (a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the year of assessment concerned; and
- (b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State; and
- (c) the remuneration is not borne by a permanent establishment which the employer has in the other State.

3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship, aircraft, or road or rail transport vehicle operated in international traffic by an enterprise of a Contracting State, shall be taxable only in that State.

**ARTICLE 16****DIRECTORS' FEES**

Directors' fees and other similar payments derived by a resident of a Contracting State in that person's capacity as a member of the board of directors of a company which is a resident of the other Contracting State may be taxed in that other State.

**ARTICLE 17****ENTERTAINERS AND SPORTSPERSONS**

1. Notwithstanding the provisions of Articles 7 and 15, income derived by a resident of a Contracting State as an entertainer such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsperson, from that person's personal activities as such exercised in the other Contracting State, may be taxed in that other State.

2. Where income in respect of personal activities exercised by an entertainer or a sportsperson in that person's capacity as such accrues not to the entertainer or sportsperson but to another person, that income may, notwithstanding the provisions of Articles 7 and 15, be taxed in the Contracting State in which the activities of the entertainer or sportsperson are exercised.

## ARTICLE 18

### PENSIONS AND ANNUITIES

1. Subject to the provisions of paragraph 2 of Article 19, pensions and other similar remuneration for past employment, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State.

2. The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

3. Notwithstanding the provisions of paragraph 1 of this Article, pensions paid and other payments made under a public scheme which is part of the social security system of a Contracting State, a political subdivision or a local authority thereof shall be taxable only in that State.

## ARTICLE 19

### GOVERNMENT SERVICE

1. (a) Salaries, wages and other similar remuneration paid by a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.

- (b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:
- (i) is a national of that State; or
  - (ii) did not become a resident of that State solely for the purpose of rendering the services.

2. (a) Notwithstanding the provisions of paragraph 1, pensions and other similar remuneration paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.

(b) However, such pensions and other similar remuneration shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State.

(c) For the purposes of this paragraph, any pension paid out of the Central African Pension Fund and subject to tax under the law of Zimbabwe shall be treated as if it were a pension paid by, or out of funds created by, Zimbabwe.

3. The provisions of Articles 15, 16, 17 and 18 shall apply to salaries, wages, pensions, and other similar remuneration in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof.

## ARTICLE 20

### STUDENTS, APPRENTICES AND BUSINESS TRAINEES

A student, apprentice or business trainee who is present in a Contracting State solely for the purpose of the student, apprentice or business trainee's education or training and who is, or immediately before being so present was, a resident of the other Contracting State, shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State for the purposes of the student, apprentice or business trainee's maintenance, education or training.

## ARTICLE 21

### OTHER INCOME

1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that State.

2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein and the right or property in respect of which the income is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

3. Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Agreement and arising in the other Contracting State may also be taxed in that other State.

**ARTICLE 22****ELIMINATION OF DOUBLE TAXATION**

Double taxation shall be eliminated as follows:

- (a) In South Africa, subject to the provisions of the law of South Africa regarding the deduction from tax payable in South Africa of tax payable in any country other than South Africa (which shall not affect the general principle hereof), Zimbabwean tax paid by residents of South Africa in respect of income taxable in Zimbabwe, in accordance with the provisions of this Agreement, shall be deducted from the taxes due according to South African law. Such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income; and
- (b) In Zimbabwe, subject to the provisions of the law of Zimbabwe regarding the allowance as a credit against Zimbabwean tax of the tax payable in a territory outside Zimbabwe (which shall not affect the general principle hereof) South African tax payable, whether directly or by deduction, in respect of taxable income or chargeable gains from sources within South Africa shall be allowed as a credit against any Zimbabwean tax computed by reference to the same taxable income or chargeable gains by reference to which the South African tax is computed.

**ARTICLE 23****NON-DISCRIMINATION**

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances, in particular with respect to residence, are or may be subjected.

2. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

3. Except where the provisions of paragraph 1 of Article 9, paragraph 8 of Article 11, paragraph 6 of Article 12, or paragraph 6 of Article 13 apply, interest, royalties, technical fees and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State.

4. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.

## **ARTICLE 24**

### **MUTUAL AGREEMENT PROCEDURE**

1. Where a person considers that the actions of one or both of the Contracting States result or will result for that person in taxation not in accordance with this Agreement, that person may, irrespective of the remedies provided by the domestic law of those States, present a case to the competent authority of the Contracting State of which the person is a resident or, if the case comes under paragraph 1 of Article 23, to that of the Contracting State of which the person is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement. They may also consult together for the elimination of double taxation in cases not provided for in the Agreement.

4. The competent authorities of the Contracting States may communicate with each other directly for the purposes of reaching an agreement in the sense of the preceding paragraphs. When it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a commission consisting of representatives of the competent authorities of the Contracting States.

## **ARTICLE 25**

### **EXCHANGE OF INFORMATION**

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Articles 1 and 2.



2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.

3. In no case shall the provisions of paragraph 1 and 2 be construed so as to impose on a Contracting State the obligation:

- (a) to carry out administrative measures at variance with the laws or administrative practice of that or of the other Contracting State;
- (b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State; and
- (c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (*ordre public*).

4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

## ARTICLE 26

### ASSISTANCE IN THE COLLECTION OF TAXES

1. The Contracting States shall lend assistance to each other in the collection of revenue claims. This assistance is not restricted by Articles 1 and 2. The competent authorities of the Contracting States may by mutual agreement settle the mode of application of this Article.

2. The term "revenue claim" as used in this Article means an amount owed in respect of taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, in so far as the taxation thereunder is not contrary to this Agreement or any other instrument to which the Contracting States are parties, as well as interest, administrative penalties and costs of collection or conservancy related to such amount.

3. When a revenue claim of a Contracting State is enforceable under the laws of that State and is owed by a person who, at that time, cannot, under the laws of that State, prevent its collection, that revenue claim shall, at the request of the competent authority of that State, be accepted for purposes of collection by the competent authority of the other Contracting State. That revenue claim shall be collected by that other State in accordance with the provisions of its laws applicable to the enforcement and collection of its own taxes as if the revenue claim were a revenue claim of that other State.

4. When a revenue claim of a Contracting State is a claim in respect of which that State may, under its law, take measures of conservancy with a view to ensure its collection, that revenue claim shall, at the request of the competent authority of that State, be accepted for purposes of taking measures of conservancy by the competent authority of the other Contracting State. That other State shall take measures of conservancy in respect of that revenue claim in accordance with the provisions of its laws as if the revenue claim were a revenue claim of that other State even if, at the time when such measures are applied, the revenue claim is not enforceable in the first-mentioned State or is owed by a person who has a right to prevent its collection.

5. Notwithstanding the provisions of paragraphs 3 and 4, a revenue claim accepted by a Contracting State for purposes of paragraph 3 or 4 shall not, in that State, be subject to the time limits or accorded any priority applicable to a revenue claim under the laws of that State by reason of its nature as such. In addition, a revenue claim accepted by a Contracting State for the purposes of paragraph 3 or 4 shall not, in that State, have any priority applicable to that revenue claim under the laws of the other Contracting State.

6. Proceedings with respect to the existence, validity or the amount of a revenue claim of a Contracting State shall not be brought before the courts or administrative bodies of the other Contracting State.

7. Where, at any time after a request has been made by a Contracting State under paragraph 3 or 4 and before the other Contracting State has collected and remitted the relevant revenue claim to the first-mentioned State, the relevant revenue claim ceases to be:

- (a) in the case of a request under paragraph 3, a revenue claim of the first-mentioned State that is enforceable under the laws of that State and is owed by a person who, at that time, cannot, under the laws of that State, prevent its collection, or
- (b) in the case of a request under paragraph 4, a revenue claim of the first-mentioned State in respect of which that State may, under its laws, take measures of conservancy with a view to ensure its collection,

the competent authority of the first-mentioned State shall promptly notify the competent authority of the other State of that fact and, at the option of the other State, the first-mentioned State shall either suspend or withdraw its request.

8. In no case shall the provisions of this Article be construed so as to impose on a Contracting State the obligation:

- (a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
- (b) to carry out measures which would be contrary to public policy (*ordre public*);
- (c) to provide assistance if the other Contracting State has not pursued all reasonable measures of collection or conservancy, as the case may be, available under its laws or administrative practice;
- (d) to provide assistance in those cases where the administrative burden for that State is clearly disproportionate to the benefit to be derived by the other Contracting State.

## ARTICLE 27

### MEMBERS OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

Nothing in this Agreement shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

## ARTICLE 28

### ENTRY INTO FORCE

1. Each of the Contracting States shall notify the other in writing, through the diplomatic channel, of the completion of the procedures required by its law for the bringing into force of this Agreement. The Agreement shall enter into force on the date of the later of these notifications.

2. The provisions of the Agreement shall apply:

- (a) with regard to taxes withheld at source, in respect of amounts paid or credited on or after the first day of the second month next following the date upon which the Agreement enters into force; and
- (b) with regard to other taxes, in respect of years of assessment beginning on or after the first day of January next following the date upon which the Agreement enters into force.

3. The Agreement between the Government of the Republic of South Africa and the Government of Southern Rhodesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed at Cape Town on 10 June 1965 shall terminate and cease to be effective in relation to any tax for any period for which this Agreement has effect in accordance with the provisions of paragraph 2 of this Article as regards that tax.

**ARTICLE 29****TERMINATION**

1. This Agreement shall remain in force until terminated by one of the Contracting States. Either Contracting State may terminate the Agreement, through the diplomatic channel, by giving notice of termination on or before 30 June in any calendar year beginning after the expiration of five years from the date of entry into force of the Agreement.

2. In such event the Agreement shall cease to apply:

- (a) with regard to taxes withheld at source, in respect of amounts paid or credited after the end of the calendar year in which such notice is given; and
- (b) with regard to other taxes, in respect of years of assessment beginning after the end of the calendar year in which such notice is given.

**IN WITNESS WHEREOF** the undersigned, being duly authorised by their respective Governments, have signed this Agreement in two originals in the English language both texts being equally authentic.

**DONE** in duplicate at Bulawayo on this 4<sup>th</sup> day of August 2015.

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**FOR THE GOVERNMENT OF THE  
REPUBLIC OF SOUTH AFRICA**

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**FOR THE GOVERNMENT OF THE  
REPUBLIC OF ZIMBABWE**

**SUID-AFRIKAANSE INKOMSTEDIENS**

NO. 58

27 JANUARIE 2017

**INKOMSTEBELASTINGWET, 1962****OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN DIE REPUBLIEK VAN ZIMBABWE TER VERMYDING VAN DUBBELE BELASTING EN TER VOORKOMING VAN FISKALE ONTDUIKING MET BETREKKING TOT BELASTINGS OP INKOMSTE**

Ingevolge artikel 108(2) van die Inkomstebelastingwet, 1962 (Wet No 58 van 1962), saamgelees met artikel 231(4) van die Grondwet van die Republiek van Suid-Afrika, 1996, word hiermee kennis gegee dat die ooreenkoms ter vermyding van dubbele belasting en die voorkoming van fiskale ontduiking met betrekking tot belasting op inkomste wat in die Bylae tot hierdie Kennisgewing vervat is, aangegaan is met die Regering van die Republiek van Zimbabwe en deur die Parlement goedgekeur is ingevolge artikel 231(2) van die Grondwet.

Daar word verder bekendgemaak dat ingevolge paragraaf 1 van Artikel 28 van die Ooreenkoms, die datum van inwerkingtreding 1 Desember 2016 is.

**BYLAE****OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN DIE REPUBLIEK VAN ZIMBABWE TER VERMYDING VAN DUBBELE BELASTING EN TER VOORKOMING VAN FISKALE ONTDUIKING MET BETREKKING TOT BELASTINGS OP INKOMSTE****AANHEF**

Die Regering van die Republiek van Suid-Afrika en die Regering van die Republiek van Zimbabwe;

**BEGERIG** om 'n Ooreenkoms aan te gaan ter vermyding van dubbele belasting en ter voorkoming van fiskale ontduiking met betrekking tot belasting op inkomste;

**HET SOOS VOLG OOREENGEKOM:****ARTIKEL 1****PERSONE GEDEK**

Hierdie Ooreenkoms is van toepassing op persone wat inwoners van een van of albei die Kontrakterende State is.

**ARTIKEL 2****BELASTINGS GEDEK**

1. Hierdie Ooreenkoms is van toepassing op belasting op inkomste wat ten behoeve van 'n Kontrakterende Staat of sy staatkundige onderverdelings gehef word, ongeag die wyse waarop dit gehef word.

2. Alle belasting wat op totale inkomste gehef word, of op elemente van inkomste, insluitende belasting op winste uit die vervreemding van roerende of onroerende eiendom, word as belasting op inkomste beskou.

3. Die bestaande belasting waarop hierdie Ooreenkoms van toepassing is, is:-

(a) in Suid-Afrika:

- (i) die normale belasting;
- (ii) die dividendbelasting;
- (iii) die terughobelasting op tantième;
- (iv) die belasting op buitelandse vermaaklikheidskunstenaars en sportpersone;  
en
- (v) die terughobelasting op rente;  
(hieronder die "Suid-Afrikaanse belasting" genoem);

- (b) in Zimbabwe:
- (i) die inkomstebelasting;
  - (ii) die nie-inwoner-aandeelhoudersbelasting;
  - (iii) die nie-inwoner-belasting op gelde;
  - (iv) die nie-inwoner-belasting op tantième;
  - (v) die kapitaalwinstbelasting; en
  - (vi) die inwonersbelasting op rente;
- (hieronder die "Zimbabwese belasting" genoem").

4. Die Ooreenkoms is ook van toepassing op enige identiese of wesenlik soortgelyke belastings wat na die datum van ondertekening van die Ooreenkoms benewens of in die plek van die bestaande belastings gehef word. Die bevoegde owerhede van die Kontrakterende State moet mekaar in kennis stel van enige beduidende veranderinge wat aan hulle onderskeie belastingwette aangebring is.

### ARTIKEL 3

#### ALGEMENE WOORDOMSKRYWING

1. Vir doeleindes van hierdie Ooreenkoms, tensy dit uit die samehang anders blyk:
- (a) beteken die uitdrukking "Suid-Afrika" die Republiek van Suid-Afrika en, wanneer dit in 'n geografiese sin gebruik word, ook die gebiedswaters daarvan asook enige gebied buite die gebiedswaters, insluitende die vastelandsplat, wat ingevolge die wette van Suid-Afrika en ooreenkomstig die volkereg aangewys is of hierna aangewys word as 'n gebied waarin Suid-Afrika soewereine regte of jurisdiksie kan uitoefen;
  - (b) beteken die uitdrukking "Zimbabwe" die Republiek van Zimbabwe;
  - (c) beteken die uitdrukking "'n Kontrakterende Staat" en "die ander Kontrakterende Staat" Suid-Afrika of Zimbabwe, na gelang van die samehang;
  - (d) beteken die uitdrukking "besigheid" die verrigting van beroepsdienste en van ander bedrywighede van 'n onafhanklike aard;
  - (e) beteken die uitdrukking "maatskappy" 'n regs persoon of entiteit wat vir belastingdoeleindes as 'n regs persoon behandel word;
  - (f) beteken die uitdrukking "bevoegde owerheid":
    - (i) in Suid-Afrika, die Kommissaris van die Suid-Afrikaanse Inkomstediens of 'n gemagtigde verteenwoordiger van die Kommissaris; en
    - (ii) in Zimbabwe, die Kommissaris-generaal van die Zimbabwese Inkomste-owerheid of 'n gemagtigde verteenwoordiger van die Kommissaris-generaal;
  - (g) het die uitdrukking "onderneming" betrekking op die bedryf van enige besigheid;



- (h) beteken die uitdrukking "onderneming van 'n Kontrakterende Staat" en "onderneming van die ander Kontrakterende Staat" onderskeidelik 'n onderneming wat deur 'n inwoner van 'n Kontrakterende Staat bedryf word en 'n onderneming wat deur 'n inwoner van die ander Kontrakterende Staat bedryf word;
- (i) beteken die uitdrukking "internasionale verkeer" enige vervoer per skip, lugvaartuig of pad- of spoorvoertuig wat deur 'n onderneming van 'n Kontrakterende Staat bedryf word, uitgesonderd waar die skip, lugvaartuig of pad- of spoorvoertuig slegs tussen plekke in die ander Kontrakterende Staat bedryf word;
- (j) beteken die uitdrukking "burger", met betrekking tot 'n Kontrakterende Staat:
  - (i) enige individu wat burgerskap van daardie Kontrakterende Staat het; en
  - (ii) enige regspersoon of vereniging wat sy status as sodanig verkry uit die wette wat in daardie Kontrakterende Staat van krag is; en
- (k) beteken die uitdrukking "persoon" ook 'n individu, 'n boedel, 'n trust, 'n maatskappy en enige ander liggaam van persone wat vir belastingdoeleindes as 'n entiteit behandel word.

2. Betreffende die toepassing van die bepalings van die Ooreenkoms te eniger tyd deur 'n Kontrakterende Staat het enige uitdrukking wat nie daarin omskryf is nie, tensy dit uit die samehang anders blyk, die betekenis wat dit op daardie tydstip ingevolge die reg van daardie Staat het vir doeleindes van die belastinge waarop die Ooreenkoms van toepassing is, en geniet enige betekenis ingevolge die toepaslike belastingreg van daardie Staat voorrang bo 'n betekenis wat ingevolge ander wette van daardie Staat aan die uitdrukking geheg is.

#### ARTIKEL 4

#### INWONER

1. Vir doeleindes van hierdie Ooreenkoms beteken die uitdrukking "inwoner van 'n Kontrakterende Staat" enige persoon wat ingevolge die wette van daardie Staat aanspreeklik is vir belasting daarin as gevolg van daardie persoon se domisilie, verblyf, plek van bestuur of enige ander kriterium van soortgelyke aard, en sluit dit ook daardie Staat en enige staatkundige onderverdeling of plaaslike owerheid daarvan in. Hierdie uitdrukking sluit egter nie 'n persoon in nie wat in daardie Staat belastingpligtig is net ten opsigte van inkomste uit bronne in daardie Staat.

2. Waar 'n individu uit hoofde van die bepalings van paragraaf 1 van hierdie Artikel 'n inwoner van albei Kontrakterende State is, word daardie individu se status soos volg bepaal:

- (a) die individu word geag 'n inwoner te wees net van die Staat waarin 'n permanente tuiste tot die individu se beskikking is; indien 'n permanente tuiste in albei State tot die individu se beskikking is, word die individu geag 'n inwoner te wees net van die Staat waarmee die individu se persoonlike en ekonomiese betrekkinge die nouste is (tuiste van lewensbelange);

- (b) indien die Staat waarin die tuiste van lewensbelange geleë is nie bepaal kan word nie of indien die individu nie 'n permanente tuiste in enige van die State beskikbaar het nie, word die individu geag 'n inwoner te wees net van die Staat waarin die individu 'n gebruikelike verblyfplek het;
- (c) indien die individu 'n gebruikelike verblyfplek in albei State of in nie een van hulle het nie, word die individu geag 'n inwoner te wees net van die Staat waarvan die individu 'n burger is;
- (d) indien die individu 'n burger van albei State of van nie een van hulle is nie, moet die bevoegde owerhede van die Kontrakterende State die saak deur onderlinge ooreenkoms beslis.

3. Waar uit hoofde van die bepalings van paragraaf 1 van hierdie Artikel 'n ander persoon as 'n individu 'n inwoner van albei Kontrakterende State is, moet die bevoegde owerhede van die Kontrakterende State deur onderlinge ooreenkoms poog om die Kontrakterende Staat te bepaal waarvan daardie persoon vir doeleindes van hierdie Ooreenkoms geag word 'n inwoner te wees, met inagneming van sy plek van effektiewe bestuur, die plek waar hy ingelyf of andersins opgerig is en enige ander tersaaklike faktore. By ontstentenis van sodanige ooreenkoms is daardie persoon nie geregtig op enige verligting of vrystelling van belasting wat by hierdie Ooreenkoms bepaal word nie, uitgesonderd in die mate en op die wyse wat die bevoegde owerhede van die Kontrakterende State kan ooreenkoms.

## ARTIKEL 5

### PERMANENTE SAAK

1. Vir doeleindes van hierdie Ooreenkoms beteken die uitdrukking "permanente saak" 'n vaste besigheidsplek waardeur die besigheid van 'n onderneming in geheel of gedeeltelik bedryf word.

2. Die uitdrukking "permanente saak" sluit veral in:

- (a) 'n plek van bestuur;
- (b) 'n tak;
- (c) 'n kantoor;
- (d) 'n fabriek;
- (e) 'n werkwinkel;
- (f) 'n pakhuis, met betrekking tot 'n persoon wat stoorfasiliteite aan ander verskaf;
- (g) 'n myn, 'n olie- of gasbron, 'n steengroef of enige ander plek van winning van natuurlike hulpbronne; en
- (h) 'n installasie of struktuur wat vir die eksplorاسie van natuurlike hulpbronne gebruik word.

3. Die uitdrukking "permanente saak" word geag die volgende in te sluit:

- (a) 'n bouperseel, 'n konstruksie-, monteer- of installeerprojek of enige toesighoudende bedrywigheid in verband met so 'n perseel of projek, maar net waar so 'n perseel, projek of bedrywigheid langer as ses maande duur;
- (b) die lewering van dienste, ook konsultasiedienste, deur 'n onderneming deur middel van werknemers of ander personeel wat vir sodanige doel deur 'n onderneming in diens geneem word, maar slegs as bedrywighele van daardie aard in 'n Kontrakterende Staat voortduur (vir dieselfde of 'n daaraan verbonde projek) vir 'n tydperk of tydperke wat altesaam meer is as 183 dae in enige twaalfmaandetydperk wat in die betrokke belastingjaar begin of eindig; en
- (c) die verrigting van beroepsdienste of ander bedrywighele van 'n onafhanklike aard deur 'n individu, maar net as daardie dienste of bedrywighele in 'n Kontrakterende Staat voortduur vir 'n tydperk of tydperke wat altesaam meer is as 183 dae in enige twaalfmaandetydperk wat in die betrokke belastingjaar begin of eindig.

4. Ondanks die voorgaande bepalings van hierdie Artikel word die uitdrukking "permanente saak" nie geag die volgende in te sluit nie:

- (a) die gebruik van fasiliteite uitsluitlik met die doel om goedere of handelsware wat aan die onderneming behoort, te berg, te vertoon of te lewer;
- (b) die instandhouding van 'n voorraad goedere of handelsware wat aan die onderneming behoort uitsluitlik vir doeleindes van berging, vertoning of lewering;
- (c) die instandhouding van 'n voorraad goedere of handelsware wat aan die onderneming behoort uitsluitlik vir doeleindes van verwerking deur 'n ander onderneming;
- (d) die instandhouding van 'n vaste besigheidsplek uitsluitlik met die doel om vir die onderneming goedere of handelsware aan te koop of inligting in te win;
- (e) die instandhouding van 'n vaste besigheidsplek uitsluitlik met die doel om enige ander bedrywigheid van 'n voorbereidende of bykomstige aard vir die onderneming te beoefen;
- (f) die instandhouding van 'n vaste besigheidsplek uitsluitlik vir enige kombinasie van bedrywighele in subparagrafe (a) tot (e) genoem, met dien verstande dat die oorkoepelende bedrywigheid van die vaste besigheidsplek wat uit hierdie kombinasie voortspruit, van 'n voorbereidende of bykomstige aard is.

5. Ondanks die bepalings van paragrawe 1 en 2 van hierdie Artikel, waar 'n persoon – uitgesonderd 'n agent met onafhanklike status op wie paragraaf 6 van hierdie Artikel van toepassing is – in 'n Kontrakterende Staat namens 'n onderneming van die ander Kontrakterende Staat optree en die gesag het, en dit gereeld uitoefen, om namens die onderneming kontrakte aan te gaan, word daardie onderneming geag 'n permanente saak in daardie Staat te hê ten opsigte van enige bedrywighede wat daardie persoon vir die onderneming onderneem, tensy die bedrywighede van daardie persoon beperk is tot dié in paragraaf 4 van hierdie Artikel genoem, wat, indien dit deur 'n vaste besigheidsplek uitgeoefen word, hierdie vaste besigheidsplek nie ingevolge die bepalings van daardie paragraaf 'n permanente saak maak nie.

6. 'n Onderneming word nie geag 'n permanente saak in 'n Kontrakterende Staat te hê bloot omdat hy in daardie Staat deur 'n makelaar, algemene kommissieagent of enige ander agent met onafhanklike status besigheid dryf nie, met dien verstande dat sulke persone in die gewone loop van hulle besigheid handel.

7. Ondanks die voorgaande bepalings van hierdie Artikel word 'n versekeringsonderneming van 'n Kontrakterende Staat, uitgesonderd met betrekking tot herversekering, geag 'n permanente saak in die ander Kontrakterende Staat te hê indien hy premies invorder in die gebied van daardie ander Staat of risiko's geleë daarin verseker deur 'n ander persoon as 'n agent met onafhanklike status op wie paragraaf 6 van toepassing is.

8. Die feit dat 'n maatskappy wat 'n inwoner van 'n Kontrakterende Staat is, beheer het oor of beheer word deur 'n maatskappy wat 'n inwoner van die ander Kontrakterende Staat is of wat in daardie ander Staat besigheid dryf (hetsy deur 'n permanente saak of andersins), beteken nie op sigself dat enigeen van die maatskappye 'n permanente saak van die ander is nie.

## ARTIKEL 6

### INKOMSTE UIT ONROERENDE EIENDOM

1. Inkomste wat 'n inwoner van 'n Kontrakterende Staat verkry uit onroerende eiendom (insluitende inkomste uit landbou of bosbou) wat in die ander Kontrakterende Staat geleë is, kan in daardie ander Staat belas word.

2. Vir doeleindes van hierdie Ooreenkoms het die uitdrukking "onroerende eiendom" die betekenis wat daaraan geheg word ingevolge die reg van die Kontrakterende Staat waarin die betrokke eiendom geleë is. Die uitdrukking sluit in elk geval eiendom in bykomstig by onroerende eiendom, lewende hawe en toerusting wat in die landbou en bosbou gebruik word, regte waarop die bepalings van die algemene reg ten opsigte van grondbesit van toepassing is, vruggebruik op onroerende eiendom en regte op veranderlike of vaste betalings as vergoeding vir die ontginning, of die reg op die ontginning, van mineraalafsettings, bronne en ander natuurlike hulpbronne. Skepe, bote en lugvaartuie word nie as onroerende eiendom beskou nie.

3. Die bepalings van paragraaf 1 van hierdie Artikel is ook van toepassing op inkomste verkry uit die regstreekse gebruik, verhuring of gebruik in enige ander vorm van onroerende eiendom en op die inkomste uit die vervreemding van sodanige eiendom.

4. Die bepalings van paragrawe 1 en 3 van hierdie Artikel is ook van toepassing op die inkomste uit die onroerende eiendom van 'n onderneming.

**ARTIKEL 7****BESIGHEIDSWINSTE**

1. Die winste van 'n onderneming van 'n Kontrakterende Staat is net in daardie Staat belasbaar, tensy die onderneming in die ander Kontrakterende Staat besigheid dryf deur 'n permanente saak wat daarin geleë is. Indien die onderneming besigheid dryf soos in die voorgaande sin genoem, kan die winste van die onderneming in die ander Staat belas word, maar net soveel daarvan as wat aan daardie permanente saak toeskryfbaar is.

2. Behoudens die bepalings van paragraaf 3 van hierdie Artikel, waar 'n onderneming van 'n Kontrakterende Staat in die ander Kontrakterende Staat besigheid dryf of gedryf het deur middel van 'n permanente saak wat daarin geleë is, word daar in elke Kontrakterende Staat aan daardie permanente saak die winste toegeskryf wat hy na verwagting sou maak as hy 'n aparte en afsonderlike onderneming is wat met dieselfde of soortgelyke bedrywighede besig is onder dieselfde of soortgelyke toestande en heeltemal onafhanklik optree teenoor die onderneming waarvan hy 'n permanente saak is.

3. By die vasstelling van die winste van 'n permanente saak word daardie aftrekbare uitgawes wat vir die doel van die besigheid van die permanente saak aangegaan is, insluitende uitvoerende en algemene administratiewe uitgawes aldus aangegaan, as aftrekkings toegelaat, hetsy in die Staat waarin die permanente saak geleë is of elders.

4. In soverre dit in 'n Kontrakterende Staat gebruiklik is om die winste wat aan 'n permanente saak toegeskryf moet word, vas te stel op die grondslag van 'n toedeling van die totale winste van die onderneming aan sy onderskeie dele, belet niks in paragraaf 2 van hierdie Artikel daardie Kontrakterende Staat om die winste wat belas moet word, vas te stel deur sodanige toedeling as wat gebruiklik is nie. Die metode van toedeling wat aanvaar word moet egter sodanig wees dat die resultaat in ooreenstemming is met die beginsels in hierdie Artikel vervat.

5. Geen wins word aan 'n permanente saak toegeskryf op grond van die blote aankoop deur daardie permanente saak van goedere of handelsware vir die onderneming nie.

6. Vir doeleindes van die voorgaande paragrawe van hierdie Artikel word die winste wat aan die permanente saak toegeskryf moet word, jaar na jaar volgens dieselfde metode vasgestel, tensy daar goeie en afdoende redes vir die teendeel is.

7. Waar wins inkomste-items insluit wat afsonderlik in ander Artikels van hierdie Ooreenkoms behandel word, word die bepalings van daardie Artikels nie deur die bepalings van hierdie Artikel geraak nie.

**ARTIKEL 8****INTERNASIONALE VERVOER**

1. Die winste van 'n onderneming van 'n Kontrakterende Staat uit die bedryf van skepe of lugvaartuie of pad- of spoorvoertuie in internasionale verkeer is net in daardie Staat belasbaar.

2. Vir die doeleindes van hierdie Artikel sal wins uit die bedryf van skepe, lugvaartuie of pad- of spoorvaartuie in internasionale verkeer:

- (a) winste verkry uit die verhuring op 'n sonderbemanningbasis van skepe of lugvaartuie wat in internasionale verkeer gebruik word,
- (b) winste verkry uit die gebruik of verhuring van houers, en
- (c) winste verkry uit die verhuring van pad- of spoorvoertuie,

waar sodanige winste bykomstig is by die winste waarop die bepalings van paragraaf 1 van hierdie Artikel van toepassing is.

3. Die bepalings van paragraaf 1 van hierdie Artikel is ook van toepassing op winste uit die deelname aan 'n poel, 'n gesamentlike besigheid of 'n internasionale bedryfsagentskap.

**ARTIKEL 9****VERWANTE ONDERNEMINGS**

1. Waar –

- (a) 'n onderneming van 'n Kontrakterende Staat regstreeks of onregstreeks aan die bestuur van, beheer oor of kapitaal van 'n onderneming van die ander Kontrakterende Staat deelneem; of
- (b) dieselfde persone regstreeks of onregstreeks aan die bestuur van, beheer oor of kapitaal van 'n onderneming van 'n Kontrakterende Staat en 'n onderneming van die ander Kontrakterende Staat deelneem;

en in enigeen van die gevalle voorwaardes tussen die twee ondernemings in hulle handels- of finansiële betrekkinge gestel of opgelê word wat verskil van dié wat tussen onafhanklike ondernemings gestel sou word, kan enige winste wat by ontstentenis van daardie voorwaardes aan een van die ondernemings sou toegeval het, maar, as gevolg van daardie voorwaardes, nie aldus toegeval het nie, by die wins van daardie onderneming ingesluit en dienoreenkomstig belas word.

2. Waar 'n Kontrakterende Staat by die winste van 'n onderneming van daardie Staat wins insluit – en dit dienooreenkomstig belas – waarop 'n onderneming van die ander Kontrakterende Staat in daardie ander Staat belas is en die wins aldus ingesluit wins is wat aan die onderneming van eersgenoemde Staat sou toegeval het indien die voorwaardes wat tussen die twee ondernemings gestel is, daardie was wat tussen onafhanklike ondernemings gestel sou word, moet daardie ander Staat, indien hy instem dat die aanpassing gemaak deur eersgenoemde Staat in beginsel en ten opsigte van die bedrag geregverdig is, die bedrag van die belasting wat hy daarin op daardie wins hef, toepaslik aanpas. By die vasstelling van sodanige aanpassing moet daar behoorlik ag geslaan word op die ander bepalings van hierdie Ooreenkoms en moet die bevoegde owerhede van die Kontrakterende State met mekaar oorleg pleeg.

## ARTIKEL 10

### DIVIDENDE

1. Dividende wat deur 'n maatskappy wat 'n inwoner van 'n Kontrakterende Staat is, aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in daardie ander Staat belas word.

2. Sodanige dividende kan egter ook belas word in die Kontrakterende Staat waarvan die maatskappy wat die dividende betaal, 'n inwoner is, en wel ooreenkomstig die wette van daardie Staat, maar as die voordelige eienaar van die dividende 'n inwoner van die ander Kontrakterende Staat is, mag die belasting wat aldus gehef word, nie meer wees nie as:–

- (a) 5 persent van die bruto bedrag van die dividende indien die voordelige eienaar 'n maatskappy is wat regstreeks ten minste 25 persent hou van die kapitaal van die maatskappy wat die dividende betaal;
- (b) 10 persent van die bruto bedrag van die dividende in alle ander gevalle.

Die bevoegde owerhede van die Kontrakterende State moet by onderlinge ooreenkoms besluit oor die wyse van toepassing van hierdie beperkings.

Die bepalings van hierdie paragraaf raak nie die belasting van die maatskappy ten opsigte van die winste waaruit die dividende betaal word nie.

3. Die uitdrukking "dividende" soos in hierdie Artikel gebruik, beteken inkomste uit aandele of ander regte wat in winste deel (wat nie skuldeise is nie), asook inkomste uit ander regsperseonsooregte wat onderhewig is aan dieselfde belastingbehandeling as inkomste uit aandele ingevolge die wette van die Kontrakterende Staat waarvan die maatskappy wat die uitkering doen, 'n inwoner is.

4. Die bepalings van paragrawe 1 en 2 van hierdie Artikel is nie van toepassing nie indien die voordelige eienaar van die dividende, wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat waarvan die maatskappy wat die dividende betaal 'n inwoner is, besigheid dryf deur middel van 'n permanente saak wat daarin geleë is, en die aandeelhouding ten opsigte waarvan die dividende betaal word, effektief aan sodanige permanente saak verbonde is. In sodanige geval is die bepalings van Artikel 7 van toepassing.



5. Waar 'n maatskappy wat 'n inwoner van 'n Kontrakterende Staat is, wins of inkomste uit die ander Kontrakterende Staat verkry, hef daardie ander Staat geen belasting op die dividende wat deur die maatskappy betaal word nie, uitgesonderd in soverre sodanige dividende aan 'n inwoner van daardie ander Staat betaal word of in soverre die aandeelhouing ten opsigte waarvan die dividende betaal word, effektief verbonde is aan 'n permanente saak wat in daardie ander Staat geleë is, en onderwerp hy ook nie die maatskappy se onuitgekeerde wins aan 'n belasting op onuitgekeerde wins nie, selfs al bestaan die dividende wat betaal word of die onuitgekeerde wins in geheel of gedeeltelik uit wins of inkomste wat in sodanige ander Staat ontstaan.

## ARTIKEL 11

### RENTE

1. Rente wat in 'n Kontrakterende Staat ontstaan en aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in daardie ander Staat belas word.

2. Sodanige rente kan egter ook in die Kontrakterende Staat waarin dit ontstaan en ooreenkomstig die wette van daardie Staat belas word, maar as die voordelige eienaar van die rente 'n inwoner van die ander Kontrakterende Staat is, mag die belasting wat aldus gehef word, nie meer as 5 persent van die bruto bedrag van die rente wees nie.

Die bevoegde owerhede van die Kontrakterende State moet by onderlinge ooreenkoms besluit oor die wyse van toepassing van hierdie beperking.

3. Ondanks die bepalings van paragraaf 2, word rente wat in 'n Kontrakterende Staat ontstaan, in daardie Staat vrygestel van belasting indien:

- (a) die betaler van die rente die Regering van daardie Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid daarvan is; of
- (b) die rente betaal word aan die Regering van die ander Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid daarvan; of
- (c) die rente betaal word deur die Sentrale Bank van daardie Kontrakterende Staat of aan die Sentrale Bank van die ander Kontrakterende Staat; of
- (d) die rente betaal word aan 'n instelling of liggaam wat, regstreeks of onregstreeks, in geheel besit word deur die ander Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid daarvan; of
- (e) die rente ontstaan ten opsigte van enige skuldinstrument wat op 'n erkende effektebeurs genoteer is.

4. Vir die doeleindes van paragraaf 3(e), beteken die uitdrukking "erkende effektebeurs":

- (a) in Suid-Afrika, die Johannesburgse Effektebeurs;
- (b) in Zimbabwe, die Zimbabwiese Effektebeurs;
- (c) enige ander effektebeurs waarop die bevoegde owerhede van die Kontrakterende State ooreenkom.

5. Die uitdrukking "rente" soos dit in hierdie Artikel gebruik word, beteken inkomste uit alle soorte skuldeise, hetsy deur 'n verband gesekureer al dan nie en hetsy dit 'n reg inhou om in die skuldenaar se wins te deel al dan nie, en in die besonder inkomste uit staatseffekte en inkomste uit obligasies of skuldbriewe, insluitende premies en pryse verbonde aan sodanige effekte, obligasies of skuldbriewe. Boeteheffings vir laat betaling word vir die doel van hierdie Artikel nie as rente beskou nie.

6. Die bepalings van paragrawe 1 en 2 van hierdie Artikel is nie van toepassing nie indien die voordelige eienaar van die rente wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat waarin die rente ontstaan, besigheid dryf deur 'n permanente saak wat daarin geleë is en die skuldeis ten opsigte waarvan die rente betaal word, effektief verbonde is aan sodanige permanente saak. In sodanige geval is die bepalings van Artikel 7 van toepassing.

7. Rente word geag in 'n Kontrakterende Staat te ontstaan wanneer die betaler 'n inwoner van daardie Staat is. Waar die persoon wat die rente betaal, hetsy daardie persoon 'n inwoner van 'n Kontrakterende Staat is al dan nie, in 'n Kontrakterende Staat 'n permanente saak het in verband waarmee die skuld waarop die rente betaal word aangegaan is, en sodanige rente deur sodanige permanente saak gedra word, word sodanige rente egter geag te ontstaan in die Staat waarin die permanente saak geleë is.

8. Waar, vanweë 'n besondere verhouding tussen die betaler en die voordelige eienaar of tussen hulle albei en 'n ander persoon, die bedrag van die rente, met inagneming van die skuldeis waarvoor dit betaal word, meer is as die bedrag waarop die betaler en die voordelige eienaar sou ooreengekom het by ontstentenis van so 'n verhouding, is die bepalings van hierdie Artikel net op laasgenoemde bedrag van toepassing. In sodanige geval bly die oormaatdeel van die betalings belasbaar ooreenkomstig die wette van elke Kontrakterende Staat, met behoorlike inagneming van die ander bepalings van hierdie Ooreenkoms.

## ARTIKEL 12

### TANTIÈME

1. Tantième wat in 'n Kontrakterende Staat ontstaan en aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in daardie ander Staat belas word.

2. Sodanige tantième kan egter ook in die Kontrakterende Staat waarin dit ontstaan en ooreenkomstig die wette van daardie Staat belas word, maar as die voordelige eienaar van die tantième 'n inwoner van die ander Kontrakterende Staat is, mag die belasting wat aldus gehef word nie meer as 10 persent van die bruto bedrag van die tantième wees nie.

Die bevoegde owerhede van die Kontrakterende State moet by onderlinge ooreenkoms besluit oor die wyse van toepassing van hierdie beperking.

3. Die uitdrukking "tantième" soos dit in hierdie Artikel gebruik word, beteken betalings van enige soort wat ontvang word as vergoeding vir die gebruik, of die reg op die gebruik, van enige outeursreg, enige patent, handelsmerk, ontwerp of model, plan, geheime formule of proses, of vir inligting rakende nywerheids-, handels- of wetenskapondervinding.

4. Die bepalings van paragrawe 1 en 2 van hierdie Artikel is nie van toepassing nie indien die voordelige eienaar van die tantième wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat waarin die tantième ontstaan, besigheid dryf deur middel van 'n permanente saak wat daarin geleë is, en die reg of eiendom ten opsigte waarvan die tantième betaal word, effektief verbonde is aan sodanige permanente saak. In so 'n geval is die bepalings van Artikel 7 van toepassing.

5. Tantième word geag in 'n Kontrakterende Staat te ontstaan wanneer die betaler 'n inwoner van daardie Staat is. Waar die persoon wat die tantième betaal, hetsy daardie persoon 'n inwoner van 'n Kontrakterende Staat is al dan nie, in 'n Kontrakterende Staat 'n permanente saak het ten opsigte waarvan die aanspreeklikheid om die tantième betaal aangegaan is, en sodanige tantième deur sodanige permanente saak gedra word, word sodanige tantième geag te ontstaan in die Staat waarin die permanente saak geleë is.

6. Waar, as gevolg van 'n spesiale verhouding tussen die betaler en die voordelige eienaar of tussen hulle albei en 'n ander persoon, die bedrag van die tantième, met inagneming van die gebruik, reg of inligting waarvoor dit betaal word, meer is as die bedrag waarop die betaler en die voordelige eienaar sou ooreengekom het by ontstentenis van so 'n verhouding, is die bepalings van hierdie Artikel net op laasgenoemde bedrag van toepassing. In so 'n geval bly die oormaatdeel van die betalings belasbaar ooreenkomstig die wette van elk van die Kontrakterende State, met behoorlike inagneming van die ander bepalings van hierdie Ooreenkoms.

## **ARTIKEL 13**

### **TEGNIESE GELDE**

1. Tegniese gelde wat in 'n Kontrakterende Staat ontstaan en aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in daardie ander Staat belas word.

2. Sodanige tegniese gelde kan egter ook in die Kontrakterende Staat waarin dit ontstaan en ooreenkomstig die wette van daardie Staat belas word, maar indien die voordelige eienaar van die tegniese gelde 'n inwoner van die ander Kontrakterende Staat is, mag die belasting wat aldus gehef word nie meer wees nie as 5 persent van die bruto bedrag van die tegniese gelde.

3. Die uitdrukking "tegniese gelde" soos in hierdie Artikel gebruik word, beteken betalings van enige soort aan enige persoon, uitgesonderd 'n werknemer van die persoon wat die betalings doen, as vergoeding vir 'n diens van 'n administratiewe, tegniese, bestuurs- of raadplegingsaard.

4. Die bepalings van paragrawe 1 en 2 van hierdie Artikel is nie van toepassing nie indien die voordelige eienaar van die tegniese gelde wat 'n inwoner van 'n Kontrakterende Staat is, besigheid dryf in die ander Kontrakterende Staat waarin die tegniese gelde ontstaan deur 'n permanente saak wat daarin geleë is, en die tegniese gelde effektief aan sodanige permanente saak verbonde is. In sodanige geval is die bepalings van Artikel 7 van toepassing.

5. Tegniese gelde word geag in 'n Kontrakterende Staat te ontstaan wanneer die betaler 'n inwoner van daardie Staat is. Waar die persoon wat die tegniese gelde betaal, hetsy daardie persoon 'n inwoner van 'n Kontrakterende Staat is al dan nie, egter in 'n Kontrakterende Staat 'n permanente saak het in verband waarmee die verpligting om die tegniese gelde te betaal aangegaan is, en sodanige tegniese gelde deur sodanige permanente saak gedra word, word sodanige tegniese gelde geag te ontstaan in die Kontrakterende Staat waarin die permanente saak geleë is.

6. Waar, omrede 'n spesiale verhouding tussen die betaler en die voordelige eienaar of tussen hulle albei en 'n ander persoon, die bedrag van die tegniese gelde wat betaal word meer is as die bedrag waarop die betaler en die voordelige eienaar by ontstentenis van so 'n verhouding sou ooreengekom het, is die bepalings van hierdie Artikel slegs op laasgenoemde bedrag van toepassing. In sodanige geval bly die oormaatdeel van die betalings belasbaar ooreenkomstig die wette van elke Kontrakterende Staat, met behoorlike inagneming van die ander bepalings van hierdie Ooreenkoms.

## ARTIKEL 14

### KAPITAALWINS

1. Wins wat 'n inwoner van 'n Kontrakterende Staat verkry uit die vervreemding van onroerende eiendom wat in Artikel 6 bedoel word en in die ander Kontrakterende Staat geleë is, of uit die vervreemding van aandele in 'n maatskappy waarvan die bates regstreeks of onregstreeks hoofsaaklik uit daardie eiendom bestaan, kan in daardie ander Staat belas word.

2. Wins uit die vervreemding van roerende eiendom wat deel uitmaak van die besigheidseiendom van 'n permanente saak wat 'n onderneming van 'n Kontrakterende Staat in die ander Kontrakterende Staat het, ook die wins uit die vervreemding van so 'n permanente saak (alleen of met die hele onderneming), kan in daardie ander Staat belas word.

3. Wins wat 'n inwoner van 'n Kontrakterende Staat verkry uit die vervreemding van skepe, lugvaartuie of spoor- of padvoertuie wat in internasionale verkeer bedryf word of roerende eiendom wat op die bedryf van sodanige skepe, lugvaartuie of spoor- of padvoertuie betrekking het, is net in daardie Staat belasbaar.

4. Wins uit die vervreemding van enige ander eiendom as dié in paragrawe 1, 2 en 3 van hierdie Artikel bedoel, is belasbaar net in die Kontrakterende Staat waarvan die vervreemder 'n inwoner is.

5. Ondanks die bepalings van paragraaf 4, kan wins verkry uit die vervreemding van aandele of ander korporatiewe regte van 'n maatskappy wat 'n inwoner van een van die Kontrakterende State is, deur 'n individu wat 'n inwoner van daardie Staat is en wat na die verkryging van sodanige aandele of regte 'n inwoner van die ander Kontrakterende Staat geword het, in eersgenoemde Staat belas word indien die vervreemding van die aandele of ander korporatiewe regte te eniger tyd plaasvind in 'n tydperk van tien jaar wat volg op die datum waarop die individu opgehou het om 'n inwoner van eersgenoemde Staat te wees.

**ARTIKEL 15****INKOMSTE UIT DIENSBETREKING**

1. Behoudens die bepalings van Artikel 16, 18 en 19 is salarisse, lone en ander soortgelyke besoldiging wat 'n inwoner van 'n Kontrakterende Staat ten opsigte van diens verkry, net in daardie Staat belasbaar, tensy die diens in die ander Kontrakterende Staat beoefen word. Indien die diens aldus beoefen word, kan die besoldiging wat daaruit verkry word in daardie ander Staat belas word.

2. Ondanks die bepalings van paragraaf 1 van hierdie Artikel is besoldiging wat 'n inwoner van 'n Kontrakterende Staat ontvang ten opsigte van diens wat in die ander Kontrakterende Staat beoefen word, net in eersgenoemde Staat belasbaar indien:-

- (a) die ontvanger in die ander Staat teenwoordig is vir 'n tydperk of tydperke wat altesaam hoogstens 183 dae is in enige twaalfmaandetydperk wat in die betrokke belastingjaar begin of eindig; en
- (b) die besoldiging betaal word deur of namens 'n werkgever wat nie 'n inwoner van die ander Staat is nie; en
- (c) die besoldiging nie deur 'n permanente saak wat die werkgever in die ander Staat het, gedra word nie.

3. Ondanks die voorgaande bepalings van hierdie Artikel mag besoldiging wat ontvang word ten opsigte van diens wat beoefen word aan boord van 'n skip, lugvaartuig, of pad- of spoorvoertuig wat deur 'n onderneming van 'n Kontrakterende Staat in internasionale verkeer bedryf word, net in daardie Staat belas word.

**ARTIKEL 16****DIREKTEURSGELDE**

Direkteursgelde en ander soortgelyke betalings wat deur 'n inwoner van 'n Kontrakterende Staat verkry word in daardie persoon se hoedanigheid as lid van die direksie van 'n maatskappy wat 'n inwoner van die ander Kontrakterende Staat is, kan in daardie ander Staat belas word.

**ARTIKEL 17****VERMAAKLIKHEIDSKUNSTENAARS EN SPORTPERSONE**

1. Ondanks die bepalings van Artikel 7 en 15 kan inkomste verkry deur 'n inwoner van 'n Kontrakterende Staat as vermaaklikheidskunstenaar, soos 'n teater-, rolprent-, radio- of televisiekunstenaar, of 'n musikant, of as sportpersoon, uit daardie persoon se persoonlike bedrywighede wat as sodanig in die ander Kontrakterende Staat beoefen word, in daardie ander Staat belas word.

2. Waar inkomste ten opsigte van persoonlike bedrywighede wat deur 'n vermaaklikheidskunstenaar of sportpersoon in daardie persoon se hoedanigheid as sodanig uitgeoefen word, nie aan die vermaaklikheidskunstenaar of sportpersoon toeval nie, maar aan 'n ander persoon, kan daardie inkomste, ondanks die bepalings van Artikel 7 en 15, belas word in die Kontrakterende Staat waarin die bedrywighede van die vermaaklikheidskunstenaar of sportpersoon beoefen word.

## ARTIKEL 18

### PENSIOENE EN ANNUÏTEITE

1. Behoudens die bepalings van paragraaf 2 van Artikel 19 kan pensioene en ander soortgelyke besoldiging vir vorige diens, en annuïteite, wat in 'n Kontrakterende Staat ontstaan en aan 'n inwoner van die ander Kontrakterende Staat betaal word, in eersgenoemde Staat belas word.

2. Die uitdrukking "annuïteit" beteken 'n vermelde bedrag wat periodiek op vermelde tye gedurende die lewe van 'n persoon of gedurende 'n gespesifiseerde of vasstelbare tydperk betaalbaar word ingevolge 'n verpligting om die betalings te doen in ruil vir voldoende en volle teenprestasie in geld of geldwaarde.

3. Ondanks die bepalings van paragraaf 1 van hierdie Artikel is pensioene en ander betalings ingevolge 'n openbare skema wat deel is van die maatskaplikesekerheidstelsel van 'n Kontrakterende Staat, of 'n staatkundige onderverdeling of 'n plaaslike owerheid daarvan, net in daardie Staat belasbaar.

## ARTIKEL 19

### REGERINGSDIENS

1. (a) Salarisse, lone en ander soortgelyke besoldiging wat deur 'n Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid daarvan aan 'n individu betaal word ten opsigte van dienste gelewer aan daardie Staat of onderverdeling of owerheid, is net in daardie Staat belasbaar.

(b) Sodanige salarisse, lone en ander soortgelyke besoldiging is egter net in die ander Kontrakterende Staat belasbaar as die dienste in daardie Staat gelewer word en die individu 'n inwoner van daardie Staat is wat:-

- (i) 'n burger van daardie Staat is; of
- (ii) nie 'n inwoner van daardie Staat geword het uitsluitlik met die doel om die dienste te lewer nie.

2. (a) Ondanks die bepalings van paragraaf 1 is pensioene en ander soortgelyke besoldiging wat betaal word deur, of uit fondse geskep deur, 'n Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid daarvan aan 'n individu ten opsigte van dienste gelewer aan daardie Staat of onderverdeling of owerheid, net in daardie Staat belasbaar.

(b) Sodanige pensioene en ander soortgelyke besoldiging is egter net in die ander Kontrakterende Staat belasbaar indien die individu 'n inwoner en 'n burger van daardie Staat is.

(c) Vir doeleindes van hierdie paragraaf, word enige pensioen wat uit die Sentrale Afrika-pensioenfonds betaal word en ingevolge die Zimbabwereg aan belasting onderhewig is, behandel asof dit 'n pensioen is wat deur, of uit fondse geskep deur, Zimbabwe betaal is.

3. Die bepalings van Artikel 15, 16, 17 en 18 is van toepassing op salarisse, lone, pensioene en ander soortgelyke besoldiging ten opsigte van dienste gelewer in verband met 'n besigheid wat gedryf word deur 'n Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid daarvan.

## ARTIKEL 20

### STUDENTE, VAKLEERLINGE EN BESIGHEIDSLEERLINGE

'n Student, 'n vakleerling of besigheidsléerling wat in 'n Kontrakterende Staat teenwoordig is uitsluitlik vir die doel van die student, vakleerling of besigheidsléerling se onderrig en opleiding en wat 'n inwoner is, of onmiddellik voor sodanige teenwoordigheid 'n inwoner was, van die ander Kontrakterende Staat, is in eersgenoemde Staat vrygestel van belasting op betalings ontvang van buite daardie eersgenoemde Staat vir die doel van die student, vakleerling of besigheidsléerling se onderhoud, onderrig en opleiding.

## ARTIKEL 21

### ANDER INKOMSTE

1. Die inkomste-items van 'n inwoner van 'n Kontrakterende Staat, ongeag waar dit ontstaan, wat nie in die voorgaande Artikels van hierdie Ooreenkoms behandel word nie, is net in daardie Staat belasbaar.

2. Die bepalings van paragraaf 1 is nie op inkomste van toepassing nie, uitgesonderd inkomste uit onroerende eiendom soos in paragraaf 2 van Artikel 6 omskryf, indien die ontvanger van sodanige inkomste, wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat besigheid dryf deur middel van 'n permanente saak wat daarin geleë is en die reg of eiendom ten opsigte waarvan die inkomste betaal word, effektief aan sodanige permanente saak verbonde is. In sodanige geval is die bepalings van Artikel 7 van toepassing.

3. Ondanks die bepalings van paragrawe 1 en 2 kan inkomste-items van 'n inwoner van 'n Kontrakterende Staat wat nie in die voorgaande Artikels van die Ooreenkoms behandel word nie en in die ander Kontrakterende Staat ontstaan, ook in daardie ander Staat belas word.



**ARTIKEL 22****UITSKAKELING VAN DUBBELE BELASTING**

Dubbele belasting word soos volg uitgeskakel:

- (a) In Suid-Afrika, behoudens die bepalings van die reg van Suid-Afrika betreffende die aftrekking van belasting betaalbaar in Suid-Afrika van belasting betaalbaar in enige ander land as Suid-Afrika (wat nie die algemene beginsel hiervan raak nie), word Zimbabwiese belasting wat deur inwoners van Suid-Afrika betaal word ten opsigte van inkomste wat in Zimbabwe belasbaar is, ooreenkomstig die bepalings van hierdie Ooreenkoms afgetrek van die belastings wat ooreenkomstig die Suid-Afrikaanse fiskale reg verskuldig is. Sodanige aftrekking mag egter nie meer wees nie as 'n bedrag wat tot die totale Suid-Afrikaanse belasting betaalbaar in dieselfde verhouding staan as waarin die betrokke inkomste tot die totale inkomste staan; en
- (b) In Zimbabwe, behoudens die bepalings van die reg van Zimbabwe betreffende die toestaan as 'n krediet teen Zimbabwiese belasting van die belasting betaalbaar in 'n gebied buite Zimbabwe (wat nie die algemene beginsel hiervan aantast nie), word Suid-Afrikaanse belasting betaalbaar, hetsy regstreeks of by wyse van aftrekking, ten opsigte van belasbare inkomste of vorderbare wins uit bronne binne Suid-Afrika, toegestaan as 'n krediet teen enige Zimbabwiese belasting wat bereken word met betrekking tot dieselfde belasbare inkomste of vorderbare wins ten opsigte waarvan die Suid-Afrikaanse belasting bereken word.

**ARTIKEL 23****NIEDISKRIMINASIE**

1. Die burgers van 'n Kontrakterende Staat mag nie in die ander Kontrakterende Staat onderwerp word aan enige belasting of enige vereiste in verband daarmee wat anders of knellender is as die belasting en verwante vereistes waaraan burgers van daardie ander Staat in dieselfde omstandighede, in die besonder met betrekking tot verblyf, onderwerp is of kan word nie.
2. Die belasting op 'n permanente saak wat 'n onderneming van 'n Kontrakterende Staat in die ander Kontrakterende Staat het, word nie in daardie ander Staat minder gunstig gehef as die belasting wat gehef word op ondernemings van daardie ander Staat wat dieselfde bedrywighede beoefen nie. Hierdie bepaling word nie so uitgelê dat dit 'n Kontrakterende Staat verplig om aan die inwoners van die ander Kontrakterende Staat enige persoonlike korting, verligting en vermindering vir belastingdoeleindes toe te staan op grond van burgerlike status of gesinsverantwoordelikhede wat hy aan sy eie inwoners toestaan nie.
3. Uitgesonderd waar die bepalings van paragraaf 1 van Artikel 9, paragraaf 8 van Artikel 11, paragraaf 6 van Artikel 12 of paragraaf 6 van Artikel 13 van toepassing is, is rente, tantième, tegniese gelde en ander betalings deur 'n onderneming van 'n Kontrakterende Staat aan 'n inwoner van die ander Kontrakterende Staat met die doel om die belasbare wins van sodanige onderneming te bepaal, aftrekbaar op dieselfde voorwaardes asof dit aan 'n inwoner van eersgenoemde Staat betaal is.

4. Ondernemings van 'n Kontrakterende Staat, waarvan die kapitaal regstreeks of onregstreeks in geheel of gedeeltelik deur een of meer inwoners van die ander Kontrakterende Staat besit of beheer word, word nie in eersgenoemde Staat onderwerp aan enige belasting of enige vereiste in verband daarmee wat anders of knellender is as die belasting en verwante vereistes waaraan ander soortgelyke ondernemings van eersgenoemde Staat onderwerp is of kan word nie.

## ARTIKEL 24

### PROSEDURE VIR ONDERLINGE OOREENKOMS

1. Waar 'n persoon van mening is dat die optrede van een van of albei die Kontrakterende State tot gevolg het of sal hê dat daardie persoon nie ooreenkomstig hierdie Ooreenkoms belas word nie, kan daardie persoon, ongeag die regsmittele waarvoor die landsreg van daardie State voorsiening maak, 'n saak stel aan die bevoegde owerheid van die Kontrakterende Staat waarvan die persoon 'n inwoner is of, indien die saak onder paragraaf 1 van Artikel 23 ressorteer, aan dié van die Kontrakterende Staat waarvan die persoon 'n burger is. Die saak moet gestel word binne drie jaar na die eerste kennisgewing van die optrede wat lei tot belasting wat nie ooreenkomstig die bepalings van die Ooreenkoms is nie.

2. Die bevoegde owerheid moet poog, indien die beswaar na sy oordeel geregverdig voorkom en hy self nie 'n bevredigende oplossing kan vind nie, om die saak te besleg by onderlinge ooreenkoms met die bevoegde owerheid van die ander Kontrakterende Staat, met die oog op die vermyding van belasting wat nie in ooreenstemming met die Ooreenkoms is nie. Enige ooreenkoms bereik moet toegepas word ondanks enige tydsbeperkings in die landsreg van die Kontrakterende State.

3. Die bevoegde owerhede van die Kontrakterende State moet poog om enige moeilikhede of twyfel wat oor die vertolking of toepassing van die Ooreenkoms ontstaan, by onderlinge ooreenkoms te besleg. Hulle kan ook saam oorleg pleeg met die oog op die uitskakeling van dubbele belasting in gevalle waarvoor die Ooreenkoms nie voorsiening maak nie.

4. Die bevoegde owerhede van die Kontrakterende State kan regstreeks met mekaar kommunikeer met die doel om tot 'n ooreenkoms te geraak soos in die voorgaande paragrawe beoog. Wanneer 'n mondelinge meningswisseling raadsaam blyk ten einde tot 'n ooreenkoms te geraak, kan sodanige meningswisseling plaasvind deur 'n gesamentlike kommissie bestaande uit verteenwoordigers van die bevoegde owerhede van die Kontrakterende State.

## ARTIKEL 25

### UITRUIL VAN INLIGTING

1. Die bevoegde owerhede van die Kontrakterende State moet sodanige inligting uitruil wat voorsienbaar tersaaklik is om die bepalings van hierdie Ooreenkoms uit te voer of vir die administrasie of toepassing van hul landsreg rakende belastings van elke soort en beskrywing wat namens die Kontrakterende State of hulle staatkundige onderverdelings of plaaslike owerhede gehef word, in soverre die belasting daarkragtens nie strydig met die Ooreenkoms is nie. Die uitruil van inligting word nie deur Artikel 1 en 2 beperk nie.

2. Enige inligting wat ingevolge paragraaf 1 deur 'n Kontrakterende Staat ontvang word, word as geheim behandel op dieselfde wyse as inligting wat ingevolge die landsreg van daardie Staat verkry is, en mag slegs bekend gemaak word aan persone of owerhede (insluitende howe en administratiewe liggeme) gemoeid met die aanslaan of invordering van, die afdwing of vervolging ten opsigte van, die beslissing van appèlle met betrekking tot die belastings in paragraaf 1 bedoel, of toesig oor die voorgaande. Sodanige persone of owerhede mag die inligting net vir sodanige doeleindes gebruik. Hulle mag die inligting in openbare hofverrigtinge of by regterlike beslissings openbaar maak.

3. In geen geval mag die bepalings van paragrafe 1 en 2 so uitgelê word dat dit aan 'n Kontrakterende Staat die verpligting oplê om:-

- (a) administratiewe maatreëls wat strydig is met die wette of administratiewe praktyk van daardie of van die ander Kontrakterende Staat uit te voer nie;
- (b) inligting te verskaf wat nie ingevolge die wette of in die normale loop van administrasie van daardie of die ander Kontrakterende Staat verkrygbaar is nie; en
- (c) inligting te verstrek wat enige handels-, sake-, nywerheids-, kommersiële of beroepsgeheim of handelsproses, of inligting, openbaar sal maak, waarvan die openbaarmaking strydig met die openbare beleid (*ordre public*) sal wees nie.

4. Indien inligting ooreenkomstig hierdie Artikel deur 'n Kontrakterende Staat aangevra word, moet die ander Kontrakterende Staat sy inligtingversamelmaatreëls gebruik om die verlangde inligting te verkry, al het daardie ander Staat sodanige inligting nie vir sy eie belastingdoeleindes nodig nie. Die verpligting vervat in die voorgaande sin is onderhewig aan die beperkings van paragraaf 3, maar sodanige beperkings mag in geen geval so uitgelê word dat dit 'n Kontrakterende Staat toelaat om te weier om inligting te verstrek bloot omdat hy geen plaaslike belang by sodanige inligting het nie.

5. In geen geval mag die bepalings van paragraaf 3 so uitgelê word dat dit 'n Kontrakterende Staat toelaat om te weier om inligting te verstrek bloot omdat die inligting deur 'n bank, ander finansiële instelling, benoemde of persoon wat in 'n agentskap- of 'n fidusiële hoedanigheid optree, gehou word of omdat dit met eienaarskapbelange in 'n persoon verband hou nie.

## ARTIKEL 26

### BYSTAND MET DIE INVORDERING VAN BELASTINGS

1. Die Kontrakterende State moet aan mekaar bystand verleen met die invordering van inkomste-eise. Hierdie bystand word nie deur Artikels 1 en 2 beperk nie. Die bevoegde owerhede van die Kontrakterende State kan by onderlinge ooreenkoms besluit oor die wyse van toepassing van hierdie Artikel.

2. Die uitdrukking "inkomste-eis" soos in hierdie Artikel gebruik, beteken 'n bedrag wat verskuldig is ten opsigte van belastings van elke soort en beskrywing wat namens die Kontrakterende State of hulle staatkundige onderverdelings of plaaslike owerhede gehef word, in soverre die belasting daarkragtens nie strydig is nie met hierdie Ooreenkoms of met enige ander instrument waarby die Kontrakterende State partye is, asook die rente, administratiewe boetes en die koste van invordering of bewaring met betrekking tot daardie bedrag.

3. Wanneer 'n inkomste-eis van 'n Kontrakterende Staat ingevolge die wette van daardie Staat afdwingbaar is en verskuldig is deur 'n persoon wat, op daardie tydstip, ingevolge die wette van daardie Staat nie die invordering daarvan kan voorkom nie, moet daardie inkomste-eis, op versoek van die bevoegde owerheid van daardie Staat, vir doeleindes van invordering aanvaar word deur die bevoegde owerheid van die ander Kontrakterende Staat. Daardie inkomste-eis moet deur daardie ander Staat ingevorder word in ooreenstemming met die bepalings van sy wette van toepassing op die afdwinging en invordering van sy eie belastings asof die inkomste-eis 'n inkomste-eis van daardie ander Staat is.

4. Wanneer 'n inkomste-eis van 'n Kontrakterende Staat 'n eis is ten opsigte waarvan daardie Staat ingevolge sy reg bewaringsmaatreëls kan tref om die invordering daarvan te verseker, moet daardie inkomste-eis op versoek van die bevoegde owerheid van daardie Staat aanvaar word vir doeleindes van die tref van bewaringsmaatreëls deur die bevoegde owerheid van die ander Kontrakterende Staat. Daardie ander Staat moet bewaringsmaatreëls ten opsigte van daardie inkomste-eis tref in ooreenstemming met die bepalings van sy wette asof die inkomste-eis 'n inkomste-eis van daardie ander Staat is selfs al is die inkomste-eis, ten tye van die toepassing van sodanige maatreëls, nie in eersgenoemde Staat afdwingbaar nie of al is dit verskuldig deur 'n persoon wat 'n reg het om die invordering daarvan te voorkom.

5. Ondanks die bepalings van paragrawe 3 en 4 mag 'n inkomste-eis wat vir doeleindes van paragraaf 3 of 4 deur 'n Kontrakterende Staat aanvaar is, nie in daardie Staat aan die tydsbeperkings onderhewig wees of enige prioriteit verleen word wat ingevolge die wette van daardie Staat op 'n inkomste-eis op grond van die aard daarvan as sodanig van toepassing is nie. Daarby mag 'n inkomste-eis wat vir doeleindes van paragraaf 3 of 4 deur 'n Kontrakterende Staat aanvaar is, nie in daardie Staat enige prioriteit geniet wat ingevolge die wette van die ander Kontrakterende Staat op daardie inkomste-eis van toepassing is nie.

6. Verrigtinge met betrekking tot die bestaan, geldigheid of die bedrag van 'n inkomste-eis van 'n Kontrakterende Staat mag nie voor die howe of administratiewe liggame van die ander Kontrakterende Staat gebring word nie.

7. Waar, te eniger tyd nadat 'n versoek ingevolge paragraaf 3 of 4 deur 'n Kontrakterende Staat gerig is, en voordat die ander Kontrakterende Staat die betrokke inkomste-eis ingevorder en aan eersgenoemde Staat oorbetaal het, die betrokke inkomste-eis:

- (a) in die geval van 'n versoek ingevolge paragraaf 3, ophou om 'n inkomste-eis van eersgenoemde Staat te wees wat ingevolge die wette van daardie Staat afdwingbaar is en verskuldig is deur 'n persoon wat, op daardie tydstip, nie ingevolge die wette van daardie Staat die invordering daarvan kan voorkom nie, of
- (b) in die geval van 'n versoek ingevolge paragraaf 4, ophou om 'n inkomste-eis van eersgenoemde Staat te wees ten opsigte waarvan daardie Staat ingevolge sy wette bewaringsmaatreëls kan tref om die invordering daarvan te verseker,

moet die bevoegde owerheid van eersgenoemde Staat die bevoegde owerheid van die ander Staat onverwyld van daardie feit in kennis stel en, na keuse van die ander Staat, moet eersgenoemde Staat sy versoek óf opskort óf terugtrek.

8. In geen geval mag die bepalings van hierdie Artikel so uitgelê word dat dit aan 'n Kontrakterende Staat die verpligting oplê:

- (a) om administratiewe maatreëls uit te voer wat strydig is met die wette en administratiewe praktyk van daardie of van die ander Kontrakterende Staat nie;
- (b) om maatreëls uit te voer wat strydig met openbare beleid (*ordre public*) sou wees nie;
- (c) om bystand te verleen as die ander Kontrakterende Staat nie alle redelike maatreëls vir invordering of bewaring, na gelang van die geval, wat kragtens sy wette of administratiewe praktyk beskikbaar is, getref het nie;
- (d) om bystand te verleen in gevalle waar die administratiewe las vir daardie Staat klaarblyklik buite verhouding is tot die voordeel wat die ander Kontrakterende Staat sou kon kry nie.

## ARTIKEL 27

### LEDE VAN DIPLOMATIEKE MISSIES EN KONSULÊRE POSTE

Niks in hierdie Ooreenkoms raak die fiskale voorregte van lede van diplomatieke missies of konsulêre poste ingevolge die algemene reëls van die volkereg of ingevolge die bepalings van spesiale ooreenkomste nie.

## ARTIKEL 28

### INWERKINGTREDING

1. Elk van die Kontrakterende State stel die ander skriftelik, langs die diplomatieke kanaal, in kennis van die afhandeling van die prosedures wat ingevolge sy reg vir die inwerkingtreding van hierdie Ooreenkoms vereis word. Die Ooreenkoms tree in werking op die datum van die laaste van hierdie kennisgewings.

2. Die bepalings van die Ooreenkoms is van toepassing:-

- (a) met betrekking tot belastings wat by die bron teruggehou word, ten opsigte van bedrae betaal of gekrediteer op of na die eerste dag van die tweede maand wat op die datum volg waarop die Ooreenkoms van krag word; en
- (b) met betrekking tot ander belastings, ten opsigte van jare van aanslag wat begin op of na die eerste dag van Januarie wat op die datum volg waarop die Ooreenkoms van krag word.

3. Die Ooreenkoms tussen die Regering van die Republiek van Suid-Afrika en die Regering van Suidelike Rhodesië ter Vermyding van Dubbele Belasting en ter Voorkoming van Fiskale Ontduiking met betrekking tot Belastings op Inkomste geteken te Kaapstad op 10 Junie 1965 hou op om te bestaan en van krag te wees met betrekking tot enige belasting vir enige tydperk ten

opsigte waarvan hierdie Ooreenkoms van krag is ooreenkomstig die bepalings van paragraaf 2 van hierdie Artikel betreffende daardie belasting.

## ARTIKEL 29

### OPSEGGING

1. Hierdie Ooreenkoms bly van krag totdat dit deur een van die Kontrakterende State opgesê word. Enigeen van die Kontrakterende State kan die Ooreenkoms langs die diplomatieke kanaal opse deur kennis van opsegging te gee op of voor 30 Junie in enige kalenderjaar wat begin na die verstryking van vyf jaar vanaf die datum van inwerkingtreding van die Ooreenkoms.

2. In so 'n geval hou die Ooreenkoms op om van toepassing te wees:-

- (a) met betrekking tot belastings wat by die bron teruggehou word, ten opsigte van bedrae betaal of gekrediteer na die einde van die kalenderjaar waarin sodanige kennis gegee is; en
- (b) met betrekking tot ander belastings, ten opsigte van jare van aanslag wat begin na die einde van die kalenderjaar waarin sodanige kennis gegee is.

**TEN BEWYSE WAARVAN** die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms geteken het in twee oorspronklike eksemplare in die Engelse taal, waarvan albei tekste ewe outentiek is.

**GEDOEN** in tweevoud te Bulawayo op hede die 4<sup>de</sup> dag van Augustus 2015.

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**VIR DIE REGERING VAN DIE  
REPUBLIEK VAN SUID-AFRIKA**

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**VIR DIE REGERING VAN DIE  
REPUBLIEK VAN ZIMBABWE**

DEPARTMENT OF TRADE AND INDUSTRY

NO. 59

27 JANUARY 2017

# Fourth Edition - Department of Trade and Industry Environmental Implementation Plan 2015-2020

## Department of Trade and Industry

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**the dti**

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Department:  
Trade and Industry  
**REPUBLIC OF SOUTH AFRICA**



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## List of Acronyms

AIS	Automotive Investment Scheme
AU	African Union
BAT	Best Available Technologies
BBBEE	Broad Based Black Economic Empowerment
BPO&O	Business Process Outsourcing and off shoring
BRU	Business Regulation Unit
CAIA	Chemical and Allied Industries Association
CCRD	Consumer and Corporate Regulation Division
CDM	Clean Development Mechanism
CEC	Committee for Environmental Coordination
CIP	Critical Infrastructure Programme
COMESA	Common Market of Eastern and Southern Africa
COTII	Council of Trade and Industry Institutions
CP	Cleaner Production
CSIR	Council for Scientific and Industrial Research
DAFF	Department of Agriculture, Forestry and Fisheries
DEA	Department of Environmental Affairs
DED	Department of Economic Development
DIRCO	Department of International Relations and Cooperation
DoE	Department of Energy
DOT	Department of Transport
DPE	Department of Public Enterprises
DST	Department of Science and Technology
DWCPD	Department of Women Children and People with Disabilities
EAC	East African Community
ECA	Environment Conservation Act
EDC	Experience Delivery Company
EDD	Economic Development Department
EEIP	Equity Equivalent Investment Programme
EIA	Environmental Impact Assessment
EEDD	Enterprise Empowerment Development Division

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EIEC	Economic, Investment and Employment Cluster
EIP	Environnemental Implémentation Plan
EMP	Environnemental Management Plan
EMS	Environmental Management System
EMU	Executive Management Unit
EPR	Extended Producer Responsibility
ERPC	Economic Research and Policy Coordination
EWASA	Electronic Waste South Africa
EXBO	Executive Board
FABCOS	Foundation for African Business and Consumer Services
GCOO	Group Chief Operating Officer
GGND	Global Green New Deal
GSSSD	Group Systems and Support Systems Division
IAPs	Interested and Affected Parties
IDC	Industrial Development Corporation
IDD	Industry Development Division
IDZ	Industrial Development Zone
IEM	Integrated Environmental Management
IPAP	Industrial Policy Action Plan
ISO	International Organisation for Standard
ITAC	International Trade Administration Commission
ITED	International Trade and Economic Development
IWF	Isivande Women's Fund
MEA	Multilateral Environmental Agreement
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
NCPC	National Cleaner Production Center
NDPW	National Department of Public Works
NEF	National Empowerment Fund
NEMA	National Environmental Management Act
NEPAD	New Economic Partnership for African development
NFSD	National Framework for Sustainable Development

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NSSD	National Strategy for Sustainable Development
NIPF	National Industrial Policy Framework
OCIO	Office of the Chief Information Officer
ODG	Office of the Director General
OHS	Occupational Health and Safety
PPP	Preferential Public Procurement SADC
RCMASA	Responsible Container Management – SA
SADC	Southern African Development Community
SAWEN	South African Women Entrepreneurs Network
SAWIS	South African Waste Information System
SAR	Situation Assessment Report
SCP	Sustainable Consumption and Production
SDP	Spatial Development Programme
Seda	Small Enterprise Development Agency
SIP	Strategic Industrial Projects
SMEDP	Small and Medium Enterprise Development Programme
SMME	Small, Medium and Micro Enterprise
SPII	Support Programme for Industrial Innovation
SPP	Sustainable Public Procurement
TEO	The Enterprise Organisation
<b>the dti</b>	Department of Trade and Industry
THRIP	Technology and Human Resources for Industry Programme
TISA	Trade and Investment South Africa (we no longer have this division)
UNDP	United Nations Development Programme
UNEP	United Nations Environmental Programme
UNIDO	United Nations Industrial Development Organisation

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## Definitions and Key Concepts

The following definitions and concepts apply within the context of this document:

### **Activities**

This refers to “activities” as defined in section 1(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and must be construed to reflect policies, programmes, plans and projects.

### **Accountability**

This refers to the requirement for organs of the state to account for their conduct and decision-making in handling the responsibilities they are charged with. This is in accordance with section 33 of the Constitution, which ensures that anyone whose rights have been affected by administrative action has the right to be given written reasons therefore. This culminates in the right to administrative action that is lawful, reasonable and procedurally fair.

### **Capacity**

Capacity implies **the dti’s** capacity in terms of people and budget to perform the priority functions to ensure effective implementation and functioning of the mechanisms, systems and procedures for coordination in accordance with the principles of cooperative governance as provided in the Constitution and the National Environmental Management Act. This means all resources required to and/or available to achieve the priority functions of cooperative environmental governance. They are the human and the budgetary resources, mechanisms, procedures, etc. to be applied to ensure effective cooperation. A projection of financial and personnel availability is to be made to facilitate the implementation of identified mechanisms, management systems and procedures for cooperative governance. Departments must realistically identify incapacities and inadequacies in resource availability.

### **Cooperation**

Cooperation implies cooperative governance as provided in Chapter 3 of NEMA and sections 41 and 146(3) of the Constitution. It ensures that the environment is managed in an effective, transparent, accountable and coherent manner by all involved within **the dti** and its family of institutions. It ensures that all involved exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of the others but promotes mutual trust and good faith by informing one another and consulting one another on matters of common interest and adhering to agreed procedures to avoid duplication and non-performance.

### **Coordination**

Coordination implies defining the requirements of effective cooperative governance to ensure clarity regarding environmental jurisdiction and elimination of duplication of functions in different spheres of government departments and all stakeholders in the provinces as envisaged in section 41(1)(h)(iv) and section 24(7)(g) of NEMA.

***Impact***

Impact in this document refers to the direct and/or indirect negative/detrimental effects on the environment of an action.

***Benefit***

Benefit in this document refers to the direct and/or indirect positive effects and spin-offs on the environment.

***Environment***

This refers to the definition of “environment” reflected in NEMA, and means the surroundings within which humans exist and that are made up of :

- (a) The land, 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.

***Green economy***

The definition of the green economy as adopted in the National Development Plan (NPC, 150), is in accordance with the definition originating from the United Nations Environment Programme (UNEP) which defines the green economy as “a system of economic activities related to the production, distribution and consumption of goods and services that result in improved human well-being over the long term, while not exposing future generations to significant environmental risks and ecological scarcities”

## ***Green jobs***

The definition of the term 'green job' is still in development in South Africa via the Strategy Focus Group under the Economic Sectors & Employment Cluster. The term originated through the United Nations Environment Programme (UNEP) who called for the Global Green New Deal to encourage greener economies, jobs, sustainable growth and attainment of the Millennium Development Goals. Green jobs -

- include work in agriculture, manufacturing, research and development and services which significantly contributes to preserving or restoring environmental quality;
- bring about improved ecosystem and biodiversity protection, efficiency in energy and/or water use;
- decarbonise the economy;
- minimise or avoid generation of all waste and pollution; and
- are decent jobs which cover a wide array of skills, education backgrounds and occupations.

## ***Institutional arrangements***

This refers to a well-defined framework, which encompasses all spheres of government to ensure effective implementation of principles in the Environmental Implementation Plan (EIP). This pertains to both internal and external relationships. External relationships with other stakeholders such as civil society structures, commerce and industry and academia, should be established. The internal relationships within **the dti** and its family of institutions should be identified (section 13(1)(c) of NEMA).

## ***Integrated Environmental Management***

This refers to the provision of an integrated approach to environmental assessment, management and decision making, with the aim of promoting sustainable development and the equitable use of resources. Integrated Environmental Management provides for a democratic, participatory, holistic, sustainable, equitable and accountable approach.

The National Environmental Management: Biodiversity Act (10 of 2004), known as the NEM:BA and the National Environmental Management: Air Quality Act (39 of 2004), known as the NEM:AQA plans are required as part of the NEMA section 48(2) on coordination and alignment of plans provides that an organ of state that must prepare an environmental implementation or environmental management plan in terms of Chapter 3 of NEMA, and a municipality that must adopt an integrated development plan in terms of the Local Government: Municipal Systems Act, 2000, must –

Section 15(1) provides that each national department or province responsible for preparing an environmental implementation plan or environmental management plan in terms of Chapter 3 of the National Environmental Management Act must include in that plan an air quality management plan.



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Section 16(1)(a) an air quality management plan must within the domain of the relevant national department, province or municipality, seek –

- i) to give effect, in respect of air quality, to Chapter 3 of the National Environmental Management Act to the extent that that Chapter is applicable to it.

**the dti** is therefore required to indicate its approach to these conditions. **the dti** will include a provision for air quality plans in the planning process for the SEZ and Industrial Development Zones. However, it should be noted that these interventions are subject to implementation by the specific entities.

# 1. Introduction

## 1.1 Background

The Department of Trade and Industry (**the dti**) and other departments listed in Schedule 1 of NEMA are required in terms of section 11(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) to develop EIPs every four years.

The purpose of the EIP is broadly to promote interdepartmental coordination and cooperative government and to secure the protection of the environment across the country as a whole. The completed EIP is submitted to the Committee for Environmental Coordination (CEC) in the Department of Environmental Affairs (DEA), whereafter it is gazetted. It provides the framework for the bi-annual (twice yearly) report to the CEC.

The core focus of the Department of Trade and Industry is to support growth in the manufacturing sector through industrial development, job creation, investment and exports promotion. The National Industrial Policy Framework (NIPF) and a number of Industrial Policy Action Plan's (IPAP) have guided the priorities for implementation by **the dti** since 2007.

The launch of the eighth (8<sup>th</sup>) edition of the Industrial Policy Action Plan (IPAP 2016/17 – 2018/19) took place in tough economic times, characterized by depressed global economic conditions and great uncertainty. The lingering effects of the great global recession continue to be felt worldwide; most obviously reflected by stagnant demand from developed and developing countries alike. The contraction and 'rebalancing' of the Chinese economy towards a greater focus on domestic demand has had significant and negative consequences for commodity exporting countries. Growth projections for many African countries will most likely fall below expectations, mainly as a result of the collapse of the oil price and the wider slump in primary commodity demand. These bleak projections are exacerbated by prolonged and severe droughts in many parts of the sub-region that severely impacted agricultural production of staple goods.

All of these adverse factors underline yet again the crucial point that the National Development Plan (NDP), the National Industrial Policy Framework (NIPF) and successive IPAP iterations have repeatedly emphasized (albeit with differing emphasis): namely the pressing need for structural change in the economy to break out of commodity dependence and move to a more diversified base in which increasing value-addition and export-intensity come to define South Africa's growth trajectory. Securing a sustainable growth trajectory will therefore require (amongst other things) intensely focused collaborative efforts by both government and business to redirect the strength of the financial sector to much more strongly support the productive (and especially the

manufacturing) sectors, in order to marshal domestic resources for increasing investment in the real economy.

Further, the commitment to 'higher impact' requires an intensified focus on using the transversal (cross-cutting) policy levers that are already in place to fully support both the critical 'spill-over' sectors and the manufacturing sector in general with a strong focus on labour intensive sectors and sub-sectors. In pursuit of its core growth and employment objectives, IPAP deploys a broad range of cross-cutting policy and support instruments e.g. procurement; industrial financing, incentives and SEZs. These are complemented by targeted, sector specific support measures which are being continuously refined and strengthened. Making all the instruments work effectively in tandem with one another requires focused inter-departmental and institutional effort to build the linkages between the primary (agriculture and mining) sectors and the services and manufacturing sectors. In addition, enabling economic and transport infrastructure must be deployed to support these labour intensive sectors and to achieve a higher degree of economic and industrial decentralisation.

The relationship between climate change policy and industrial development in South Africa is however not straightforward. Both South Africa's industrial policy and climate change policy envision a structural shift in the domestic economy. The NIPF aims to "facilitate the diversification of the South African economy beyond the current reliance on traditional commodities and non-tradable services" (**the dti**, 2007), while the National Climate Change Response White Paper targets "the transition to a climate-resilient, equitable and internationally competitive lower-carbon economy" (DEA, 2011a, p. 11).

However, the definition (in terms of scale, width and speed) of the transition required does not necessarily align at this point in time.

## 1.2 Purpose and objectives of the EIP

NEMA outlines the following purposes and objectives for an EIP:

- To co-ordinate and ensure the equilibrium of environmental policy, plans, programmes and decisions made by significant government departments responsible for promoting and maintaining a sustainable environment;
- To identify areas of duplication and promote consistency of functions that may affect the environment;
- Secure environmental protection on a national level;
- Prevent unnecessary provincial action against and within the environment;
- Consolidate current integrated environmental management processes;
- Improve the level of provincial government co-operation;

- Allow the Minister of Environmental and Water Affairs to facilitate and track the progress, promotion and protection of a sustainable environment; and
- Align IPAP iterations to actively drive sustainability as the tool to coordinate industrial, economic development and environmental protection concurrently.

### 1.2.1 Means of information gathering

The content of this EIP has been informed by:

- Key framework and policy documentation, namely the NIPF as well as previous and current iterations of the Industrial Policy Action Plan;
- **the dti** Annual Reports and Annual Performance Plans;
- EIPs for other Schedule 1 departments;
- A review of the mandates and strategic objectives of the various divisions of **the dti**; and
- The EIP impact, objectives, timeframes and indicators as indicated in the attached table were approved by **the dti** OPSCOM on 26th April 2016.

### 1.2.2 Impact assessment

The focus of **the dti** will be to broadly support “Green Procurement”; resource efficiency, cleaner production; waste management; energy efficiency; Environmental Management Plans for Special Economic Zones; participation in UNFCCC discussions on climate change; alignment of Industrial and Environmental Policies; and support the growth of the Green economy

### 1.2.3 Monitoring and Evaluation

The EIP activities will be included in divisional business plans and monitored and evaluated accordingly.

## **2. the dti mandate, environmental obligations and EIP related activities**

### **2.1 Vision of the dti**

A dynamic industrial, globally competitive South African economy, characterised by inclusive growth and development, decent employment and equity, built on the full potential of all citizens.

### **2.2 Mission of the dti**

- Promote structural transformation, towards a dynamic industrial and globally competitive economy;
- Provide a predictable, competitive, equitable and socially responsible environment, conducive to investment, trade and enterprise development;
- Broaden participation in the economy to strengthen economic development; and
- Continually improve the skills and capabilities of **the dti** to effectively deliver on its mandate and respond to the needs of South Africa's economic citizens.

### **2.3 Values of the dti**

- Operational excellence – service delivery standards, international best practice, Batho Pele Principles, continuous improvement;
- Intellectual excellence – continuous shared learning, innovation, relevant knowledge and skills improvement; and
- Quality relationships – improved and continuous communication, honesty, respect, integrity, transparency, professionalism, ownership, leadership, teamwork.

### **2.4 Strategic Outcome-Oriented Goals of the dti**

- Facilitate the transformation of the economy to promote industrial development, investment, competitiveness and employment creation;
- Build mutually beneficial regional and global relations to advance South Africa's trade, industrial policy and economic development objectives;
- Facilitate broad-based economic participation through targeted interventions to achieve more inclusive growth;
- Create a fair regulatory environment that enables investment, trade and enterprise development in an equitable and socially responsible manner; and
- Promote a professional, ethical, dynamic, competitive and customer-focused working environment that ensures effective and efficient service delivery.

## 2.5 Strategic Objectives of the dti

- Grow the manufacturing sector to promote industrial development, job creation, investment and exports;
- Improved conditions for consumers, artists and opening up of markets for new patents players; and
- Strengthened capacity to deliver on **the dti** mandate.

## 2.6 Core Themes of the dti

**the dti** has clustered its work on the basis of core themes, which collectively seek to promote a more effective and co-ordinated approach to implementation of **the dti**'s strategic objectives:

<b>Industrial Development –</b>	Focuses on the development and implementation of the Industrial Policy Action Plan, which seeks to promote long-term industrialisation and industrial diversification. It further aims to expand production in value-added sectors, places emphasis on more labour-absorbing production and services sectors and the increased participation of historically disadvantaged individuals in the economy
<b>Trade, Export and Investment –</b>	Focuses on increasing levels of international trade, foreign direct investment and economic co-operation on regional, continental and international levels. This thematic area also aims to encourage global competitiveness of exports and beneficiation of products, expand market access and develop programmes to encourage trade and investment activities.
<b>Broadening Participation –</b>	It further seeks to provide strategic direction in terms of South Africa's trade position in multilateral fora, such as the Southern African Customs Union (SACU), Southern African Development Community (SADC) and World Trade Organisation (WTO). Focuses on developing interventions and strategies that broaden the participation of previously marginalised groups in the mainstream economy.
<b>Regulation –</b>	This thematic area also aims to align the Broad-Based Black Economic Empowerment (B-BBEE) policy with the country's industrial policy and legislative frameworks, upscale and accelerate delivery of programmes to bolster economic empowerment among previously disadvantaged individuals, the women and the youth. It further seeks to transform the largely informal economy via Small, Medium and Micro-sized Enterprise (SMME) development and the channelling of support measures to the Co-operatives sector.
<b>Administration and Co-ordination –</b>	Focuses on the development and implementation of a coherent, predictable and transparent legislative and regulatory framework, which facilitates easy access to redress and creates a fair and competitive business environment in South Africa.
<b>Administration and Co-ordination –</b>	Focuses on the effective co-ordination and implementation of the Department and its group of specialised agencies' programmes, as well as integration of <b>the dti</b> 's work into government's broader targets

### **3. Obligations in respect of environmental management and governance**

#### **3.1 Constitution**

There is an overarching suite of legislation in place in South Africa that supports the implementation of sustainable development underpinned by the Constitution. The Constitution of South Africa (Act 108 of 1996) enshrines human rights, including human dignity, justice and fairness, and democratic governance. It also guarantees the right to an environment that is not harmful to health or well-being, and the right to have the environment protected while promoting justifiable economic and social development.

#### **3.2 NEMA**

The Department of Trade and Industry (**the dti**) and other departments listed in Schedule 1 of NEMA are required in terms of section 11(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) to develop EIPs every four years.

#### **3.3 King Code of Governance for South Africa**

The King Code of Governance for South Africa deals with the duty of care, skills and diligence, as well as fiduciary duties which make for good governance of organisational structures and processes. It also deals with the establishment of structures and processes along with appropriate checks and balances to strengthen compliance with legislation. This applies to all aspects of governance of **the dti** and its agencies, including environmental governance. The King III Report on Corporate Governance incorporates changes to the new Companies Act No. 71 of 2008 as well as international governance trends applicable to the operation of **the dti**. The King Code of Governance incorporates the need for sustainability reporting by organisational structures.

#### **3.4 International obligations and processes**

South Africa has taken a firm position under the Copenhagen Accord by pledging a 36% reduction in carbon emissions by 2020, and 42% reduction by 2025, contingent on receiving finance and technology from developed countries.

#### **3.5 Sustainable Development Goals**

South Africa has adopted Sustainable Development Goals (SDG) and reports its achievements to the UN via the Department of Environmental Affairs.



## 4. the dti EIP Activities

Environmentally related activities for **the dti** broadly fall into the following themes which are outlined further below:

- Industrial development and investment in the Green Economy. This is mainly driven by the Industrial Development Division and Investment South Africa through policy instruments that include public procurement, industrial finance, incentives, investment promotion and facilitation and Special Economic Zones;
- Alignment of industrial policy and environmental policy to support a long term structural change in the economy to break out of commodity dependence and move to a more diversified base with increasing value-addition and export-intensity and a lower carbon and energy intensity. This will be expanded on in a separate section below'
- Assistance to industries through the National Cleaner Production Centre (NCPC) to improve resource efficiency and cleaner production. This also includes energy and water efficiency. This will be expanded on in a separate section below'
- Participation in the inter-governmental policy development process to improve the environmental performance of the South African economy i.e. Carbon tax debate and the implementation of Climate Change Mitigation Measures;
- Financial assistance to companies that invest in new cleaner production processes and equipment;
- Participation in UNFCCC discussions on climate change;
- Internal procurement and environmental management practices such as waste management, water and energy efficiency; and
- In terms of the National Environmental Management and Waste Act, the Minister of Trade and Industry is consulted by the Minister of Environmental Affairs on a number of issues as per the Act.

### 4.1 Alignment of industrial policy and environmental Policy

In spite of having been an active stakeholder to both the Kyoto Protocol and the United Nations Framework Convention on Climate Change (UNFCCC) for more than two decades, South Africa – on account of its reliance on the minerals-energy complex (MEC) – remains amongst the highest contributors to global carbon emissions. However, in line with the positions of the Africa Group and the Group of 77 (G77 and China), South Africa has pledged to peak its GHG emissions between 2020 and 2025 at 34% and 42% respectively, below a business-as-usual trajectory, then plateau

for approximately a decade and decline in absolute terms thereafter; subject to the adequate provision of financial resources, technology transfer and capacity building support provided by developed countries (UNFCCC, 2011).

South Africa's GHG emissions are heavily driven by the energy and industry sectors. In 2010, these two sectors accounted for 61% and 19% of the country's total emissions respectively, with the share of heavy industries expected to rise if no intervention are implemented (while the share of the energy sector is expected to remain largely constant at 60%). Moreover, if electricity emissions are allocated to end use sectors, industries then account for 67% (13% for energy) of total emissions; anticipated to climb to 76% by 2050 (9% for energy) (DEA, 2013). Reducing South Africa's GHG emissions is therefore deeply linked to mitigating emissions from local industries.

The relationship between climate change policy and industrial development in South Africa is not straightforward, particularly in the short to medium term, and include a series of potential trade-offs. As the world increasingly moves towards pricing carbon and/or capping emissions, de facto making GHGs an additional factor of production, the integration of both approaches is however ineluctable and vital. Fundamentally, industrial policy is at the core of economic, social and environmental sustainability, and the main channel to achieve inclusive green growth. As such, industrial policy is at the cornerstone of any successful climate change mitigation policy (Naudé, 2011). Additionally, maintaining the international competitiveness of domestic companies is deeply intertwined with mainstreaming low-carbon technologies.

South Africa's current climate change and industrial policies have been developed in separate fora over the last decades and understandingly differ in their entry point, prism of analysis and areas of interest, leading to varying interpretations and priorities, and ultimately to a lack of coherence and alignment between implementing agencies and policies.

On the one hand, South Africa's industrial policy is encapsulated in the National Industrial Policy Framework (NIPF), the rolling Industrial Policy Action Plan (IPAP) and indirect and/or hidden industrial policies by other stakeholders at the national, provincial and municipal levels. These include: national departments (such as the National Treasury, the Economic Development Department, the Department of Science and Technology and the Department of Public Enterprises); state-owned enterprises (such as national electricity utility Eskom and rail, port and pipeline company Transnet); development finance institutions (such as the Industrial Development Corporation and the Development Bank of Southern Africa); provincial entities (such as the Gauteng Department of Economic Development); and municipalities (such as eThekweni Municipality's Economic Development Unit).

On the other hand, the development of a green growth strategy for the country is driven by the Department of Environmental Affairs (DEA), notably through the National Climate Change

Response Policy White Paper (NCCRP) and the National Strategy for Sustainable Development and Action Plan 2011-2014 (NSSD1). Policy interventions are however scattered between various departments. South Africa's main two development finance institutions which provide a large share of the financial requirements for the transition to a greener economy – the Industrial Development Corporation (IDC) and the Development Bank of Southern Africa (DBSA) – are respectively governed by the Economic Development Department and the National Treasury. Currently roles and responsibilities are apportioned as follows - Direct support for industries providing green goods and services falls under **the dti**, while fiscal incentives (i.e. taxes and subsidies, such as the introduction of a carbon tax) aimed at promoting green growth, are under the mandate of the National Treasury. Then, the Department of Science and Technology is responsible for technology policy and fostering research and development in all sectors of the green economy. Last but not least, at the sectoral level, most departments, such as the Department of Energy and the Department of Mineral Resources, all have to include (at least in theory) the drive for sustainable development within their mandate and operations.

Ultimately, South Africa's frameworks for industrial development and climate change mitigation vastly overlap, both in terms of policy and institutional arrangements. The same entities are tasked with implementing and merging both national frameworks and their respective objectives. The origin of this misalignment between climate change and industrial policy resides primarily in their individual complexity that arises from competing priorities of each department. Nevertheless, opportunities exist to address areas of misalignment, acknowledge the highly intertwined nature of the two frameworks and coherently align them in order to achieve their respective long-term objectives.

Both South Africa's industrial policy and climate change policy envision a structural shift in the domestic economy. The NIPF aims to "facilitate the diversification of the South African economy beyond the current reliance on traditional commodities and non-tradable services" (the dti, 2007), while the National Climate Change Response White Paper targets "the transition to a climate-resilient, equitable and internationally competitive lower-carbon economy" (DEA, 2011a, p. 11).

However, the definition (in terms of scale, width and speed) of the transition required does not necessarily align at this point in time.

A self-discovery process, which is positioned at the core of South Africa's industrial policy, could in this respect be a useful tool to align the expectations of both policy frameworks. Self-discovery could result in the development of new, innovative products, and even the redefinition of business models and strategies. Based on the global growth of green industries and services, positioning South Africa as a pioneer in the supply of cutting-edge green goods and services could potentially lead to increased employment creation, output and exports. South Africa could aim to reach a

position of competitive advantage, thus complementing its natural comparative advantage in some low-carbon technologies. In this light, opportunities are presented – particularly in terms of making headway in the knowledge economy – by changes that will have to occur as part of transitioning to more sustainable production and consumption practices.

Ultimately, the implementation of climate change mitigation measures does not require a move away from the MEC, but does suggest the need to substantially alter its structure and operations. The ability of the economy to deeply transform is limited in the short to medium term, due to asset lock-in, the shortage of skills, the need to retrain the workforce, etc. The energy sector will have to undertake the most drastic transformation, with the substitution of coal-based electricity by cleaner sources of energy, such as natural gas, solar and wind energy, and biomass. Industrial sectors, including non-coal mining, will retain their core role in the economy but will be commanded to significantly improve their carbon footprint, essentially through investments in energy efficiency, smart grids, cogeneration and renewable energy. While this transition will require substantial investment, it is expected to increase the strength of the various subsectors in the long run.

On a competitiveness front, the transition to more sustainable production may reduce the competitiveness of South Africa firms in the short run. That said, not making the transition may also negatively impact such competitiveness on account of South Africa's trading partners potentially using 'green protectionism' against South Africa, particularly given that exports account for 45% of South Africa's GHG emissions.

At present, both South Africa's government and business sectors do not interpret green protectionism as a significant threat. The need to understand the cumulative impact of climate change measures and the qualitative shifts and pressures on a country like South Africa is however critical. Creeping protectionist measures that are not as obvious as tariff barriers, such as private labelling schemes and the greening of value chains, can ultimately have a significant impact. An in-depth threat analyses at sectoral level related to trade and climate change is needed, as preparation is key to dealing with the associated risks. Instead of focussing on the threats around green protectionism, the focus should be on being prepared to deal with potential threats, which should essentially be factored as issues of risk. The importance of keeping track of how South Africa's trading partners respond to climate change issues, and how this could impact the economy, should not be underestimated.

## **4.2 Proposed Key Action Programme for the IPAP 2017/18 – 2018/19**

### **4.2.1 Fostering Industrial Development in a South African Green Economy**

Industrial emissions (including energy), which result from material processing, constitute the main driver of greenhouse gas emissions in the world. This is further exacerbated in South Africa (and other resource-based economies) through the reliance on energy- and carbon-intensive industries. Faced with the challenge of sustainability, policies and instruments have emerged to incentivise local industries to reduce their greenhouse gas emissions and support the development of new green sectors. This is primarily due to the absence of alignment between various policy instruments, and particularly between industrial policy and the green economy agenda. Over the last few decades, this notably found its expression in the historically low electricity prices and the strategic industrial policy decisions around energy-intensive industries.

As the role of industries, and industrial development, has not been sufficiently considered in the transition to a green economy in South Africa, this project plays an important role by re-positioning industrial development at the core of the transition to a green economy in South Africa investigating the associated trade-offs and setting an adequate, balanced way-forward.

The programme deals specifically with the cross-cutting interplay between industrial development and climate change in South Africa. It aims at informing the role of the dti in assisting local industries in factoring climate change considerations, coping with climate change-related regulations and embarking on the transition to a low-carbon development path. This project is particularly timely due to the on-going discussion around the possible introduction of a carbon tax and other instruments (carbon budget, energy management plans, etc.) by a number of national departments. The Department of Trade and Industry ought to be part of the process by providing mechanisms which will complement the package of existing and planned measures. The Department of Trade and Industry plays an essential role in incentivising the transition of industries to low-carbon practices as well as providing support to hard-hit firms to cope with climate change-related regulations.

The transition to a low-carbon economy is not an environmental issue, but primarily a socio-economic question with core implications for economic policy (notably trade and industry) A one size fits all approach will fail in South Africa due to substantial firm and sector heterogeneity in the economy. Furthermore, a multitude of upcoming and potential threats as well as opportunities exist in the Green economy space, and these are mostly sector specific.

The programme will identify:

What is the most adequate/ optimal/appropriate mix of measures in the short term (1-5 years' medium term (up to 30 years) and long term (30 – 50 years)?). In other words: how can the

transition to low-carbon industrial development be supported by government in the current economic and policy context.

This will be informed by a number of interrogations:

- What are the objectives of and requirements for low-carbon industrial development (i.t.o. emissions reduction and timeframes)?
- What instruments are available to achieve low-carbon industrial development?
- What are the costs and benefits of the transition to low-carbon industrial development? Who would reap the benefits / bear the costs?
- What is the response of companies to climate change mitigation measures and the mix of measures?
- How can a mix of measures be selected/designed/implemented by government to support the goal of low-carbon industrial development? / How can trade-offs be weighted and apprehended?
- What should be considered when assessing the mix of measures?
- How can the mix of measures be implemented (and M&E) in order to best support low-carbon industrial development?

It is the view that no “one-size-fits-all” exists due to substantial firm and sector heterogeneity and that two main variables define the transition to low carbon industrial development at the firm/sector level as indicated in figure 1 below:

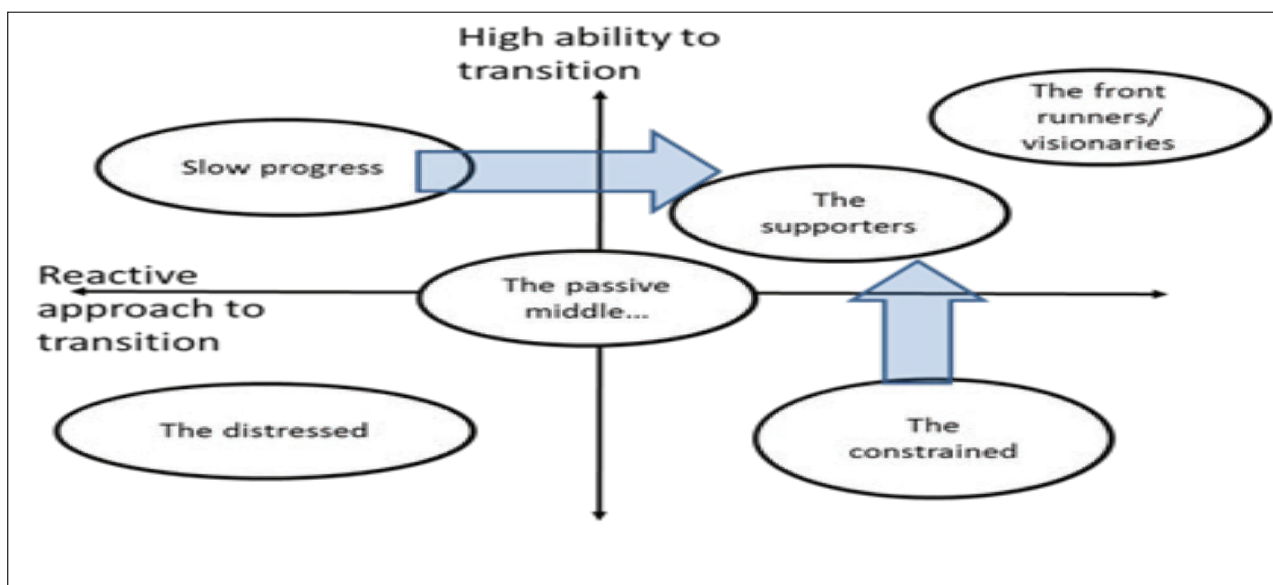


Figure 1: The transition to a low carbon industrial development at firm and sector level – Source TIPS 2016

This taxonomy is useful and relevant in many respects since it will:

- Provide a South African wide economy understanding of the current state of play;
- Provide a useful tool to understand the concept of 'transition';
- Allow for a dynamic understanding of firms' positioning, which changes over the years; and
- Facilitate the development of tailor-made responses for different situations and the role that government and **the dti** can play for each group of firms will be identified, and quadrant specific solutions will be developed.

### **4.3 National Cleaner Production Centre of South Africa (NCPC-SA)**

#### **Mandate**

The NCPC-SA is the national resource efficiency programme of **the dti** that is mandated to, through appropriate resource efficiency service offering and competences, contribute to building the manufacturing industry's competitive capability in pursuit of a low carbon economy in South Africa.

#### **Vision**

The NCPC-SA's vision is to be South Africa's leading national catalyst and thought leader in the provision of relevant services and best practices to a diverse economic sector that will enhance its competitive capability and thus contribute to economic growth, environmental responsibility and human development.

#### **Mission**

The NCPC-SA's mission is to foster the efficient utilization of resources, reduce tangible and intangible costs and improve industry competitiveness in a sustainable manner to participating companies.

#### **Strategic Objectives**

The mission is achieved through the following four strategic objectives:

- Awareness raising, advocacy and demonstration of the benefits of RECP;
- Technical support to industry through RECP methodologies and tools;
- Facilitating implementation of RECP in industry; and
- Capacity building and development of RECP skills.



## the dti EIP table: Environmental impact, objectives, timeframes and indicators

**Table 1: Office of the Director General (ODG)**

Sub-programme / project	Potential environmental impact	Environmental objective	Expected outcomes	Responsibility	Performance indicator / measure	2016/17 Target	Monitoring / Control Mechanism
Supply Chain Management	Reduction in vehicle emissions	Promote the use of one electric vehicle	Improved environmental performance	D:SCM	Pursue the sponsorship for the 1 (one) electric vehicle	Q4 2017	Business plan

**Table 2: Group Systems and Support Systems Division (GSSSD)**

Sub-programme/ project	Potential environmental impacts	Environmental objective	Applicable legislative requirement	Expected outcomes	Responsibility	2015/2016 Target	2016/2017 Target	2017/2018 Target	2018/2019 Target	Performance indicator/measure
AMS	Inefficient use of resources (water)	Continue to implement water-saving measures in the dti's national offices	National Water Act.	Improved water use efficiency on the dti premises	D:AMS	ECM Training and awareness sessions.	Review market and identify water saving bathroom taps and flush masters in toilets and attain funding for 2017/18	Install water saving taps and flush masters devices	Investigate feasibility of storm water harvesting the dti and provide a proposal including attaining budget	Monitoring of water consumption in place. Metering and reading and meter reading database development and analysis
Information technology services	Waste generation and minimisation	Promote avoidance and minimisation of waste including on-going use of a paperless system in the dti's national and international offices. Disposal of IT equipment and products		Improved natural resource use efficiency on the dti. Establish the process to dispose obsolete IT equipment and	OClO	ECM Training and awareness sessions. Introduce and monitor paper less policy to reduce Datacentre energy and resource consumption	10 ECM Training and awareness sessions. Print Smart – Awareness	10 ECM Training and awareness sessions. Introduce and monitor paper less policy to reduce Datacentre Energy and resources consumption.	10 ECM Training and awareness sessions. Establish the process and plan to reduced Datacentre energy consumption	Number of staff trained and increased usage of ECM Reduction in Energy Consumption of the Datacentre Reduction in printing / copying



**CONTINUES ON PAGE 258 - PART 3**



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

Vol. 619

27 January 2017  
Januarie

No. 40577

**PART 3 OF 3**

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

ISSN 1682-5843



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

Waste Management tracking of dti waste streams	Reduction in waste volumes	Waste Management tracking of dti waste streams	Reduction in waste volumes	Project Plan	Q4 2016/17	Waste baseline report and recommended solutions	D:AMS	Establish the dti 6 months waste Q1-Q2 baseline and recommend interventions to reduce				
Information technology services	Waste generation and minimisation	Information technology services	Waste generation and minimisation	ECM Training and awareness  Print Smart Awareness Executive instruction to use the ECM system	ECM Training and awareness. Rollout the plan for a reduction of energy and resources from the Datacentre energy consumption. Print Smart – Awareness Executive instruction to use the ECM system.	Increased number of staff using the ECM Develop a plan for a reduction in energy consumption of the Datacentre Reduction in printing / copying Governance Fora to fully use ECM for documentation	OCIO	Improved natural resource use efficiency on the dti	Promote avoidance and minimisation of waste including ongoing use of a paperless system in the dti's national and international offices	Promote avoidance and minimisation of waste including ongoing use of a paperless system in the dti's national and international offices	Promote avoidance and minimisation of waste including ongoing use of a paperless system in the dti's national and international offices	Promote avoidance and minimisation of waste including ongoing use of a paperless system in the dti's national and international offices

**Table 3: SEZ&ET**

Sub-programme /project	Potential environmental/ Energy impacts	Environmental / Energy objective	Applicable legislative requirement	Expected outcomes	Responsibility	2015/2016 Target	2016/2017 Target	2017/2018 Target	2018/2019 Target	Performance indicator/ measure
Special Economic Zones (SEZ) Programme	N Negative impact on the environment from unsustainable practices by Special Economic Zones	Development of Environmental Management Plans	NEMA	Well managed Environmental Impact in SEZ	CD:SEZ	Environmental Management plans from SEZs/IDZs	All SEZ to have Environmental Management plans from SEZs/IDZs	Review data on EMP for SEZ/IDZs	Rear-view existing EMP SEZs/IDZs	Number of Environmental Management plans developed for SEZs/IDZs
Special Economic Zones (SEZ) Programme	Negative impact on the environment from unsustainable practices by Special Economic Zones	Development of Environmental Management Plans	National Energy Act	Optimise the use of other energy sources i.e. Renewable and energy efficiency. Development of Energy Management Plans for SEZ/IDZs.	CD:SEZ	Develop energy use reduction plan and process and 3 Energy Management plans from SEZs/IDZs	All SEZ to have Energy Management plans from SEZs/IDZs	Review data on EMP for SEZ/IDZs	Review existing EMP from SEZs/IDZs	Number of Energy Management plans developed for SEZs/IDZs
Black Industrialist (BI)	Green Industry Practices and standards by enterprises that could green black industrialist operations and products.	Promote and Encourage projects that are greener and cleaner operations and products promote green economy. Develop a criteria on environmental compliance for approval of projects.	NEMA Act, NIPF and IPAP.	Green and sustainable Industry and greener operations compliance by BI projects.	CD :BEE	2 Green economy Bis support	Green economy Bis support	4 Green economy Bis	Green economy Bis support	Number of Bis projects that complies to the Green Industry principles aimed promoting green economy.

Sub-programme/project	Potential environmental/Energy impacts	Environmental / Energy objective	Applicable legislative requirement	Expected outcomes	Responsibility	2015/2016 Target	2016/2017 Target	2017/2018 Target	2018/2019 Target	Performance indicator/measure
Regional Industrial Clusters (RIC)	Negative impact on the environment from unsustainable practices by enterprises, industries and industrial parks	Clusters Management Organisations to report on environmental impact of the respective projects and programs	NEMA S 2 (4) (a) i-viii; (b); (i); (j)	Projected outputs for RIC projects and industrial parks. Regional Industrial Cluster energy and environmental management framework.	CD: Regional Industrial Clusters	Development of the RIC energy and environment framework and pilot it in 5 parks/ clusters	20 parks/ clusters	30 parks/ clusters	30 parks/ clusters	Number of projects Number of Industrial Parks/clusters with E and E framework.
Black Economic Empowerment	Practices and standards by enterprises that could impact negatively on the environment	B-BBEE policy support initiatives that comply with environmental requirements	NEMA Act	Environmentally sustainable and compliance B-BBE initiatives	CD: BEE	BEE M&E report with environmental aspect	2 BEE M&E report with environmental aspect	3 BEE M&E report with environmental aspect	4 BEE M&E report with environmental aspect	Number of BEE initiatives that complies to the environmental requirements
Economic Infrastructure and Logistics)	Land degradation; Pollution; burden on the national energy grid	Promotion of green architecture in the construction of industrial infrastructure	National Building Regulations and Building Standards Act	Energy-efficient building design and construction	CD: Economic Infrastructure	1 Construction sector programmes to include an environmental component	2 Construction sector programmes to include an environmental component	2 Construction sector programmes to include an environmental component	4 Construction sector programmes to include an environmental component	Compulsory compliance of projects with the SANS 10400 XA standard
Technology and Human Resources for Industry Programme (THRIP)	Environmentally unsustainable practices by enterprises and industries will result in impacts on the environment	Implementation of THRIP to include green jobs and cleaner technology	NEMA S 2 (4)(a) i-viii; (b); (i); (j)	Projected outputs for THRIP environmental projects	CD: Innovation & Technology	8 projects	10 projects	15 projects	20 projects	Number of projects
Technology and Human Resources for Industry Programme (THRIP)	Environmentally unsustainable practices by enterprises and industries will result in impacts on the environment	Implementation of THRIP to include green jobs and cleaner technology		Projected outputs for THRIP environmental projects	CD: Innovation & Technology	80 students	100 students	150 students	200 students	Number of students



Sub-programme /project	Potential environmental/ Energy impacts	Environmental / Energy objective	Applicable legislative requirement	Expected outcomes	Responsibility	2015/2016 Target	2016/2017 Target	2017/2018 Target	2018/2019 Target	Performance indicator/measure
Workplace Challenge Programme	Environmentally unsustainable practices by industries will result in impacts on the environment	Expansion of Workplace Challenge (WPC) Transformation Toolkits to include a toolkit on Green Productivity		Expansion of Workplace Challenge (WPC) Transformation Toolkits to include a toolkit on Green Productivity	CD: Skills for the Economy	Implementation and monitoring of a Green Productivity toolkit to improve company productivity through environmentally sound manufacturing practices and management activities	Implementation and monitoring of a Green Productivity toolkit to improve company productivity through environmentally sound manufacturing practices and management activities	Implementation and monitoring of a Green Productivity toolkit to improve company productivity through environmentally sound manufacturing practices and management activities	Implementation and monitoring of a Green Productivity toolkit to improve company productivity through environmentally sound manufacturing practices and management activities	Progress and Monitoring Report on Implementation of Green Productivity Toolkit

Table 4: ITED

Sub-programme/project	Potential environmental impacts	Environmental objective	Expected outcomes	Responsibility	2015/2016 Target	2016/2017 Target	2017/2018 Target	2018/2019 Target	Performance indicator/ measure
International Trade Development	Unless appropriately regulated, international trade can be a major driver of climate change	Stabilisation and reduction of anthropogenic greenhouse gasses contributing to climate change	An effective and operational UNFCCC multilateral regime	COO/DDG	Participate in UNFCCC processes to advance the negotiations on trade and climate change. 15% adherence to NDC by the dti programmes' activities.	Participate in UNFCCC processes to advance the negotiations on trade and climate change. 25% adherence to NDC by the dti.	Participate in UNFCCC processes to advance the negotiations on trade and climate change	Participate in UNFCCC processes to advance the negotiations on trade and climate change	Report on participation in UNFCCC

Table 5: IDAD

Sub-programme/project	Potential environmental impacts	Environmental objective	Expected outcomes	Responsibility	2015/2016 Target	2016/2017 Target	2017/2018 Target	2018/2019 Target	Performance indicator/measure
Industrial Development Zones & Special Economic Zones, Critical Infrastructure Program, Manufacturing Competitiveness Enhancement Program	Environmental impacts could result from IDZs/SEZs, CIP, MCEP being developed without proper environmental planning and assessment No Green House Gas reduction	Ensure that the funding model for IDZs/SEZs, CIP, MCEP factors in environmental risk management	Management of environmental risk	IDAD COO/DDG	Conceptualise framework for the IDZ/SEZ funding model to integrate environmental risk	2 Business plan analysis	3 Business plan analysis	2 Business plan analysis	Quarterly reports or annual financial statement
Evaluation report to include status of EIA, and EMP implementation for IDZ/SEZ	Designation of suitable IDZs/SEZs dependent on environmental authorization Implementation of suitable CIP, MCEP projects dependent on environmental authorization	IDAD COO/DDG DEA	IDZ/SEZ applications for Mafikeng, Bloemfontein, Durban, Saldana, OR Tambo and Secunda have approved EIAs CIP, MCEP applications to have approved EIAs	2 IDZ/SEZ to confirm with relevant bodies that environmental authorisation is in place before designation CIP, MCEP applications to have approved EIAs Implementation according to environmental management programme as incorporated into the EIA	3 IDZ/SEZ to confirm with relevant bodies that environmental authorisation is in place before designation CIP, MCEP applications to have approved EIAs Implementation according to environmental management programme as incorporated into the EIA	5 IDZ/SEZ to confirm with relevant bodies that environmental authorisation is in place before designation CIP, MCEP applications to have approved EIAs Implementation according to environmental management programme as incorporated into the EIA	Environmental impact assessment reports for IDZs/SEZs Environmental impact assessment reports for CIP, MCEP		

Sub-programme/project	Potential environmental impacts	Environmental objective	Expected outcomes	Responsibility	2015/2016 Target	2016/2017 Target	2017/2018 Target	2018/2019 Target	Performance indicator/measure
		IDZs/SEZs, CIP, MCEP provide for investments in clean technology and creation of green jobs	Policy for incentives incorporate IEM Investments in cleaner technology and greener IDZ/SEZ buildings Green jobs generated renewable utility solutions implemented	I DAD COO/DDG Municipalities/ Business	Conceptualize incentives and investments in clean technology and afford a platform for investors to create green jobs One renewable energy project implemented at any IDZ/SEZ.	Business plan analysis Two renewable energy projects implemented at any IDZ/SEZ. One support process for Skills development and Incentive programme product developed.	Business plan analysis Two renewable energy projects implemented at any IDZ/SEZ. Develop Skills support programme and for RE and EE project support.	Business plan analysis Two renewable energy projects implemented at any IDZ/SEZ.	Policy for incentives incorporates IEM Projected clean investment leveraged No. of green jobs created No. of IDZ/SEZ clean energy projects

Table 6: Industrial Development Division

Sub Programme	Unit	Environmental Objective	2017/2018 Target	Indicator
Green Industry development.	D: E&E	Financial and Strategic management of the NCPC	Achieving higher impacts with existing resources, mainly through the development of training programmes	NCPC Business plan.
Green Industry Funding mechanism leveraging.	CD: Green Industry	Alignment of Climate Change to Industrialization Policy	Implementation as per IPAP	IPAP KAP's.

Table 7: Consumer and Corporate Regulation Division (CCRD)

Sub Programme	Unit	Environmental Objectives	2017/2018 Target	Indicator
Destruction and disposal of counterfeit goods by SAPS, with the assistance of OCIPE Unit	the dti, NRCS, SABS, ITAC, EDD	Inform waste disposal teams of the requirements for the disposal of counterfeit goods in suitable disposal facility	Strengthening of a range of measures – including closer collaboration between the dti, industry, NCRS, SABS, CIPC (on counterfeit goods) and SARS – through multi-sectoral forums such as the ports of Entry Control Centre that targets SA border posts. Conduct continuous targeted investigations and raids, on non-compliant products;	List of permitted disposal sites by category
Consumer protection and awareness.	the dti	Build capacity of the dti's staff dealing with consumer protection and awareness regarding sustainable consumption and environmental responsibility	On-going development of programmes aimed at improving compliance within industry and contributing to the formulation of best practice in the facilitation of trade, in accordance with all the Acts administered by SARS	Training module on sustainable consumption and environmental. Responsibility developed for staff as part of induction programme

## 5. Key Challenges

- **the dti** campus has been procured via a Public Private Partnership and thus the implementation of the environmental plan largely depends on the co-operation of the concessionaire.
- Lack of financing measures for the identified plans and targets' implementation. Explore potential funding mechanism alignment and leverage climate change funding.
- Measuring of impact in the context of environmental implementation plans.
- There are currently limited departmental monitoring and evaluation of the potential environmental impact facing **the dti**.

## 6. Acknowledgements

**the dti** would like to extend its appreciation to all sector desks that contributed information for the compilation of this report. Inputs and support from Environmental Affairs on the Environmental Implementation Plan (2015 – 2020) are also appreciated.

This EIP (2015 – 2020) is hereby submitted for gazetting.



**Director General: the dti**

**Lionel October**

**Date:05/10/2016**

## DEPARTMENT OF WATER AND SANITATION

NO. 60

27 JANUARY 2017

**OSCA MOLOPO GROUNDWATER AQUIFER– LIMITING THE USE OF WATER IN TERMS OF ITEM 6 OF SCHEDULE 3 OF THE NATIONAL WATER ACT OF 1998 FOR URBAN AND IRRIGATION PURPOSES FROM THE TOSCA MOLOPO GROUNDWATER AQUIFER.**

I, Sifiso Mkhize, in my capacity as Acting Director-General of the Department of Water and Sanitation, on reasonable grounds believe that a potential water shortage exists in the Tosca Molopo groundwater aquifer. This is due to insufficient rains with limited recharge to the aquifer and declining water levels.

In terms of Item 6(1) of Schedule 3 to the Act, the Minister of Water and Sanitation may limit the use of water if on reasonable grounds the Minister believes that a water shortage exists within the area concerned. This power has been delegated to me in terms of section 63 (1) (b) of the Act.

Therefore in my capacity as the Acting Director-General of the Department of Water and Sanitation, I hereby under delegated authority in terms of item 6 (1) of Schedule 3 to the Act limit the taking of water from the Tosca Molopo groundwater aquifer by all users as follows:

- a) 20% restriction on water use for Irrigation, Domestic and Industrial from the Tosca Molopo groundwater aquifer in the Tosca Molopo water user association area.

The limitations apply from the date of this notice until further notice.

In exercising the powers, I have given preference to the maintenance of the Reserve, treated all water users on a basis that is fair and reasonable, considered the actual extent of the water shortage, the likely effects of the shortage on the water users, the strategic importance of any water use and any water rationing or water use limitations by a water services institution having jurisdiction in the area concerned under the Water Services Act 108 of 1997.

Placing limitation on the taking of water use as set out in this notice is an administrative action affecting the rights of the public as contemplated in section 4 of the Promotion of Administrative Justice Act 3 of 2000 (PAJA). After I have taken into consideration all relevant factors, including those referred in section 4 (4) (b), I have decided that it is reasonable and justifiable in the circumstances to depart from the requirements referred to in section 4 (1) (a) to (e), (2) and (3) and instituted this limitation without allowing the water users affected and other role players to comment on the matter before I institute the limitation.

This notice overrides any other previous authorization on water restrictions issued by the Department relating to this area.



**ACTING DIRECTOR-GENERAL: WATER AND SANITATION**

**DATE:** 2016/11/29.



## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

BOARD / RAAD  
NOTICE 36 OF 2017**INVITATION TO  
REGISTER AS A DIRECTLY AFFECTED GROUP IN TERMS OF  
THE MARKETING OF AGRICULTURAL PRODUCTS ACT, ACT NO. 47 OF 1996,  
(MAP ACT) AS AMENDED**

The National Agricultural Marketing Council (NAMC) kept a 'Register of Directly Affected Groups' for each commodity in the agricultural sector, for the past 20 years. Since 1997, the Register has been updated annually, but most of the initial affected groups' information has changed, or some groups are no longer in existence. Therefore the NAMC decided to develop a new Register.

**A directly affected group means any group of persons, which is party to the production, sale, purchase, processing or consumption of an agricultural product and includes labour employed in the production or processing of such a product.**

The register is *inter alia* being used to bring applications for statutory measures, (interventions in the agricultural sector in terms of the MAP Act) to the attention of directly affected groups and to invite such directly affected groups to lodge any objections or representations relating to such a request to the NAMC within a specified time. The viewpoints of directly affected groups are considered before the NAMC formulates its recommendations to the Minister of Agriculture, Forestry and Fisheries.

In order to register, please fax or e-mail the following information to the NAMC:

- Name of the organisation/ company/ group
- Agricultural products the company would like to register for eg. maize, red meat, citrus etc.
- Group to be registered for eg. producer, trader, importer, etc.
- Contact person
- Postal address, telephone and fax numbers
- E-mail address and website

**All directly affected groups in agriculture are kindly requested to register at the NAMC in writing (fax 012 341 1911/ 086 626 4771 or e-mail [lizettem@namc.co.za](mailto:lizettem@namc.co.za)), at any time soon, with the above information.**

Enquiries: Lizette Mellet, tel 012 341 1115/ 012 400 9760

## BOARD / RAAD

## KENNISGEWING 36 VAN 2017



## UITNODIGING OM TE REGISTREER AS

**'N DIREK GEAFFEKTEERDE GROEP IN TERME VAN DIE WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, WET NO. 47 VAN 1996, SOOS GEWYSIG**

Die Nasionale Landboubemarkingsraad (NLBR) se "Register van Direk Geaffekteerde Groepe" vir elke kommoditeit in die landboubedryf bestaan al vir 20 jaar. Sedert 1997 was die Register jaarliks opgedateer, maar meeste van die destydse geregistreerde groepe se besonderhede het verander, of van die groepe is nie meer in landbou betrokke nie. Derhalwe het die NLBR besluit om 'n nuwe Register op te stel.

**'n Direk geaffekteerde groep is enige groep persone wat betrokke is by die produksie, verkoop, koop, verwerking of verbruik van 'n landbouprodukt en sluit arbeid in wat in diens is by die produksie of verwerking van so 'n produk.**

Die register word onder andere gebruik om aansoeke vir statutêre maatreëls, (statutêre inmenging in die landboubedryf) onder die aandag van direk geaffekteerde groepe te bring en sodanige geaffekteerdes te nooi om besware of verhoë aangaande 'n versoek binne 'n bepaalde tyd by die NLBR in te dien. Die kommentare van direk geaffekteerde groepe word in ag geneem in die formulering van die NLBR se aanbevelings aan die Minister van Landbou, Bosbou en Visserye.

Stuur asb die volgende inligting aan die NLBR om te registreer en sodoende in die nuwe Register opgeneem te word:

- Naam van die organisasie/ besigheid/ groep
- Landbouprodukte waarvoor geregistreer word, bv. mielies, rooivleis, sitrus, ens.
- Groep waarvoor geregistreer word bv. produsent, handelaar, invoerder, verwerker, ens
- Kontakpersoon
- Posadres, telefoon en faksnummers
- E-pos adres en webadres

**Alle geaffekteerde groepe in die landboubedryf word hiermee vriendelik versoek om by die NLBR te registreer, deur so spoedig moontlik die bogenoemde inligting te stuur (fax 012 341 1911/ 086 626 4771 or e-mail [lizettem@namc.co.za](mailto:lizettem@namc.co.za)).**

Navrae: Lizette Mellet, tel no 012 341 1115/ 012 400 9760

**BOARD / RAAD**  
**NOTICE 37 OF 2017**



National Agricultural  
Marketing Council  
Promoting market access for South African agriculture

APPLICATION FOR A STATUTORY LEVY IN TERMS OF THE MARKETING OF AGRICULTURAL PRODUCTS  
ACT, 1996, (ACT NO 47 OF 1996), (MAP ACT) AS AMENDED

••••

**INVITATION TO DIRECTLY AFFECTED GROUPS IN THE OILSEEDS INDUSTRY TO FORWARD  
COMMENTS REGARDING THE REQUEST FROM THE SUNFLOWER AND SOYBEAN FORUM  
FOR THE ESTABLISHMENT OF A BREEDING AND TECHNOLOGY LEVY ON SOYBEANS**

The Minister and the National Agricultural Marketing Council (NAMC) received a request from the Sunflower and Forum for the establishment of a **Breeding and Technology Levy on soybeans**, as indicated below (VAT excluded).

Commodity	Period	Amount (VAT Excl)
Soybeans	1/03/2017 to 28/02/2018	R65 per metric ton
	1/03/2018 to 28/02/2019	R80 per metric ton

The categories of directly affected groups which would probably be affected by the possible establishment of the proposed statutory measure are those groups of persons who are party to the production, purchasing, storing and processing of soybeans in the Republic of South Africa. The levy will be payable by the persons involved at the first point of sale, namely the buyer of soybeans, or the processor or converter thereof, or the person issuing a silo receipt.

The manner in which the objectives referred to in section 2(2) of the MAP Act will be advanced, namely the increasing of market access for all market participants, the promotion of the efficiency of the marketing of agricultural products, the optimisation of export earnings from agricultural products and the enhancement of the viability of the agricultural sector, are summarized below:

The purpose and aim of this statutory measure are to compensate breeders of soybean varieties for their contribution towards obtaining and utilising improved international agriculture related intellectual property to the benefit of the soybeans industry in the Republic of South Africa.

Sustainable commercial farming, the industries that they support, and food security in South Africa are to a large extent dependent on the cultivation of high yielding crops from seed varieties that are most suited to the particular region. Plant breeding is the science of changing the traits of plants to produce desired characteristics.

The development of new cultivars with improved quality and yield characteristics constitutes an important part of breeding and technology research undertaken by various organisations. The continuous development of new cultivars is indispensable to the sustained production of soybeans in South Africa.

Worldwide, the levels of Plant Variety Protection (PVP) legislation and protection for self-pollinated crops is insufficient to guarantee a return on investment on intellectual property for the holders of such plant breeder rights. This is due to PVP exceptions such as the "Farmer's Privilege" and the fact that the offspring/grain produced from self-pollinated crops has the same genetic content as the parent. This means that seed can be harvested and replanted. It creates a situation where growers could, for example, only purchase one season's seed, then lawfully save seed of his harvest for the next, and subsequent planting seasons.

The consequence is that commercial seed sales are jeopardised by:

- low volumes (since it is cheaper to retain grain for seed); and
- low prices (since any increase in prices triggers an increase in the use of farm saved seed).

International networks are critical in seed breeding with most agriculture related intellectual property owned by, or under foreign control. Without an appropriate mechanism to receive adequate compensation, and to account for the risk of exploitation, South Africa remains an unattractive destination for agriculture related intellectual property associated with self-pollinated crops. This means that South African access to internationally held nurseries, markers, techniques and technologies is being constrained. The result is that South African producers currently do not have access to improved agriculture related intellectual property that is available worldwide.

The Sunflower and Soybean Forum has realised the need for a sustainable industry research funding strategy for self-pollinated crops. The members of the Forum have agreed to apply for a breeding and technology levy on soybeans to encourage and stimulate the breeding and the introduction of the latest GMO technologies in soybeans crops for the benefit of the production, processing and other value-adding industries in the Republic of South Africa.

The applicants proposed that the Breeding and Technology Levy be administered by the "SA Cultivar and Technology Agency" (SACTA), a Non-Profit Company. SACTA is administering breeding and technology levies on behalf of other self-pollinated crops, such as wheat and barley. The Board of Directors of SACTA is constituted to include industry role players that are directly affected by the payment of the levies and the utilisation thereof. The role of SACTA is as follows:

- Act as collection agent by facilitating the process whereby a levy system, as provided for by the MAP Act, can be implemented in respect of self-pollinated crops on behalf of the Principals and in terms of the provisions of the Agency Agreements;
- collect the levies on behalf of the Principals, and
- distribute the levies, including any interest or other income earned in respect of the levies, minus the Facilitation Fee, to the Principals according to the predetermined market share for the sole purpose of funding research and related activities by the Principals within their sphere of business.

Although good co-operation is normally experienced from role players in the industry, it remains necessary to impose statutory measures in respect of levies, for the following reasons:

- Historical experience has shown, both in South Africa and in other countries, that voluntary levies have a short life-span and are not generally successful for the funding of industry services.

- Agricultural research, especially the development of new varieties, cannot randomly be started and stopped. In order to have effective breeding programmes with top quality researchers, ongoing funding is required. The insecurity of voluntary levies leads to uncertainty and poor results in the long-run.
- The principle of “user-pay” is difficult to apply, as the results and application of variety development cannot be withheld from those that do not pay levies, especially in the case of self-pollinated crops such as soybeans.
- The entire value chain benefits from improved varieties, which are high yielding as well as drought, disease and insect resistant, and this justifies Government intervention. Affected groups will have a say in the utilisation of funds due to the representation on the Board of Directors of SACTA.

The income by means of the proposed statutory levy is based on an expected success rate of 92% in the collection of levies. The business plan envisaged for the first year is as follows:

<b>Breeding and Technology Levy on Soybeans</b>	
	<b>2016/2017</b>
	<b>R</b>
Income budgeted	51 493 780
Expenditure:	
Administration (Audit fees, office rental, salaries, traveling and Board expenses)	3 862 034
Commission payable on levies collected by customers (2,5%)	1 287 345
Breeding & Technology payout to seed companies based on their performance and utilization in the seed market	37 075 522
Transformation done by seed companies	9 268 880
	<b>51 493 780</b>

The guidelines of the NAMC regarding the utilisation of statutory levy funds, which currently stipulate that at least 20% of levies collected should be used for transformation projects, were taken into account.

As the proposed Breeding and Technology Levy on Soybeans is consistent with the objectives of the MAP Act, the NAMC is investigating the possible implementation of the relevant statutory levy, in order to make a recommendation to the Minister.

**Directly affected groups in the soybeans industry are kindly requested to submit comments or objections regarding the proposed Breeding and Technology Levy on Soybeans to the NAMC in writing (fax 012 341 1911/ 086 626 4771 or e-mail [lizettem@namc.co.za](mailto:lizettem@namc.co.za)) on or before 10 February 2017, to enable the Council to formulate its recommendation to the Minister in this regard.**

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 38 OF 2017



**OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: WESTERN CAPE**

1<sup>st</sup> and 2<sup>nd</sup> floors, 14 Long Street, Cape Town, 8000 | Private Bag X9163, Cape Town, 8000  
Tel: (021) 409 0300 | Fax: (021) 418 0205

**REQUEST FOR PROPOSALS: DEVELOPMENT OF ERVEN 257, 258, 259, 260, 264, 265, 266, 268, 269, 270, 273, 275, 276, 283, 285 & 286 MEASURING 30.7959 HA IN EXTENT AND THE REMAINDER OF FARM 287 MEASURING 733.0000 HA IN EXTENT FOR THE COVIE COMMUNAL PROPERTY ASSOCIATION, COVIE, BITOU MUNICIPALITY, EDEN DISTRICT MUNICIPALITY, WESTERN CAPE**

The Office of the Regional Land Claims Commissioner: Western Cape, on behalf of the Covie Communal Property Association, is inviting proposals for the development of the above-mentioned land in the Bitou Municipality, Western Cape.

The proposals should be for the development and management of a residential component which will house claimants. In addition proposals are required to be used as part of a business model to generate income in an on-going and sustainable way for the community.

A portion of the land can be used, as part of the business model, for the development of business opportunities relating to eco-tourism, environmentally orientated commercial activities, community facilities, small scale agricultural activities and home based economic activities. The successful proposal will be the one which provides a partnership arrangement, which will be of greatest benefit to the claimants.

The briefing session will take place on the 08 of February 2017 @ 11h00 at 14 Long Street, Cape Town at 1<sup>st</sup> Floor Boardroom. Closing date for submission of proposals is 17 February 2017 @ 11h00. Tender box is situated on Ground Floor by the Security area for the Department of Rural Development & Land Reform.

**NB/ Invitations will be extended to the interested Service Providers that have submitted their proposals after the closing date for presentation.**

For further information, please contact Mr David Smit, Acting Chief Director: Restitution Support at 021-409 0300. A briefing document can be collected at the Office of the Regional Land Claims Commissioner: Western Cape, 14 Long Street, Cape Town @ 1<sup>st</sup> & 2<sup>nd</sup> Floors.

**DEPARTMENT OF SCIENCE AND TECHNOLOGY  
NOTICE 39 OF 2017**



**science and technology**

Department:  
Science and Technology  
**REPUBLIC OF SOUTH AFRICA**

**Department of Science and Technology  
Republic of South Africa**

**PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
MANUAL**

AS REQUIRED BY SECTION 14 (2) OF THE PROMOTION  
OF ACCESS TO INFORMATION ACT  
(PAIA) (Act No 2. Of 2000)

**Latest Revision 2016**



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## **1. Introduction**

This manual (“the Manual”) is published in terms of Section 14 (2) of the Promotion of Access to Information Act No. 2 of 2000 (the “Act”). The Act gives effect to the provisions of Section 32 of the Constitution which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

The purpose of the Act is to foster a culture of transparency and accountability in both the public and private sectors by affording any person the right of access to information to enable them to exercise and protect all of their rights to the full extent required.

The purpose of this Manual is to set out the procedures to be followed and criteria that have to be met for anyone (the “requester”) to request access to records in the possession or under the control of the Department of Science and Technology (“the DST”).

## **2. Applicability of the Promotion of Access to Information Act (hereinafter referred to as PAIA)**

The Promotion of Access to Information Act (No 2 of 2000) is applicable to the Department as a public body, particularly in respect to its internal records systems.

## **3. Purpose of the Manual in terms of PAIA**

The purpose of this Manual is to identify the structures and functions of the Department and describe its records systems to facilitate the objectives of PAIA.

## **4. South African Human Rights Commission (“SAHRC”) guide to the act**

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a guide containing information reasonably required by a person wishing to exercise or protect any rights in terms of this Act.

The guide which is published in all official languages contains particulars of:

- all information offices of public and private bodies;
- the addresses and contact details of such; and
- the types of assistance available from information offices and the South African Human Rights Commission.

#### 4.1. Availability and Access to the Guide:

The guide is available for inspection from:

- all public libraries; and
- the South African Human Rights Commission website – [www.sahrc.org.za](http://www.sahrc.org.za)

Should you have any queries in this regard, please contact the SAHRC directly at:

**Postal address:** The South African Human Rights Commission  
Promotion of Access to Information Act Unit  
Research and Documentation Department  
Private Bag 2700  
Houghton, 2041

Telephone: +27 11 484-8300  
Fax: +27 11 484-0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

#### 5. Contact information for the DST

**Name of organisation:** Department of Science and Technology

**Postal address**

Department of Science and Technology  
Private Bag X894  
Pretoria  
0001

**Physical address**

Building 53 Scientia  
Campus  
Meiring Naude Road  
Brummeria  
Pretoria

**Tel:** (012) 843 6300  
**Fax:** (012) 317 4363  
**Website:** <http://www.dst.gov.za>

**Information Officer:**

**Tel:** (012) 843 6815  
**Fax:** 0866 810006  
**Email:** [paia@dst.gov.za](mailto:paia@dst.gov.za)

Requesters are required to address all requests to the Information Officer.

**Deputy Information Officer:**

Deputy Director-General:

Corporate Services

**Tel:**

(012) 843 6632

**Fax:**

0865 508 775

**E-mail:**

[paia@dst.gov.za](mailto:paia@dst.gov.za)

## 6. Structure and functions

**Minister:**

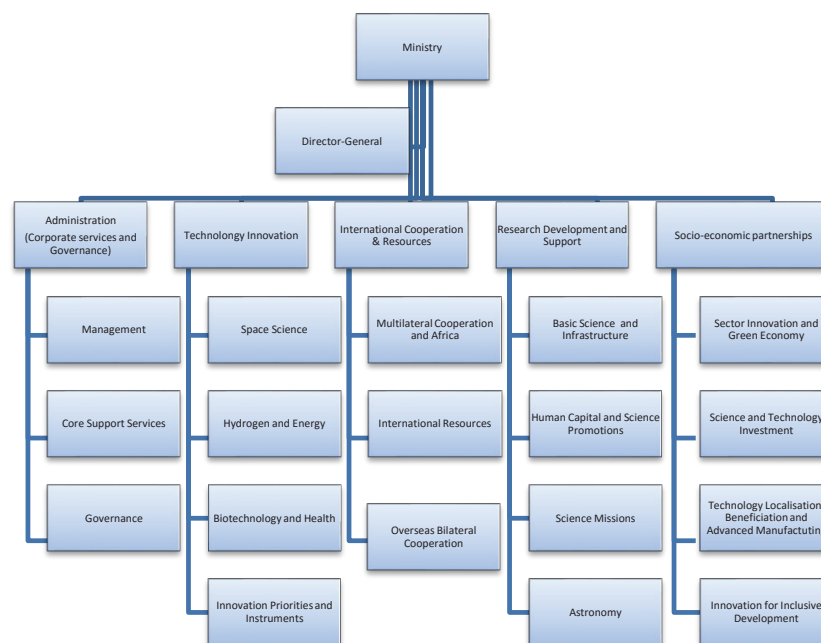
The Honourable Naledi Pandor

**Deputy Minister:**

The Honourable Zanele Magwaza-Msibi

**Director-General:**

Dr Phil Mjwara



For a more comprehensive organisational structure, please consult the DST website: [www.dst.gov.za](http://www.dst.gov.za)

### 6.1. Programmes

#### 6.1.1. Programme 1: Administration

Responsible for the overall management of the Department and provides centralised support services. It also ensures that funded organisations comply with good corporate governance practices and are aligned with the strategic focus of the National System of Innovation (NSI). It monitors and evaluates the science councils.

**6.1.2. Programme 2: Research, Development and Innovation**

Provides policy leadership in the DST's long-term, cross-cutting RDI efforts in the NSI, and plays a key role in developing strategic new institutional arrangements to drive RDI in South Africa.

**6.1.3. Programme 3: International Cooperation and Resources**

Develops and services bilateral and multilateral relationships and agreements in S&T to strengthen the NSI and enable a flow of knowledge, capacity and resources into South Africa and Africa.

**6.1.4. Programme 4: Human Capital and Knowledge Systems**

Develops and implements national programmes to produce knowledge and human capital, as well as the infrastructure, equipment and public research services, required to sustain the NSI.

**6.1.5. Programme 5: Socio-Economic Partnerships**

Provides policy, strategy and support for R&D-led growth of value-adding industries to enable government, industry and society to understand and deal better with the challenges of global change. It also provides support for evidence-based research on the human and social dynamics of development and for the enhancement of government decision-making on S&T (including R&D) as productive investments.

**6.2. Primary Functions****6.2.1. Historical background of the Department**

The Department of Science and Technology (DST) derives its mandate from the 1996 White Paper on Science and Technology. It was initially a part of the Department of Arts, Culture, Science and Technology, which was established in 1994. It then separated into the Department of Arts and Culture and Department of Science and Technology in 2002. In 2004 the Department became a standalone Ministry. The basic premise is that Science, Technology and Innovation (STI) play a critical role in economic growth and socio-economic development.

**6.2.2. Aim of the DST**

The DST seeks to realise the full potential of science and technology in social and economic development through the development of human resources, research and innovation.

This includes focused interventions, networking and acting as a catalyst for change in terms of both productive components of our economy, making it competitive in a globally competitive liberalized environment, and also in respect of the huge development backlog existing among the poorest components of our society. The goal of realising this vision is underpinned by development and resourcing strategies for the formation of science, engineering and technology human capital, democratization of state and society, promotion of an information society and ensuring environmental sustainability in development programmes.

### **6.2.3. Strategic direction**

Maintaining an adequate science base and translating it into jobs and growth poses some major challenges. The approach of National System of Innovation (NSI) in recognizing the non-linearity of innovation – where performance is a function not only of the innovation in individual organizations but also of the relationships and networks between institutions – is increasingly driving government towards the role of catalyst, facilitator and strategic investor.

### **6.2.4. Goals**

The DST's five principal goals are to -

- develop the innovation capacity of the National System of Innovation (NSI) and thereby contribute to socioeconomic development;
- enhance South Africa's knowledge-generation capacity in order to produce world-class research papers and turn some advanced findings into innovative products and processes;
- develop appropriate STI human capital to meet the needs of society;
- build world-class STI infrastructure to extend the frontiers of knowledge, train the next generation of researchers, and enable technology development and transfer, as well as knowledge interchange; and
- Position South Africa as a strategic international RDI partner and destination through the exchange of knowledge, capacity and resources between South Africa and its regional and other international partners, thereby strengthening the NSI.

### **6.2.5. Grand Challenges**

The success of the DST's Ten Year Innovation Plan - 2008-2018 (TYIP) depends on the achievement and realisation of the above goals. The Plan sets out core projections, which are

summarised as South Africa's grand challenges in science and technology (S&T). The grand challenges are the following:

- **Farmer to Pharma:** Over the next decade South Africa should develop its bio economy to become a world leader in biotechnology and pharmaceuticals, using the nation's indigenous resources and new developments in genomics.
- **Space S&T:** South Africa will become a key contributor and partner to global space S&T through the National Space Agency, a growing satellite industry and a range of innovations in space science, including earth observation, communication, navigation and engineering.
- **Energy Security:** Safe, clean, affordable and reliable energy supplies are in global demand, and South Africa should meet its medium-term energy supply requirements while innovating for the long term in clean coal technologies, nuclear energy, renewable energy and the promise of the hydrogen economy.
- **Global Change:** South Africa should exploit its geographic position, which enables it to play a leading role in climate change science.
- **Human and Social Dynamics:** As a leading voice among developing countries, South Africa should contribute to a greater global understanding of shifting social dynamics, and the role of science in stimulating growth and development.

#### 7. Public entities reporting to the DST

- Academy of Science of South Africa (ASSAF)
- Council for Scientific and Industrial Research (CSIR)
- Human Sciences Research Council (HSRC)
- National Research Foundation (NRF)
- Technology Innovation Agency (TIA)
- South African National Space Agency
- Agency for Science and Technology Advancement
- Astronomy Management Authority
- National Council on Innovation
- National Intellectual Property Management Office

#### 8. Acts administered by the DST

- Academy of Science of South Africa Act 67 of 2001
- Africa Institute of South Africa Act



- Astronomy Geographic Advantage Act 21 of 2007
- Human Sciences Research Act 23 of 1968
- Intellectual Property Rights for Public Financed Research and Development Act 51 of 2008
- National Advisory Council on Innovation Act 55 of 1997
- National Research Foundation Act 23 of 1998
- National Scientific Act 106 of 2003
- Natural Scientific Professions Act 27 of 2003
- Science Technology Law Amendment Act 2011
- Scientific Research Council Act 46 of 1988
- South African Space Agency Act 36 of 2008
- Technology Innovation Agency Act 26 of 2008
- The Promotion of Access to Information Manual

## 9. Access procedure

### 9.1. How to Make a Request

Fill in the prescribed request form available from the DST. To request the form, send an email to [paia@dst.gov.za](mailto:paia@dst.gov.za). The form is available in the following languages<sup>1</sup>:

- English
- isiZulu
- Sepedi.

All queries should be addressed to the Information Officer:

<b>Information Officer:</b>	Director-General
<b>Tel:</b>	(012) 843 6815
<b>Fax:</b>	0866 810 006
<b>E-mail:</b>	<a href="mailto:paia@dst.gov.za">paia@dst.gov.za</a>

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<sup>1</sup> Currently the DST has forms available in these three languages. Requests in other languages will also be accommodated.

## **9.2. Subjects and Categories of Records Held by Department of Science and Technology**

### **9.2.1. Automatic disclosure:**

The list of categories of records available to persons without having to request access in terms of the Promotion of Access to Information Act is attached as Annexure A. These records are made available on the DST website.

### **9.2.2. Records available on request:**

A list of categories of records which are held by the Department and can be requested in terms of the Promotion of Access to Information Act is attached as Annexure B. Access to these records must be requested from the Information Officer according to the procedure below.

### **9.3. Payment of the prescribed fees:**

As instructed by the Act, an amount of R35.00 must accompany the request for information. This is payable by cheque, cash (if delivered by hand) or deposited into the DST bank account (proof of the deposit must accompany the request form)

Account name:	Department of Science and technology
Bank:	ABSA Bank
Account Number:	4056183523
Branch Number:	323645
Account Type:	Deposit Account

### **9.4. Validation and acknowledgement of the request**

The Information Officer of the DST receives and validates the request to see whether the required information is available in the DST. The request is then accepted, rejected or transferred to the rightful keepers of the required information. An acknowledgement will then be forwarded to the requester to confirm the status of the request.

### **9.5. Information processing**

If the request is accepted, the DST will gather and prepare the information and calculate the relevant cost involved. The cost is calculated in respect of the prescribed fees as detailed in *Table 1: Fees in respect of Public Bodies*.

**9.6. Final notification**

The requester will be informed of the completion of the request as well as the outstanding fees payable to the DST.

**9.7. Payment and delivery**

Once the payment as stipulated above is received, the information is released to the requester. The prescribed form must be filled in with enough detail to at least enable the information Officer to identify:

- The record(s) requested.
- The identity of the requester.
- Which form of access is required, if the request is granted;
- The postal address or email address or fax number of the requester.

The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

The Department will process the request within 30 working days, unless the requester has stated special reasons, which would satisfy the Information Officer that circumstances dictate that the above time periods should not be complied with. The 30 day period may be extended for a further period of 30 days if the request is for a large amount of information, or the request requires a search for information held at another office of the institution and the information cannot be obtained within the original 30 day period. The DST will notify the requester in writing should an extension be sought.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The requester must pay the prescribed fee, before any further processing can take place.

## 9.8. Fees

The Act provides for two types of fees:

- A request fee, which will be a standard fee, and an access fee, which is calculated by taking into account reproduction costs, search and preparation time and costs, as well as postal costs.
- When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed fee (if any), before further processing of the request.
- If a search for the record has been made and the preparation of the record for disclosure, (including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted.
- The Information Officer shall withhold a record until the requester has paid the fees as indicated above.
- A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.
- If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned will repay the deposit to the requester.

**Table 1: Fees in respect of Public Bodies**

The following Fees apply:

DESCRIPTION	AMOUNT(R)
The request fee payable by every requester	35.00
Copy of the manual as contemplated in regulation 5(c) (for every photocopy of A4 size page or part thereof)	0.60
The fees for reproduction referred to in regulation 7(1) are as follows:	
1) For every photocopy of an A4 size page or part thereof	0.60
2) For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine	5.00
3) For a copy in a computer-readable form on:	
a) stifty disc	5.00
b) compact disc (readable form)	40.00

4) For a transaction of visual images: a) for an A4 size page or part thereof b) for a copy of visual images	22.00 60.00
5) For a transaction of an audio record: a) for an A4 size page or part thereof b) for a copy of an audio record	12.00 17.00
The access fees payable by a requester are as follows:	
1) For every photocopy of an A4 size page or part thereof	0.60
2) For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form	0.40
3) For a copy in a computer readable form on: a) stiffer disc b) compact disc	5.00 40.00
4) For a transcription of visual images, for an A4 size page or part thereof	22.00
5) For a copy of visual images	60.00
6) For a transaction of an audio record, a) for an A4 size page or part thereof b) for a copy of audio records	12.00 17.00
To search for and prepare the record for disclosure, R15, 00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
The actual postage is payable when a copy of a record must be posted to a requester. Postage costs are dependent on the relevant tariff in terms of postage destination.	

### 9.9. Refusal of request and appeal

- A requestor should take note of section 7(1) of the PAIA which states the following:  
 “ This Act does not apply to a record of a public body or a private body if—  
 (a) that record is requested for the purpose of criminal or civil proceedings;  
 (b) so requested after the commencement of such criminal or civil proceedings, as the case may be; and  
 (c) the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law.  
 (d) requests for information that are, in DST’ reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.”

If section 7(1) applies, you may not bring a request in terms PAIA.

- The grounds of refusal outlined in Part 2 of Chapter 4 and Part 3 Chapter 4 of the PAIA should therefore be observed when making requests.
- A requester may lodge an internal appeal against a decision of the information officer of the DST to refuse a request for access in relation to that request with the relevant authority.
- A third party may lodge an internal appeal against a decision of the information officer of the DST to grant a request for access.

#### **9.10. Manner of appeal, and appeal fees**

An appeal must be lodged in the prescribed form:

- Within 60 working days;
- If notice to a third party is required, within 30 days after notice is given to the appellant of the decision appealed against; or
- If notice to the appellant is not required, after the decision was taken it must be delivered or sent to the information officer of the DST;
- Must identify the subject of the appeal and state the reasons for the appeal and may include any other relevant information known to the appellant;
- If, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed;
- If applicable, must be accompanied by the prescribed fee, and must specify a postal address or fax number; and
- If an appeal is lodged after the expiry of the period referred to, the relevant authority must, upon good cause shown, allow the late lodging of the appeal.

If that relevant authority disallows the late lodging of the appeal, he/she must give notice of that decision to the person who lodged the appeal. A requester lodging the appeal against the refusal of his/her request for access must pay the prescribed appeal fee (if any). If the prescribed appeal fee is payable in respect of an appeal, the decision on the appeal may be deferred until the fee is paid. As soon as reasonably possible, but in any event within 10 working days after receipt of an appeal, the information officer of the DST must submit to the relevant authority:

- The appeal together with his/her reasons for the decision concerned; and

- If the appeal is against the refusal or granting of a request for access, the name, postal address, email address phone and fax numbers, whichever is available, of any third party that must be notified of the request.

### **9.11 Granting of access to records**

Subject to the provisions of the PAIA, access to records requested from DST will only be granted if -

- All the procedural requirements set out in the PAIA relating to a request are met; and
- Access to the requested record/s is not refused in terms of any ground for refusal set out in PAIA.
- The grounds of refusal are outlined in Part 2 of Chapter 4 and Part 3 Chapter 4 and includes mandatory protection of-
  - (a) commercial information of third party;
  - (b) certain confidential information;
  - (c) safety of individuals, and protection of property;
  - (d) records privileged from production in legal proceedings;
  - (e) economic interests and financial welfare of Republic and commercial activities of public bodies;
  - (f) research information of third party, and protection of research information of public body; or
  - (g) certain information regarding the operations of public bodies.



## 10. Annexure A: Information generally available through the DST website

- General DST information
  - Organogram
  - Vision, Mission & Values
  - Ministry
  - Contact list
- DST Focus Areas
  - Research
    - Research partners
    - Information on research funding
  - Innovation
    - Contact details for funding
  - Youth
    - Fun places to visit
    - Experiments
    - Facts
    - Links to Science and Technology sites
  - Careers
    - Financial Aid
    - Careers beyond 2000
    - BioCareers
- Science and technology career opportunities
- The R&D Tax Incentive Programme
  - Guides, brochures and forms
  - Acts and other documents relevant to R&D Tax Incentive
  - Frequently Asked Questions
- News Room
  - Speeches
    - Archived
  - Press Releases
  - DST in the news
  - Parliamentary Proceedings
  - Presentations

- Presentation of the DST 2006/7 Annual Report to Parliament
- Presentation on S&T Policy Forum. Japan, June 2005
- Presentation delivered by Ms Anita Canca
- Energy Research Development in SA
- Science, Technology and Innovation
- The GEOSS Initiative
- Interim Assessment of the Impact of the National R&D Strategy
- Science, Technology and Innovation: Case study of the SA Policy Environment
- Comparative Advantages and Global Research Infrastructure Partnerships
- SA Science and Technology System
- Presentation to the SA National Editors' Forum (SANEF); 22 November 2003
- Sector-wide Science and Technology Programme Proposal
- Presentation made on 15 July 2004, in Brussels.
- Presentation on the Fourth World Congress on Rural Women.pdf
- OECD Review of the SA National System of Innovation
- Corporate Strategy 2008
- National Space Agency bill.PPT
- India-Brazil-South Africa (IBSA)
- Seminar on Space Science and Astronomy
- o Science and Technology Awareness Radio
- o Events Calendar
- o DST Newsletter
- o SKAO Monthly Bulletin
- o Cabinet Statements
- o SADC
- o Opinion Pieces
- Resource Centre
  - o Annual reports
  - o Legislation
  - o Strategies & Reports
  - o DST Corporate Strategy 2010-13
  - o Foresight Reports
  - o R&D Reports
  - o Project Reports

- Newsletters
- Ministerial Review Reports
- Knowledge Products
- Research Infrastructure
- Cyber Infrastructure
- Coffee Table Books
- Seminar on Space Science and Astronomy
- Services
- Centres of Excellence
  - The Centre of Excellence in Biomedical TB Research
  - The Centre of Excellence in Invasion Biology
  - The Centre of Excellence in Strong Materials
  - The Centre of Excellence in Birds as Keys to Biodiversity Conservation at the Percy Fitzpatrick Institute
  - The Centre of Excellence in Catalysis
  - The Centre of Excellence in Tree Health Biotechnology at FABI
  - The Centre of Excellence in Epidemiological Modelling and Analysis
- The R & D Tax Incentives Programme
- S&T Landscape
- Space Programme Newsletter
- Sumbandilasat
- Science and Technology Awareness Radio (STAR)
  - June 2010 Interview
  - May 2010 Interview - Maropeng
  - April 2010 Interview - Square Kilometre Array (SKA)
  - March 2010 Interview
  - January 2010 Interview
  - December 2009 Interview
  - November 2009 Interview
  - October 2009 Interview
  - September 2009 Interview
  - August 2009 Interview
- Tenders
  - Procurement policy framework

- Responded Bidders
- Current tenders
- NSW10 proposal template FINAL.doc
- Jobs
  - Guidelines to register on DST careers
  - Latest Job Opportunities
  - Link to form Z83
  - Benefits working for the DST
  - Online Registration Database
- Knowledge Resource Centre
- Links
  - COFISA
  - Presentations
  - Documents
- Square Kilometre Array (SKA)
- Shanghai
  - 2010 Shanghai Expo - Images
  - South Africa at Expo 2010: Image Gallery
- German South Africa Year of Science 2012/13
- Sector budget support
- SAFIPA
  - Global change conference
- PRIAP
- General budget support
- Performance Information Management System (PIMS)
- Entities
  - Technology Innovation Agency
  - Human Sciences Research Council
  - Academy of Science of South Africa
  - South African National Space Agency
  - Council for Scientific Research and Industrial Research
  - Agency for Science and Technology Advancement
  - National Intellectual Property Management Office

- National Research Foundation
- Astronomy Management Authority
- Contact details

**11. Annexure B: Subjects and categories of records held by the Department of Science and Technology**

<b>Programme/Sub-programme</b>	<b>Records Title</b>
<b>PROGRAMME 1: ADMINISTRATION</b>	
<b>Programme 1A. Corporate Services</b>	
<u>Sub Programme: Chief Financial Officer (CFO)</u>	
Financial Management (Management Accounting)	Estimates of National expenditure (ENE) Medium Term Expenditure Framework (MTEF), Adjusted Estimates of National Expenditure (AENE) Early warning reports, expenditure analysis report, cash-flow report.
Financial Accounting	Financial statements, Assets and Liabilities. Statutory reports on National Revenue, Certificates on Compliance in terms of the minimum requirements of financial accounting in the National Government, Interim and Annual Financial Statements and records of all transactions pertaining to Revenue, Expenditure, Assets and Liabilities.
Supply Chain Management	Supply Chain Management Policies and Procedures; Supplier database; Proposals from service providers; Bid documents, including minutes of Bid adjudication; Submissions in relation to Bids; Product specifications and Service terms of reference; Minutes of meeting with service providers; Submissions in relation to assets disposals; Assets register; Minutes of assets disposal committee meetings; Fleet management; Assets and facility management plans; Tender documentation, including awarded tenders.
<u>Sub-Programme: Chief Information Officer</u>	
Information Systems	Disaster Recovery Plan; IT Policies, standards and procedure manuals, Master Services Plan, IT Strategy.

<b>Programme/Sub-programme</b>	<b>Records Title</b>
Knowledge Information and Records Management	Records Management Strategy and Policy, Knowledge Management Strategy, PAIA Manual.
<u>Unit:</u> Security	Security Policies and procedures; Security Transaction reports; Building Video footage
<u>Sub-Programme:</u> Legal Services	DST Acts and regulations, Contracts, Legal opinions and litigation databases, legal policies, compliance manual.
<u>Sub-Programme:</u> Human Resource	
Special Programmes	HR Strategies, Policies, Procedures and Plans; Gender and Disability Mainstreaming Plans(s); Employee Assistance Programmes; Employee Assistance Reports; Batho Pele Principles; Grievance and Disciplinary Procedures; Gift Register.
Talent Management and Organisational Development	HR Strategies, Policies, Procedures and Plans; Job evaluation and Work-study Reports.
<b>Programme 1B. Chief Operations Officer</b>	
Office of the Director General	Ministerial and DG Submissions Risk Management
<u>Sub- Programme:</u> Policy Planning, Governance Monitoring and Evaluation (PPGM&E)	DST Annual Report, Business plan; Performance information management reports; Institutional and system reviews and supporting documentation; Minutes of meetings, Liaison with DST entities (forum meeting minutes - Chairpersons, CEO and CFO); Progress and Appraisal reports; Frameworks and guidelines; Commissioned Reports.
<u>Sub-Programme:</u> Internal Audit	Minutes of Audit Committee Meetings; Internal Audit Reports; Audit Committee Reports, Charters; Memoranda of Agreement.
<u>Sub- Programme:</u> Science Communication	Speeches; Corporate publications; Extracts from research reports; Photographs.
HR Sourcing and Maintenance	HR Strategies, Policies, Procedures and Plans; Personnel Files; Leave Register.
<u>Sub-Programme:</u> National Advisory Council on Innovation (NACI)	Appointments, Acceptances and Declines of Members of Council, Committees and Sub-committees; Study Management.



Programme/Sub-programme	Records Title
<b>PROGRAMME 2: RESEARCH DEVELOPMENT AND INNOVATION</b>	
Office of the Deputy Director General	
<u>Sub-Programme:</u> Biotechnology and Health	Strategies; Centres of Competence; regulations; correspondence, decisions and interactions with Agencies; Farmer to Pharma Grand Challenge; GMO applications (without confidential information).
<u>Sub-Programme:</u> Space Science	Upgrade the capabilities of the Satellite Application Centres.
<u>Sub-Programme:</u> Innovation Priorities and Instruments	Model for fiscal incentives for R&D.
<u>Sub-Programme:</u> Knowledge Development on Indigenous Knowledge Systems	Knowledge Management; Indigenous Knowledge Systems study documents and reports - refer to <a href="http://www.NIKSO.dst.gov.za">www.NIKSO.dst.gov.za</a> ; National Recordal system.
<b>PROGRAMME 3: INTERNATIONAL CO-OPERATION AND RESOURCES</b>	
Office of the DDG	
<u>Sub-Programme:</u> Overseas Bilateral Cooperation	Agreements
<u>Sub-Programme:</u> International Resources	Project brochures Links to project websites Project Workshop and information sessions
<u>Sub-Programme:</u> Multilateral Cooperation and Africa	Fellowships Study opportunities Unit Brochures Collaboration reports
<b>PROGRAMME 4: HUMAN CAPITAL AND KNOWLEDGE SYSTEMS</b>	
Office of the DDG	
<u>Sub-Programme:</u> Basic Sciences and Infrastructure	Facilitate strategic partnerships and programmes to develop new research infrastructure and access to new research infrastructure.
<u>Sub-Programme:</u> Human Capital & Science promotion	Centres of Excellence; Research Chairs; Study reports; Bursary information.

<b>Programme/Sub-programme</b>	<b>Records Title</b>
<u>Sub-Programme:</u> Astronomy Advances	Square Kilometre Array Information; refer to <a href="http://www.SKA.ac.za">www.SKA.ac.za</a> ; Astronomy legislative process and regulations; Declarations.
<b>PROGRAMME 5: SOCIO-ECONOMIC PARTNERSHIPS</b>	
Office of the Deputy Director General	Grand Challenges, with implementation plans and concept documents; Strategic frameworks.
<u>Sub-Programme:</u> Science & Technology Investment	Surveys and statistical reports; Company responses to surveys.
<u>Sub-Programme:</u> S&T for Social Impact: Innovation for Inclusive Development	Build partnerships and provide investment support and fund pilots.
<u>Sub-Programme:</u> S&T for Economic Impact: Sector Innovation and Green Economy	Final Research reports.
<u>Sub-Programme:</u> S&T for Economic Impact: Technology Localisation Beneficiation and Advanced Manufacturing	Strategies Intellectual property and patented information; Technology Localisation Plan; Process Control Manual; Technology Assistance Packages Guidelines.

## Annexure C



REPUBLIC OF SOUTH AFRICA

## FORM A

## REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18 (1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

**[Regulation 2]**

## FOR DEPARTMENTAL USE

Reference Number: \_\_\_\_\_

Request received by \_\_\_\_\_ (state rank,  
name and surname of information officer / deputy information officer on  
(date) \_\_\_\_\_ at \_\_\_\_\_ (place)

Request fee (if any): R \_\_\_\_\_

Deposit fee (if any): R \_\_\_\_\_

Access fee R \_\_\_\_\_

-----  
Signature: Information Officer/Deputy Information Officer

**A. Particulars of public body**

The Head:

**B. Particulars of person requesting access to the record**

(a) The particulars of the person who requests access to the record must be given below.  
 (b) The address and/or fax number in the Republic to which the information is to be sent must be given.  
 (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: .....

Identity number: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address: .....

Telephone number: (.....) ..... Fax number: (.....) .....

E-mail address: .....

Capacity in which request is made, when made on behalf of another person:

**C. Particulars of person on whose behalf request is made**

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: .....

Identity number 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**D. Particulars of record**

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.  
 (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

.....

.....

.....

.....

**FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

2. Reference number, if available:

.....  
.....  
.....  
.....

3. Any further particulars of record:

.....  
.....  
.....  
.....

**E. Fees**

- |     |                                                                                                                                                               |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee has been paid. |
| (b) | You will be notified of the amount required to be paid as the request fee.                                                                                    |
| (c) | The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.   |
| (d) | If you qualify for exemption of the payment of any fee, please state the reason for exemption.                                                                |

Reason for exemption from payment of fees:

.....  
.....  
.....  
.....  
.....

**FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:  Mark the appropriate box with an <b>X</b> .  NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	Form in which record is required:
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
--------------------------------------------------------------------------------------------------------------------------------------------------	-----	----

**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form.  
**The requester must sign all the additional folios.**

1. Indicate which right is to be exercised or protected:

.....

.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

.....

.....

**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at ..... this day..... of ..... year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE

**Latest Revision 2016**



FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY



science and technology

Department:  
Science and Technology  
REPUBLIC OF SOUTH AFRICA

**Kgoro ya Saense le Theknolotši (DST)  
Republiki ya Afrika Borwa**

## **PUKWANA YA MOLAO WA TŠWETŠOPELE YA TUMELELO GO TSHEDIMOŠO, 2000**

**BJALO KA GE GO NYAKWA KE KAROLO YA 14 (2) YA MOLAO WA  
TŠWETŠOPELE YA TUMELELO GO TSHEDIMOŠO  
(PAIA) (Molao wa 2 wa 2000)**

LENANEO LA DITENG

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## 10. Matseno

Pukwana ye (“Pukwana”) e gatišitšwe go ya ka Karolo ya 14 (2) ya Molao wa Tšwetšopele ya Tumelelo goTshedimošo wa 2 wa 2000 (“Molao”). Molao wa Tšwetšopele ya Tumelelo go Tshedimošo (2 ya 2000) e ama Kgoro bjalo ka setheo sa setšhaba, gagolo mabapi le disestemo tša direkote tša yona tša ka gare. Molao o phethagatša a mabaka a Karolo ya 32 ya Molaotheo ao a fago tokelo ya tumelelo go tshedimošo ye e swerwego ke mmušo ka motho yo mongwe yeo e nyakegago go phethagatša le/go šireletša tokelo efe goba efe.

Maikemišetšo a Molao ke go godiša setšo sa go se khutišiše le go rwala maikarabelo bobedi ka makaleng a setšhaba le a mmušo ka go fa motho mang le mang tokelo ya go hwetša tshedimošo go ba kgontšha go phethagatša le go šireletša ditokelo tša bona ka botlalo ka mo go nyakegago.

Maikemišetšo a Pukwana ke go laetša ditshepedišo tše di tla latelwago le mabaka ao a tlogo kgotsofatšwa bakeng sa mang le mang (“mokgopedi”) go kgopela tumelelo ya direkote tše di swerwego goba di le ka fase ga taolo ya Kgoro ya Saense le Theknolotši (“DST”).

## 11. Tšhomišo ya Molao wa Tšwetšopele ya Tumelelo go Tshedimošo (morago ga fa e tla bitšwa PAIA)

Molao wa Tšwetšopele ya Tumelelo go Tshedimošo (2 ya 2000) o ama Kgoro bjalo ka setheo sa setšhaba, gagolo mabapi le disestemo tša direkote tša yona tša ka gare.

## 12. Maikemišetšo a Pukwana go ya ka PAIA

Maikemišetšo a Pukwana ke go laetša dibopego le mešomo ya Kgoro le go hlalosa disestemo tša yona tša direkote go kgontšha maikemišetšo a PAIA.

## 13. Tlhahli ya Khomišene ya Ditokelo tša Botho ya Afrika Borwa (“SAHRC”) go Molao

Karolo ya 10 ya Molao e nyaka gore Khomišene ya Ditokelo tša Botho tša Afrika Borwa (SAHRC) e gatiše tlhahli ye e nago le tshedimošo ye e nyakwago ke motho ka mo go kwagalago yo a nyakago go phethagatša goba go šireletša ditokelo dife goba dife go ya ka Molao wo.

Tlhahli ye e gatišitšwego ka maleme a semmušo ka moka e na le dintlha tša:

- dikantoro ka moka tša tshedimošo tša mekgatlo ya setšhaba le ya poraebete;
- diaterese le dintlha tša tšona tša kgokagano; le
- mehuta ya thušo ye e hwetšago go tšwa go dikantoro tša tshedimošo le go Khomišene ya Ditokelo tša Botho ya Afrika Borwa.

### 13.1. Khwetšagalo le Tumelelo ya Tlhahli:

Tlhahli e gona gore e hlahlobje go:

- Makgobapuku a setšhaba ka moka; le
- Wepsaete ya Khomišene ya Ditokelo tša Botšo ya Afrika Borwa – [www.sahrc.org.za](http://www.sahrc.org.za)

Ge o na le dipotšišo dife goba dife mabapi le se, ka kgopelo kgokagana le SAHRC thwii go:

**Aterese ya poso:** Khomišene ya Ditokelo tša Botho ya Afrika Borwa  
Lekala la Molao wa Tšwetšopele ya Tumelelo go Tshedimošo  
Kgoro ya Dinyakišišo le Ditokomane  
Mokotla wa Poso 2700  
Houghton, 2041

Mogala: +27 11 484-8300  
Fekse: +27 11 484-0582  
Wepsaete: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-meili: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

### 14. Tshedimošo ya kgokagano ya DST

**Leina la mokgatlo:** Kgoro ya Saense le Theknolotši

#### Aterese ya poso

Kgoro ya Saense le Theknolotši  
Private Bag X894  
Pretoria  
0001

#### Aterese ya bodulo

Building 53 Scientia  
Campus  
Meiring Naude Road  
Brummeria  
Pretoria

**Mogala:** (012) 843 6300

**Fekse:** (012) 317 4363  
**Wepsaete:** <http://www.dst.gov.za>

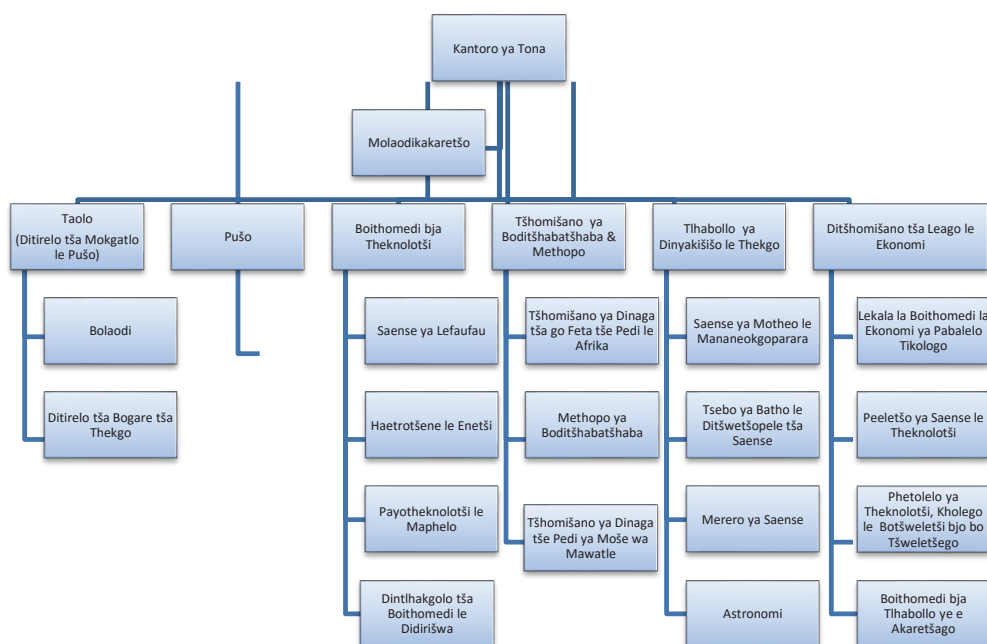
**Mohlankedi wa Tshedimošo:** Molaodipharephare  
**Mogala:** (012) 843 6815  
**Fekse:** 0866 810006  
**Emeili:** [paia@dst.gov.za](mailto:paia@dst.gov.za)

Bakgopedi ba kgopelwa go lebiša dikgopelo ka moka go Mohlankedi wa Tshedimošo.

**Motlatšamohlankedi wa Tshedimošo:** Motlatšamolaodipharephare:  
 Ditirelo tša Mokgatlo  
**Mogala:** (012) 843 6632  
**Fekse:** 0865 508 775  
**E-meili:** [paia@dst.gov.za](mailto:paia@dst.gov.za)

**15. Dibopego le mešomo**

**Tona:** Mohlomphegi Naledi Pandor  
**Motlatšatona:** Mohlomphegi Zanele Magwaza-Msibi  
**Molaodipharephare:** Ngaka Phil Mjwara



Go hwetša sebopego sa mokgatlo ka botlalo, ka kgopelo etela wepsaete ya DST: [www.dst.gov.za](http://www.dst.gov.za)

## **15.1. Mananeo**

### **15.1.1. Lenaneo la 1: Taolo**

Le rwele maikarabelo a bolaodi ka moka bja Kgoro ebile le aba ditirelo tša thekgo tše di kgobokantšwego bogare. Gape le kgonthišiša gore mekgatlo ye e thekgwago ka ditšhelete e latela mekgwa ye mebotse ya pušo ya mokgatlo gomme e amantšhwa le nepišo ya leano laSestemo ya Bosetšhaba ya Boithomedi. Le lekola le go sekaseka makgotla a saense.

### **15.1.2. Lenaneo la 2: Dinyakišišo, Tlhabollo le Boithomedi (RDI)**

Le fa boetapele bja pholisi maitekong a RDI ao a akaretšago a paka ye telele a DST, le go bapala karolo ye bohlokwa tšweletšong ya dipeakanyo tše diswa tša institšhušene tša leano go hlohleletša RDI ka Afrika Borwa.

### **15.1.3. Lenaneo la 3: Tšhomišano ya Boditšhaba le Methopo**

Le a bopa le go šomela dikamano tša di naga tše pedi le tša go feta tše pedi le dikwano ka gare ga S&T go matlafatša le go kgontšha kelelo ya tsebo, bokgoni le methopo ka Afrika Borwa le Afrika.

### **15.1.4. Lenaneo la 4: Bokgoni bja Batho le Disestemo tša Tsebo**

Le a bopa le go phethagatša mananeo a bosetšhaba go tšweletša tsebo le bokgoni bja batho, le mananeokgoparara, didirišwa le ditirelo tša dinyakišišo tša setšhaba, tše di nyakegago go thekgo.

### **15.1.5. Lenaneo la 5: Ditirišano tša Leago le Ekonomi**

Le fa pholisi, leano le thekgo go diintasteri tše di oketšago mohola wa kgolo ye e etilwego pele ke R&Dgo kgontšha mmušo, intasteri le setšhaba go kwešiša le go rarolla bokaone le ditlholo tša phetogo ya lefase. Gape le thekga dinyakišišo tše di theilwego godimo ga bohlatse go diphetogo tša botho le leago tša tlhabollo le go kaonafatša tše ya dipheho ka mmušo go S&T (go akaretšwa R&D) bjalo ka dipeeletšo tše di nago le tšweletšo.

## **15.2. Mešomo ya Motheo**

### **15.2.1. Bomorago bja Histori bja Kgoro**

Kgoro ya Saense le Theknolotši (DST) e tšea taelo ya yona go tšwa go Pego ye e sego ya Semmušo ka ga Saense le Theknolotši ya 1996. Mathomong e be e le karolo ya Kgoro ya Bokgabo, Setšo, Saense le Theknolotši, yeo e hlomilwego ka 1994. Morago e kgaogane go

bopa Kgoro ya Bokgabo le Setšo le Kgoro ya Saense le Theknolotši ka 2002. Ka 2004 Kgoro e bile Kantoro ya Tona ye e ikemego ka noši. Kgopolo ya motheo ke gore Saense, Theknolotši le Boithomedi (STI) di bapala karolo ye bohlokwa ka kgo long ya ekonomi le tlhabollo ya leago le ekonomi.

#### **15.2.2. Maikemišetšo a DST**

DST e nyaka go fihlelela bokgoni bjo bo feletšego bja saense le theknolotši ka tlhabollong ya leago le ekonomi ka tlhabollo ya methopo ya botho, dinyakišišo le boihlamedi.

Se se akaretša ditsenogare tše di nepilego go kopana le go ba bjalo ka motlišadiphetogo go ya ka bobedi dikarolo tša tšweletšo tša ekonomi ya rena, go e dira gore e phadišane ka tikologong ye e lokologilego ya phadišano lefaseng, gomme gape le go ya ka tšhalelonthago ye kgolo ya tlhabollo ye e lego gona magareng a dikarolo tša go hloka kudu tša setšhaba sa rena. Nepo ya go amogela pono ye e thekgwago ke maano a tlhabollo le go e tlamela ka methopo go bopa saense, boentšenere le theknolotši ya bokgoni bja batho, go tsenya temokrasi ya mmušo le setšhaba, kgodišo ya tshedimošo ya setšhaba le go kgonthišiša thekgo ya tikologo ka mananeong a tlhabollo.

#### **15.2.3. Taetšo ya maano**

Go thekga beise ye e lekanego ya saense le go e fetolela go ba mešomo gomme kgolo e na le ditlhohlo tše di rarollegago tše mmalwa. Tsela ya Sestemo ya Boisetšhaba ya Boithomelo (NSI) ya go amogela go se lekanele ga boithomedi – fao tiro e lego mošomo e sego fela wa boithomedi ka mekgatlong ka noši eupša gape ya dikamano le dikopano gare ga diistitšhušene – ka lebelo e iša mmušo go mošomo wa botlišaphetogo, monolofatši le mmeletši wa leano.

#### **15.2.4. Dinepo**

Dinepo tša motheo tše hlano tša DST ke -

- go tšweletša bokgoni bja boithomedi bja Sestemo ya Bosetšhaba ya Boithomedi (NSI) gomme ka go realo e le go kgatha tema go tlhabollo ya ekononi le leago;
- go oketša bokgoni bja tšweletšo ya tsebo ya Afrika Borwa go tšweletša dipampiri tša dinyakišišo tša maemo a godimo lefaseng le go fetolela tše di dingwe tša dikutullo go ditšweletšwa tša boithomedi le ditshepetšo;



- go aga bokgoni bja batho bja STI ya maleba go kgotsofatša dinyakwa tša setšhaba;
- go aga mananeokgoparara a STI a maemo a godimo lefaseng go katološa mellwane ya tsebo, go hlahlala moloko wa banyakišiši, le go kgonagatša tlhabollo ya theknolotši le phetišetšo, le go ananyetšana tsebo; le
- go bea Afrika Borwa bjalo ka mošomišane wa RDI ya boditšhabatšhaba ya leano le lefelo la neeletšano ya tsebo, bokgoni le methopo gare ga Afrika Borwa le bašomišane ba yona ba selete le ba bangwe ba boditšhabatšhaba, go realo e le go matlafatša NSI.

#### 15.2.5. Dithohlo tše di Rarollegago

Katlego ya Leano la Boithomedi la Mengwaga ye Lesome ya DST – 2008-2018 (TYIP) e laolwa ke phihlelelo le kamogelo ya dinepo tša ka godimo. Leano le laetša diponelopele tše bohlokwa, tše di filwego ka bokopana bjalo ka Dithohlo tše di rarollegago tša Afrika Borwa ka saense le theknolotši (S&T). Dithohlo tše di rarollegago ke tše di latelago:

- **Molemi go ya go Borakhemise(Pharma):** mo ngwagasomeng wo o latelago Afrika Borwa e swanela go godiša ekonomi ya yona ya payo gore e be ketapele ka go payotheknotši le dihlare tša kalafo, e šomiša methopo ya setšo ya naga le ditlhabollo tše diswa ka tšenomikse.
- **Lefaufau S&T:** Afrika Borwa e tla ba a mokgathatema yo bohlokwa le mošomišane go lefaufau la lefase S&T ka Etšentshi ya Bosetšhaba ya Lefaufau, intasteri ya sathelaete ye e golago le maithomedi a go fapana ka saense ya lefaufau, go akaretšwa kgoboketšo ya tshedimošo ya lefase, kgokagano, go nyaka taetšo le boentšenerere.
- **Tšhireletšo ya Enetši:** Dikabo ya enetši ye e bolokegilego, hlwekilego, rekegago le go tshepagala di nyakega lefaseng ka bophara, gomme Afrika Borwa e swanela go kgotsofatša dinyakwa tša yona tša kabo ya enetši ya paka ya magareng mola e hlama ditheknolotši ka malahlala a go hlweka tša paka ye telele, enetši ya nyuklea, enetši ya go tsošološwa le tshepišo ya ekonomi ya haetrotsene
- **Phetogo ya Lefase:** Afrika Borwa e swanela go šomiša maemo a yona a tikologo, yeo e e kgontšhago go bapala karolo ya ketapele go saense ya phetogo ya klaemete.
- **Diphetogo tša Leago le Botho:** Bjalo ka lentšu la ketapele magareng a dinaga tše di hlabologago, Afrika Borwa e swanela go kgatha tema go kwešišo ya lefase ka bophara ya go šutiša phetogo ya leago, le karolo ya saense hlohleletšong ya kgolo le tlhabollo.

#### 16. Ditheo tša Setšhaba tše di lego ka fase ga DST

- Akatemi ya Saense ya Afrika Borwa (ASSAF)

- Lekgotla la Dinyakišišo tša Saense le Intasteri (CSIR)
- Lekgotla la Dinyakišišo tša Disaense tša Botho (HSRC)
- Setheo sa Bosetšhaba sa Dinyakišišo (NRF)
- Etšentshi ya Boithomedi bja Theknolotši (TIA)
- Etšentshi ya Bosetšhaba ya Lefaufau ya Afrika Borwa
- Etšentshi ya Tšwetšopele ya Saense le Theknolotši
- Lekala la Taolo ya Astronomi
- Lekgotla la Bosetšhaba ya Boithomedi
- Kantoro ya Bosetšhaba ya Taolo ya Thoto ya Kelelo
- Taolo ya Thoto ya Kelelo ya Bosetšhaba

#### **17. Melao ye e laolwago ke DST**

- Molao wa Akatemi ya Saense ya Afrika Borwa, 67 wa 2001
- Molao wa Afrika Borwa wa Institšhuti ya Afrika
- Molao wa Mohola wa Tikologo ya Astronomi, 21 wa 2007
- Molao wa Dinyakišišo tša Disaense tša Botho, 23 wa 1968
- Molao wa Ditokelo tša Thoto ya Kelelo ya Dinyakišišo tše di Thekgwago ke Setšhaba ka Ditšhelete le Tlhabollo, 51 wa 2008
- Molao wa Bosetšhaba wa Lekgotla la Boeletši ka ga Boithomedi, 55 wa 1997
- Molao wa Setheo sa Bosetšhaba sa Dinyakišišo, 23 wa 1998
- Molao wa Saense wa Bosetšhaba, 106 wa 2003
- Molao wa Mešomo ya Saense ya Tlhago, 27 wa 2003
- Molaophetošwa wa Molao wa Theknolotši ya Saense wa 2011
- Molao wa Setheo sa Bosetšhaba sa Dinyakišišo, 46 wa 1988
- Etšentshi ya Sekgoba ya Afrika Borwa, 36 wa 2008
- Etšentshi ya Boithomedi ya Setšhaba, 26 wa 2008
- Pukwana ya Tšwetšopele ya Tumelelo ya Tshedimošo

## 18. Tshepedišo ya tumelelo

### 18.1. Kgopelo e dirwa bjang

Tlatša fomo ye e kgethetšwego kgopelo ye e hwetšwago go DST. Go kgopela fomo, romela emeili go [paia@dst.gov.za](mailto:paia@dst.gov.za). Fomo e hwetšagala ka maleme a a latelago<sup>2</sup>:

- English
- isiZulu
- Sepedi.

Dipotšišo ka moka di swanela go lebišwa go Mohlankedi wa Tshedimošo:

**Mohlankedi wa Tshedimošo:** Molaodikakaretšo  
**Mogala:** (012) 843 6815  
**Fekse:** 0866 810 006  
**E-mail:** [paia@dst.gov.za](mailto:paia@dst.gov.za)

### 18.2. Dihlogo le magoro a Rekote ye e Swerwego ke Kgoro ya Saense le Theknolotši

#### 18.2.1. Kutullo ye e itiragalelago fela:

Lenaneo la magoro a direkote le batho ba ba le hwetšago ntle le go kgopela tumelelo go ya ka Molao wa Tšwetšopele ya Tumelelo go Tshedimošo o kgomareditšwe bjalo ka Tlhomagantšho ya A. Direkote tše di a hwetšagala wepsaeteng ya DST.

#### 18.2.2. Direkote di hwetšwa ka go kgopelwa:

Lenaneo la magoro a direkote tše di swerwego ke Kgoro gomme di ka kgopelwa go ya ka Molao wa Tšwetšopele ya Tumelelo go Tshedimošo o kgomareditšwe bjalo ka Tlhomagantšho ya B. Tumelelo go direkote tše e swanetše go kgopelwa go tšwa go Mohlankedi wa Tshedimošo go ya ka tshepetšo ya ka fase.

### 18.3. Ditefelo tše di beilwego:

Bjalo ka ge go laeditšwe ke Molao, tšhelete ya R35.00 e swanetše go sepela le kgopelo ya tshedimošo. Ye e lefelwa ka tšheke, kheše (e tlišwa ka seatla) goba go panka ka gare ga akhaonte ya DST ya panka (bohlatse bja go panka bo swanetše go sepela le fomo ya kgopelo)

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<sup>2</sup> Ka se sebaka DST e na le fomo ye e hwetšwago ka maleme a mararo. Dikgopelo tše dingwe tša maleme le tšona di tla amogelwa.

Leina la Akhaonte:	Department of Science and Technology
Panka:	ABSA Bank
Nomor ya Akhaonte:	4056183523
Nomoro ya Lekala:	323645
Mohuta wa Akhaonte:	Deposit Account

#### **18.4. Tiišetšo le kamogelo ya kgopelo**

Mohlankedi wa Tshedimošo wa DST o amogela le go tiišetša kgopelo go bona ge e ba tshedimošo ye e kgopelwago e gona ka DST. Ke moka kgopelo e a amogelwa, ganwa goba go fetišetšwa go baswari ba maleba ba tshedimošo ye e kgopelwago. Kamogelo e tla romelwa go mokgopedi go tiišetša maemo a kgopelo.

#### **18.5. Go sepetša tshedimošo**

Ge kgopelo e amogetšwe, DST e tla kgobaketša le go beakanya tshedimošo le go hlakanya tshenyegelo ye e amegago ya maleba. Tshenyegelo e hlakanywa go ya ka ditefelo tše di beilwego ka gare ga *Tafola 1: Ditefelo tša Ditheo tša Setšhaba*.

#### **18.6. Tsebišo ya mafelelo**

Mokgopedi o tla tsebišwa ka ga pheletšo ya kgopelo le ditefelo tše di šaletšego tše di swanelago go lefelwa DST.

#### **18.7. Tefo le kamogedišo**

Ge tefo bjalo ka ge go laeditšwe ka godimo e amogetšwe, tshedimošo e lokollelwa mokgopedi. Fomo ye e kgethetšwego e swanetše go tlatšwa ka dintlha tše di lekanego gore bonnyane Mohlankedi wa Tshedimošo a kgone go hlaola:

- (Di)rekote tše di kgopetšwego.
- Boitsebišo bja mokgopedi.
- Ke mohuta ofe wa tumelelo wo o nyakegago, ge kgopelo e ka fiwa;
- Aterese ya poso goba aterese ya emeili goba nomoro ya fekse ya mokgopedi.

Mokgopedi o swanetše go laetša gore o nyaka tshedimošo go phethagatša le go šireletša tokelo, le go laetša gabotse seo tlhago ya tokelo e lego sona go phethagatša le go šireletša. Go tlaleletša, mokgopedi o swanetše go laetša gabotse gobaneng rekote e nyakega go phethagatša le go šireletša tokelo ye bjalo.

Kgoro e tla šogana le kgopelo pele go fela matsatši a 30 a mošomo, ntle le ge mokgopedi a file mabaka a ikgethilego, ao a tlogo kgotsofatša Mohlankedi wa Tshedimošo gore mabaka a laela gore mabaka a nako a a ka godimo a ga a swanela go latelwa. Lebaka la matsatši a 30 le ka katološwa gape ka matsatši 30 ge kgopelo ya tshedimošo e le ya palo ye kgolo goba kgopelo e nyaka nyakišišo ya tshedimošo ye e swerwego kantorong ye nngwe ya institšhušene gomme tshedimošo e ka se hwetšwe pele go fela lebaka la mathomo la matsatši a 30. DST e tla tsebiša mokgopedi ka lengwalo ge katološo e ka nyakega.

Ge kgopelo e dirilwe legatong la motho yo mongwe, gona mokgopedi o swanetše go tliša bohlatse bja maemo a mokgopedi a dirago kgopelo a le ka gare ga ona go ya ka kgotsofalo ye e kwagalago ya Mohlankedi wa Tshedimošo.

Ge motho a sa kgone go tlatša fomo ye e beilwego ka lebaka la go se kgone go bala le go ngwala goba bogolofadi, motho yo bjalo a ka dira kgopelo ka molomo. Mokgopedi o swanela go lefa tefelo ye e beilwego, pele go tšwelwa pele ka peakanyo efe goba efe.

#### **18.8. Ditefelo**

Molao o fa mehuta ye mebedi ya ditefelo:

- Tefelo ya kgopelo, yeo e tlogo ba tefelo ye e lekanetšego, le tefelo ya tumelelo, ye e hlakanywago ka go akaretša ditshenyegelo tša tšweletšogape, go nyakišiša le nako ya peakanyo le ditshenyegelo, le ditshenyegelo tša poso.
- Ge kgopelo e amogelwa ke Mohlankedi wa Tshedimošo, mohlankedi wo bjalo ka tsebišo o tla kgopela mokgopedi, yo e sego mokgopedi wa go ikgopelela, go lefa tefelo ye e beilwego (ge e le gona), pele go tšwelwa pele ka go beakanya kgopelo.
- Ge nyakišišo ya rekote e šetše e diretšwe kutullo, (go akaretšwa peakanyo ya go e dira gore e hwetšege ka fomo ye e kgopetšwego, e nyaka diiri tša go feta tše di beilwego ka gare ga melawana ya maikemišetšo a, mohlankedi wa tshedimošo o tla tsebiša mokgopedi go lefa bjalo ka tipositi karolwana ye e beilwego tša tefelo ya tumelelo, yeo e tlogo lefša ge kgopelo e ka fiwa.
- Mohlankedi wa Tshedimošo o tla swara rekote go fihlela mokgopedi a lefile ditefelo bjalo ka ge go laeditšwe ka godimo.
- Mokgopedi yoo kgopelo ya gagwe ya gore a hwetše rekote e filwe, o swanetše go lefa tefelo ya tumelelo ya tšweletšogape le ya go nyaka le tokišo, le ya nako efe goba efe ya go kwagala

ye e nyakegago ka godimo ga diiri tše di beetšwego go nyakišiša le go beakanya rekote ya kutullo, go akaretšwa go dira dipeakanyo tša gore e hwetšagale ka fomong ye e kgopetšwego.

- Ge tipositi e lefetšwe kgopelo ya tumelelo, yeo e gannwego, gona mohlankedi wa tshedimošo yo a amegago o tla bušetša tipositi go mokgopedi.

### Tafola 1: Ditefelo tša Ditheo tša Setšhaba

Ditefelo ke tše di latelago:

TLHALOSO	TŠHELETE(R)
Tefelo ya kgopelo e lefša ke mokgopedi wo mongwe le wo mongwe	35.00
Khopi ya pukwana bjalo ka ge go laeditšwe ka gare ga molawana wa 5(c) (go fothokhopi ye nngwe le ye nngwe ya letlakala la bogolo bja A4 goba karolo ya yona)	0.60
Ditefelo tša tšweletšogape tše di laeditšwego ka go molawana wa 7(1) di ka tsela ye:	
1) Fothokhopi ye nngwe le ye nngwe ya letlakala la bogolo bja A4 goba karolo ya yona	0.60
2) Khopi ye nngwe le ye nngwe ye e gatišitšwego ya letlakala la bogolo bja A4 goba karolo ya yona ye e swerwego ka khomphutheng goba ka sebopego se se balegago sa elektroniki goba motšhene	5.00
3) Khopi ka sebopego sa go balega sa khophutha go:	
a) tisiki ya setifi	5.00
b) tisiki ya go kgohlagantšhwa (ka sebopego sa go balega)	40.00
4) kgwebišano ya diswantšho:	
a) letlakala la bogolo bja A4 goba karolo ya sona	22.00
b) khopi ya diswantšho	60.00
5) Kgwebišano ya rekote ya segatišalentšu (odio):	
a) letlakala la bogolo bja A4 goba karolo ya yona	12.00
b) khopi ya rekote ya segatišalentšu	17.00
Ditefelo tša tumelelo tše di lefšago ke mokgopedi di ka tsela ye:	
1) Fothokhopi ye nngwe le ye nngwe ya letlakala la A4 goba karolo ya yona	0.60
2) Khopi ye nngwe le ye nngwe ye e gatišitšwego ya letlakala la bogolo bja A4 goba karolo ya yona ye e swerwego ka khomphutheng goba ka sebopego se se balegago sa elektroniki goba motšhene	0.40
3) Khopi ya ka gare ga khomphutha ye e lego ka sebopego sa go balega go:	
a) tisiki ya setifi	5.00
b) tisiki ya go kgohlantšhwa	40.00

4) Ngwalollo (transekripšene) ya diswantšho, ya letlakala la bogolo bja A4 goba karolo ya yona	22.00
5) Khopi ya diswantšho	60.00
6) Kgwebišano ya rekote ya segatišalentšu, a) Letlakala la bogolo bja A4 goba karolo ya yona b) Khophi ya direkote tša segatišalentšu	12.00 17.00
Go nyaka le go beakanya rekote ya kutullo, R15, 00 go iri ye nngwe le ye nngwe goba karolo ya iri, go sa akaretšwe iri ya mathomo, ye e nyakegago ka maleba go dira nyakišišo goba peakanyo ye bjalo.	
Tshenyegelo ya poso e lefša ge khopi ya rekote e swanetše go romelwa go mokgopedi. Ditshenyegelo tša poso di laolwa ke tharifi ya maleba go ya ka lefelo le poso e yago go lona.	

### 18.9. Kgano ya kgopelo le boipiletšo

- Mokgopedi o swanela go lemoga karolo ya 7(1) ya PAIA yeo e laetšago tše di latelago:
 

“ Molao wo ga o šome go rekote ya setheo sa setšhaba goba setheo sa poraebete ge—

(a) rekote yeo e kgopelwa ka maikemišetšo a ditshepedišo tša bosenyi goba tša semolao;

(b) e kgopelwa morago ga go thongwa ga ditshepedišo tša bosenyi goba tša semolao, bjalo ka ge go ka ba bjalo; le

(c) kgatišo ya goba tumelelo go rekote yeo ka maikemišetšo a bolelwa ka go temana ya (a) e akareditše ka gare ga olao ofe goba ofe.

(d) dikgopelo tša tshedimošo, ka kgopelo ye e kwagalago ya DST, tše di se nago maikarabelo a mabotse goba go hlobaetša goba tše di akaretšago go šomiša go tše di sego molaong.”

Ge karolo ya 7(1) e amegas, kgopelo e ka se tlišwe go ya ka PAIA.
- Mabaka a kgano a laeditšwego ka gare ga Karolo ya 2 ya Kgaolo ya 4 le Karolo ya 3 ya Kgaolo ya 4 tša PAIA di swanela go latelwa ge go dirwa dikgopelo.
- Mokgopedi a ka dira boipiletšo bja ka gare kgahlanong le sephetho sa mohlankedi wa tshedimošo wa DST sa go gana kgopelo ya tumelelo mabapi le kgopelo yeo ya bolaodi bjo bo amegago.
- Motho/mokgatlo wa boraro o ka dira boipiletšo ka gare kgahlanong le sephetho sa mohlankedi wa tshedimošo wa DST go fa kgopelo ya tumelelo.

### 18.10. Mokgwa wa boipiletšo, le ditefelo tša boipiletšo

Boipiletšo bo swanetše go dirwa ka fomo ye e kgethetšwego boipiletšo:



- Pele go fela matšatši a 60 a mošomo;
- Ge tsebišo go motho/mokgatlo wa boraro e nyakega, pele go fela matšatši a 30 morago ga tsebišo ye e filwego molli wa sephetho se go ipobolwago ka sona goba;
- Ge tsebišo go molli e sa nyakege, morago gore go tšewe sephetho, e swanetše go išwa goba go romelwa go mohlankedi wa tshedimošo wa DST;
- Go swanetše go hlaolwa hlogoina ya boipiletšo le go fa mabaka a boipiletšo gomme bo ka akaretša tshedimošo efe goba efe ya maleba ye e tsebjago ke molli;
- Ge, go tlaleletša dikarabo tša go ngwalwa, molli a rata go tsebišwa sephetho ka ga boipiletšo bja ka gare ka mokgwa wo mongwe le mongwe, o swanetše go laetša mokgwa woo le go fa dintlha tše di tlogo tsebišwa bjalo;
- Ge go le bjalo, e swanetše go sepela le tefelo ye e beilwego, gape e swanetše go laetša aterese ya poso goba nomoro ya fekse; le
- Ge boipiletšo bo dirilwe morago ga nako ya mafelole ye e bolelwago, bolaodi bja maleba bo swanetše, ge go sena go laetšwa gore e ya go šomišwa botse, go dumelela go dira ga boipiletšo morago ga nako.

Ge bolaodi bjoo bja maleba bo gana boipiletšo bja go dirwa morago ga nako, bo swanetše go tsebiša sephetho seo go motho yoo a dirilego boipiletšo. Mokgopedi yo a dirago boipiletšo kgahlanong le go ganwa ga kgopelo ya gagwe ya tumelelo o swanetše go lefa tefelo ya boipiletšo ye e beilwego (ge e le gona). Ge tefelo ya boipiletšo ye e beilwego e lefša go ya ka boipiletšo, sephetho ka ga boipoletso se ka ditelwa go fihlela tefelo e lefša. Ka pela ka mo go kgonegago, eupša pele go fela matšatši a mošomo a 30 morago ga go amogela boipiletšo, mohlankedi wa tshedimošo wa DST o swanetše go e tliša go bolaodi bja maleba:

- Boipiletšo mmogo le mabaka a gagwe a sephetho se se amegago; le
- Ge boipiletšo bo le kgahlanong le kgano goba go dumelela kgopelo ya tumelelo, leina, aterese ya poso, emeili, dinomoro tša mogala le tša fekse, efe goba efe ye e lego gona, ya motho/mokgatlo wa boraro ofe goba ofe wo o swanetšego go tsebišwa ka kgopelo.

### 9.11 Go fa tumemelo go direkote

Go ya ka mabaka a PAIA, tumemelo go direkote tše di kgopelwago go tšwa go DST e tla fiwa fela ge -

- Dinyakwa tša tshepedišo ka moka tše di laeditšwego ka gare ga PAIA tše di amanago le kgopelo di kgotsofaditšwe; le

- Tumelelo go (di)rekote ye e kgopetšwego ga e ganwe go ya ka mabaka a mangwe ntle le ao a laeditšwego ka gare ga PAIA.
- Mabaka a kgano ao a hlalositšwe ka gare ga Karolo ya 2 ya Kgaolo ya 4 le Karolo ya 3 ya Kgaolo ya 4 gomme e akaretša tšhireletšo ye e lego taelo ya-
  - (a) tshedimošo ya kgwebo ya motho/mokgatlo wa boraro;
  - (b) tshedimošo ye itšeng ya sephiri;
  - (c) polekego ya batho, le tšhireletšo ya thoto;
  - (d) direkote tše di kgethilwego go tšwa go tšweletšo ka ditshepedišong tša semolao;
  - (e) dikgahlego tša ekonomi le maemo a mabotse a ditšhelete tša Repabliki le mediro ya kgwebo ya ditheo tša setšhaba;
  - (f) tshedimošo ya dinyakišišo tša motho/mokgatlo wa boraro, le tšhireletšo ya tshedimosšo ya dinyakišišo tša setheo sa setšhaba; goba
  - (g) tshedimošo ye itšeng mabapi le ditshepedišo tša ditheo tša setšhaba.

#### **10. Tlhomagantšho ya A: Tshedimošo ya kakaretšo ye e hwetšwago ka wepsaete ya DST**

- Tshedimošo ya Kakaretšo ya DST
  - Tšhate ya Sebopego sa Mokgatlo
  - Pono, Thomo & Mehola
  - Kantoru ya Tona
  - Lenaneo la kgokaganot
- Makala a nepišo a DST
  - Dinyakišišo
    - Bašomišane ba dinyakišišo
  - Tshedimošo ka ga thekgo ya ditšheletše ya dinyakišišo
  - Boithomedi
    - Dintlha tša kgokagano tša thekgo ya ditšhelete
  - Baswa
    - Mafelo a go thabiša ao a ka etelwago
    - Maitekelo
    - Dintlha
    - Dilinki tša go ya go diwepsaete tša Saense le Theknolotši
  - Mešomo
    - Thušo ya Ditšhelete

- Mesomo ka morago ga ngwaga wa 2000
- Mesomo ya tsa maphelo
- Menyetla ya mešomo ya saense le theknolotši
- Lenaneo la Putseletšo ya motšhelo wa Dinyakišišo le Tlhabollo (R&D)
  - Dihlahli, dipukwana le difomo
  - Melao le ditokomane tše dingwe tša maleba go Putseletšo ya Motšhelo wa R&D
  - Dipotšišo tše di Botšišwago Kgafetša
- Phapošši ya Ditaba
  - Dipolelo (Dipitšhi)
  - Tše di lotilwego
  - Ditokollo tša Ditaba
  - DST ka ditabeng
  - Ditshepedišo ya Palamente
  - Dipego
  - Pego ya Pego ya Ngwaga ka Ngwaga ya DST 2006/7 Palamenteng
  - Pego ya Foramo ya Pholisi ya Saense le Theknolotši (S&T). Japan, Phupu 2005
  - Pego ye e filwego ke Mohumagadi Anita Canca
  - Tlhabollo ya Dinyakišišo tša Enetši ka Afrika Borwa
  - Saense, Theknolotši le Boithomedi
  - Protšeke ya Sestemo ya Tlhokomelo ya Lefase ya Disestemo Lefaseng ka Bophara (GEOSS)
  - Kelo ya nakwana ya Khuetšo ya Leano la Bosetšhaba la R&D
  - Saense, Theknolotši le Boithomedi: Thuto ya seemo ya Tikologo ya Pholisi ya Afrika Borwa
  - Mehola ye e Bapetšegago le Ditšhomišano tša Mananeokgoparara a Dinyakišišo a Lefase
  - Sestemo ya Theknolotši le Saense tša Afrika Borwa
  - Pego go Foramo ya Bosetšhaba ya Bahlakiši ya Afrika Borwa (SANEF); 22 Dibatsela 2003
  - Tšhišinyo ya Lenaneo la Theknolotši le Saense la lekala ka bophara
  - Pego ye e dirilwego ka la 15 Mosegamanye 2004, go la Brussels.
  - Pego ka ga Kopano ya Bone ya Lefase ka ga Basadi ba Dinagamagae.pdf
  - India-Brazil-South Africa (IBSA)
  - Seminare ka ga Saense ya Lefaufau le Astronomi

- Radio ya Temošo ya Theknolotši le Saense
- Tšhupamabaka ya Ditiragalo
- Kgatišobakana ya DST
- Tsebišo ya Kgwedi le Kgwedi ka SKAO
- Ditatamente tša Kabinete
- SADC
- Dingwalwa ta dikgopolo
- Senthara ya Methopo
  - Dipego tša ngwaga ka ngwaga
  - Molao
  - Maano & Dipego
  - Leano la Mokgatlo la 2010-13
  - Dipego tša Ponelepele
  - Dipego tša R&D
  - Dipego tša Diprotšeke
  - Dikgatišobakana
  - Dipego tša Tshekatsheko ya Dikantoro tša Ditona
  - Ditšweletšwa tša Tsebo
  - Mananeokgoparara a Dinyakišišo
  - Mananeokgoparara a go Tšweletšwa ka Khomphutha (Cyber)
  - Dipuku tša Tafoleng ya Kofi
- Seminare ka ga Saense ya Lefaufau le Astronomi
- Ditirelo
- Disenthara tša Bokgoni
  - Senthara ya Bokgoni ka ga Dinyakišišo tša TB ya kalafo ya payo (payometikhale)
  - Senthara ya Bokgoni ka Payolotši ya Tlhaselo
  - Senthara ya Bokgoni ka ga Dimetheriale tša go Tia
  - Senthara ya Bokgoni bja Dinonyana bjalo ka Diketapele go Pabalelo ya Payo ye e Fapanago ka Institšhušeneng ya Percy Fitzpatrick
  - Senthara ya Bokgoni bja Kakgofišo
  - Senthara ya Bokgoni bja Payotheknolotši ya Maphelo a Mohlare ka FABI
  - Senthara ya Bokgoni bja go Mmotlola Epitemiolotši le Tshekatsheka
  - Lenaneo la Diputseletšo tša Motšhelo tša R&D
- Ponagalo ya S&T

- Kgatišabakana ya Lenaneo la Lefaufau
- Sumbandilasat
- Radio ya Temošo ya Saense le Theknolotši (STAR)
  - Phupu 2010 Poledišano
  - Mopitlo 2010 Poledišano - Maropeng
  - Moranang 2010 Poledišano - Square Kilometre Array (SKA)
  - Hlakola 2010 Poledišano
  - Pherekgong 2010 Poledišano
  - Manthole 2009 Poledišano
  - Dibatsela 2009 Poledišano
  - Diphallane 2009 Poledišano
  - Lewedi 2009 Poledišano
  - Phato
- Dithentara
  - Mahlomo a Pholisi ya Theko ya Dithoto
  - Baabatirelo ba ba arabilego
  - Dithentara tša bjale
- Thempleiti ye e šišintšwego ya NSW10 ya FINAL.doc
- Mešomo
  - Magatohlahlhi a ngwadiša go wepsaete ya DST ya mešomo
  - Menyetla ya moragorago ya Mešomo
  - Linki ya go ya go fomo ya Z83
  - Dikhelego tše di šomelago DST
  - Dathabeise ya Ngwadišo ya Inthanete
- Senthara ya Methopo ya Tsebo
- Dilinki
  - COFISA
  - Dipego
  - Ditokomane
- Square Kilometre Array (SKA)
- Shanghai
  - Pontšho ya Shanghai ya 2010 - Diswantšho
  - Pontšho ya Afrika Borwa ya 2010: Sekgala sa Diswantšho
- Ngwaga wa Saense wa German South Africa wa 2012/13

- Thekgo ya tekanetšo ya lekala
- SAFIPA  
Khonferentshe ya phetogo ya lefase  
PRIAP
- Thekgo ya tekanetšo ya kakaretšo
- Sestemo ya Taolo ya Tshedimošo ya Tiro(PIMS)
- Ditheo
  - Etšentshi ya Boithomedi bja Theknolotši
  - Lekgotla la Dinyakišišo tša Disaense tša Botho
  - Akatemi ya Saense ya Afrika Borwa
  - Etšentshi ya Bosetšhaba ya Lefaufau ya Afrika Borwa
  - Lekgotla la Dinyakišišo tša Saense le tša Intasteri
  - Etšentshi ya Tšwetšopele ya Saense le Theknolotši
  - Kantoro ya Bosetšhaba ya Taolo ya Thoto ya Kelelo
  - Setheo sa Bosetšhaba sa Dinyakišišo
  - Lekala la Taolo ya Astronomi
  - Dintlha tša kgokagano

**11. Tlhomagantšho ya B: Dihlogo le magoro a direkote tše di swerwego ke Kgoro ya Saense le Theknolotši**

Lenaneo/Lenanewana	Thaetlele ya Direkote
<b>LENANEO LA 1: TAOLO</b>	
<b>Lenaneo la 1A. Ditirelo tša Mokgatlo</b>	
<u>Lenanewana:</u> Mohlankedimogolo wa Ditšhelete (CFO)	
Taolo ya Tšhupaletlotlo	Ditekanyetšo tša Tshenyegelo ya Bosetšhaba (ENE) Tlhako ya Tshenyegelo ya Paka ya Magareng (MTEF), Ditekanyetšo tse di Fetotšwego tša Tshenyegelo ya Bosetšhaba (AENE) Dipego tša temošo ya ka pela, pego ya tshekatsheko ya tshenyegelo, pego ya tšhelete ye e tsenago le ye e tšwago.
Tšhupaletlotlo ya Matlotlo	Ditatemente tša matlotlo, Dithoto le Dikoloto. Dipego tša semolao ka ga Letseno la Bosetšhaba, Ditifikeiti ka ga Kobamelo go ya ka dinyakwa tša bonnyane tša Tšhupaletlotlo ya Matlotlo ka Mmušong wa Bosetšhaba, Ditatemente tša Matlotlo tša Ngwaga le Ngwaga le tša Nakwana le direkote tša dikgwebišano ka moka tša go ama Letseno, Ditshenyegelo, Dithoto le Dikoloto.
Taolo ya Theko ya Dithoto	Ditshapedišo le Diphholisi tša Taolo ya Theko ya Dithoto; Dathabeisi ya Baabatirelo; Ditshisinyo go tšwa go baabatirelo; ditokomane tsa thentara, go akaretšwa metsotso ya kahlolo ya dikgopelo tša thentara; Ditšhišinyo mabapi le Dithentara; Dinyakwa tša Tšweletšo le tšhupetšo ya mabaka a tirelo; Metsotso ya kopano le baabatirelo; Ditšhišinyo mabapi le thekišo ya dithoto; Retšistara ya dithoto; Metsotso ya dikopano tša komiti ya thekišo ya dithoto; Taolo ya dinamelwa; Dipolane tša taolo ya lefelo le Dithoto; Ditokomane tša dithentara, go akaretšwa dithentara tše di abilwego.
<u>Lenanewana:</u> Mohlankedimogolo wa tshedimošo	
Disestemo tša Tshedimošo	Polane ya Tsošološo ya Dikotsi; Diphholisi tša theknolotši ya tshedimošo (IT), dipukwana tša



<b>Lenaneo/Lenanewana</b>	<b>Thaetlele ya Direkote</b>
	ditshepedišo le ditekanetšo, Polane ya Ditirelo tša Kakaretšo, Leano la IT.
Tshedimoso ya Tsebo le Taolo ya Direkote	Pholisi le Leano la Taolo ya Direkote, Leano la Taolo ya Tsebo, Pukwana ya PAIA.
<u>Lekala:</u> Tšhireletšo	Ditshepedišo le dipholisi tša tšhireletšo; Dipego tša kgwebišano ya tšhireletšo; Go dira kgatišo ya video
<u>Lenanewana:</u> Ditirelo tša Semolao	Melao le melawana. Dikonteraka, Didathabeisi tša dikgopolo tša semolao le kgato ya semolao, dipholisi tša semolao, pukwana ya kobamelo tša DST.
<u>Lenanewana:</u> Methopo ya Bomotho	
Mananeo a a Ikgethilego	Maano a HR, Dipholisi, Ditshepedišo le Dipolane; (Di)polane tša Tekanetšo ya Bogolofadi le Bong; Mananeo a Thušo ya Bašomi; Dipego tša Thušo ya Bašomi; Melao ya Batho Pele; Ditshepedišo tša Kgalemo le Dingongorego; Retšistara ya Dimpho.
Taolo ya Talente le Tihabollo ya Mokgatlo	Maano a HR, Dipholisi, Ditshepedišo le Dipolane; Tshekatsheko ya mošomo le Dipego tša mešomo ya nakwana ya baithuti.
<b>Lenaneo la 1B. Mohlankedimogolo wa Tshepedišo</b>	
Kantoro ya Molaodikakaretšo	Ditšhišinyo tša Tona le Molaodikakaretšo Taolo ya Dikotsi
<u>Lenanewana:</u> Pholisi Peakanyo, Pušo, Tekolo le Tshekatsheko (PPGM&E)	Pego ya Ngwaga le Ngwaga ya DST, Polane ya Kgwebo; Dipego tša taolo ya tshedimošo ya mošomo; Tshekatsheko ya sestemo le institšhušene le ditokomane tša thekgo; Metsotso ya dikopano, Kgokagano le ditheo tša DST (metsotso ya dikopano tša foramo - Modulasetulo, Mohlankedimogolophethiši (CEO) le Mohlankedimogolo wa Matlotlo (CFO)); Dipego tša Kgatelopele le Kelo; Ditlhako le dihlahlhi; Dipego tše di Kgopetšwego.
<u>Lenanewana:</u> Bohlakiši bja ka Gare	Metsotso ya Dikopano tša Komiti ya Bohlakiši; Dipego tša Bohlakiši tša ka Gare; Dipego tša Komiti ya Bohlakiši, Mangwalo a Tumelelo; Memorantamo wa Kwano.
<u>Lenanewana:</u> Kgokagano ya Saense	Dipolelo; Dikgatišo tša khamphani; Ditsopolwa go tšwa dipegong tša dinyakišišo; Diswantšho.

<b>Lenaneo/Lenanewana</b>	<b>Thaetlele ya Direkote</b>
Go thwala ga HR le Tlhokomelo	Maano a HR, Dipholisi, Ditshepedišo le Dipolane; Difaele tša Bašomi; Retšistara ya Dillifi.
<u>Lenanewana:</u> Lekgotlakeletšo la Bosetšhaba ka ga Boithomedi (NACI)	Go thwalwa, Dikamogelo le Dikgano tša Maloko a Lekgotla, Dikomiti le Dikomiti tše Nnyane; Taolo ya Thuto.
<b>LENANEO LA 2: TLHABOLLO YA DINYAKIŠIŠO LE BOITHOMEDI</b>	
Kantoro ya Motlatšamolaodikakaretšo	
<u>Lenanewana:</u> Payotheknotloši le Maphelo	Maano, Disenthara tša Bokgoni; melawana; poledišano, diphetho le dikopano le Dietšentshi; Molemi go ya go Borakhemisi (Pharma) Tlhohlo ye e Rarollegago; Ditirišo tša GMO (ntle le tshedimošo ya sephiri).
<u>Lenanewana:</u> Saense ya Lefaufau	Kaonafatša bokgoni bja Disenthara tša Tirišo ya Sathelaete.
<u>Lenanewana:</u> Dintlhakgolo tša Boithomedi le Didirišwa	Mmotlolo wa diputseletšo tša ditšhelete tša R&D.
<u>Lenanewana:</u> Tlhabollo ya Tsebo ka ga Disestemo tša Tsebo ya Tlhago	Taolo ya Tsebo; Dipego le ditokomane tša thuto ya Disestemo tša Tsebo ya Tlhago – etela <a href="http://www.NIKSO.dst.gov.za">www.NIKSO.dst.gov.za</a> ; Sestemo Bosetšhaba ya go Rekota.
<b>LENANEO 3: TŠHOMIŠANO YA BODITŠHABATŠHABA LE METHOPO</b>	
Kantoro ya Motlatšamolaodikakaretšo (DDG)	
<u>Lenanewana:</u> Tšhomišano ya dinaga tše pedi ya Moše wa Mawatle	Dikwano
<u>Lenanewana:</u> Methopo ya <u>Boditšhabatšhaba</u>	Dipukwana tša diprotšeke Dilinki tša go ya go diwepsaete tša diprotšeke Lebenkeletšhomo la Protšeke le dikopano tša tshedimošo

<b>Lenaneo/Lennewana</b>	<b>Thaetlele ya Direkote</b>
<u>Lennewana</u> : Tšhomišano ya dinaga tša go feta tše pedi le ya Afrika	Difelošipi Menyetla ya Thuto Dipukwana tša Lekala Dipego tša Tšhomišano
<b>LENANEO 4: DISESTEMO TŠA BOKGONI BJA BATHO LE TSEBO</b>	
Kantoro ya DDG	
<u>Lennewana</u> : Disaense tša Motheo le Mananeokgoparara	Go kgontšha ditšhomišano tša maano le mananeo go tšweletša mananeokgoparara a maswa a dinyakišišo le phihlelelo ya mananaeokgoparara a maswa a dinyakišišo.
<u>Lennewana</u> : Bokgoni bja Batho & Tšwetšopele ya Saense	Disenthara tša Bokgoni; Badulasetulo ba Dinyakišišo; Dipego tša Thuto; Tshedimošo ya dipasari.
<u>Lennewana</u> : Ditšwelopele tša Astronomi	Tshedimošo ya Square Kilometre Array; etela <a href="http://www.SKA.ac.za">www.SKA.ac.za</a> ; Tshepetšo ya semolao ya Astronomi le melawana; Ditsebišo.
<b>LENANEO LA 5: DITŠHOMIŠANO TŠA LEAGO LE EKONOMI</b>	
Kantoro ya Motlatšamolaodikakaretšo	Ditlhohlo tše di Rarollegago, tša go ba le polane tša phethagatšo le ditokomane tsa dikgopolo; Ditlhako tša maano.
<u>Lennewana</u> : Peeletšo ya Saense & Theknolotši	Ditekolo le dipego tša dipalopalo; Dikarobo tša khamphani go ditekolo.
<u>Lennewana</u> : S&T ya Khuetsšo ya Leago: Boithomedi bja Tlhabollo ye e Akaretšago	Bopa ditšhomišano le go fa thekgo ya peeletšo le go thekga ka diteko ka ditšhelete.
<u>Lennewana</u> : S&T ya Khuetsšo ya Ekonomi: Boithomedi bja Lekala le Ekonomi ya Pabalelo ya Tikologo	Dipego tša mafelelo tša Dinyakišišo.
<u>Lennewana</u> : S&T Khuetsšo ya Ekonomi: Kholego ya Phetolelo ya Theknolotši le Botšweletši bjo bo Tšweletšego	Maano Thoto ya Kelelo le tshedimošo ye e sego ya dirwa diteko; Polane ya Phetolelo ya Theknolotši; Pukwana ya Taolo ya Tshepetšo; Magatohlahli a Dipakhetše tša Thušo ya Theknolotši.

**Tlhomagantšho ya C**



REPABLIKI YA AFRIKA BORWA

**FOMO  
YA A**

**KGOPELO YA TUMELELO GO REKOTE YA SETHEO SA  
SETŠHABA**

(Karlolo ya 18 (1) ya Molao wa Tšwetšopele ya Tumelelo go  
Tshedimošo, 2000 (Molao wa 2 wa 2000)

**[Molawana wa 2]**

**MO GO NGWALA BA KGORO**

**Nomoro ya Tšhupetšo:** \_\_\_\_\_

Kgopelo e amogetšwe ke \_\_\_\_\_ (maemo  
mmušong, leina le sefane sa mohlankedi wa tshedimošo / motlatšamohlankedi wa tshedimošo ka la  
(letšatšikgwedi) \_\_\_\_\_ go la \_\_\_\_\_ (lefelu)

Tefišo ya kgopelo (ge e le gona): R\_\_\_\_\_

Tefišo ya tipositi (ge e le gona):R\_\_\_\_\_

Tefišo ya tumelelo R\_\_\_\_\_

-----  
Mosaeno: Mohlankedi wa Tshedimošo/Motlatšamohlankedi wa Tshedimošo



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2. Nomoro ya tšhupetšo, ge e le gona:

.....

.....

.....

.....

3. Dintlha tše dingwe tša rekote:

.....

.....

.....

.....

**E. Ditefelo**

- |     |                                                                                                                                                             |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Kgopelo ya tumelelo go rekote, ntle le go hwetša rekote ya tshedimošo ka ga wena, e tla beakanywa morago ga ge tefelo ya kgopelo e lefilwe.                 |
| (b) | O tla tsebišwa ka tšhelete ye e swanelago go lefša bjalo ka tefišo ya kgopelo.                                                                              |
| (c) | Tefelo ye e lefelwago tumelelo go rekote e laolwa ke sebopego se tumelelo e kgopelwago ka sona le nako ya go ye e nyakegago go nyaka le go beakanya rekote. |
| (d) | Ge o kgotsofatša dinyakwa tša go se lefišwe tefelo efe goba efe, ka kgopelo laetša mabaka a gore gobaneng o sa lefišwe.                                     |

Lebaka la go se akaretšwa tefong ya ditefišo:

.....

.....

.....

.....

.....

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**F. Sebopego sa tumelelo go rekote**

Ge o thibelwa ke bogolofadi go bala, bona goba go theetša rekote ka sebopego sa phihlelelo ye e filwego ka go 1 go fihla go 4 ka fase, laetša bogolofadi bja gago gomme o laetše gore rekote e nyakaga ka sebopego sefe.

Bogolofadi:  Swaya lepokisana la maleba ka <b>X</b> .  DINOUTSE: (a) Go latela kgopelo ya gago ya tumelelo ka fomo ye e kgethetšwego tumelelo go ka laolwa ke sebopego seo rekote e hwetšagalago ka sona. (b) Tumelelo ka sebopego se se kgopelwago e ka ganwa ka mabaka a itšeng. Ge go le bjalo o tla tsebišwa ge ge eba tumelelo e tla fiwa ka sebopego se sengwe. (c) Tefelo ye e lefelwago tumelelo go rekote, ge e le gona, e tla laetšwa ka boripana ka sebopego seo tumelelo e kgopetswego ka sona.	Sebopego seo rekote e nyakegago ka sona:
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------

<b>1. Ge rekote e le ka sebopego sa go ngwalwa goba gatišwa:</b>					
	Khopi ya rekote*		Tlhahlobo ya rekote		
<b>2. Ge rekote e na le diswantšho - (se se akaretša diswantšho, diselaete, dikgatišo tša video, diswantšho tše di tšweletšwago ka khomphutha, dithalathalwa, bjb.):</b>					
	Bona diswantšho		Khopi ya diswantšho*		Ngwalollo (transekripšene) ya
<b>3. Ge rekote e na le mantšu goba tshedimošo tše di gatišitšwego tše di kago tšweletšwagape di na le modumo:</b>					
	Theeletša thereke ya koša (khasete ya segatišalentšu)		Ngwalollo ya thereke ya koša* (tokomane ye e ngwadilwego goba go gatišwa)		
<b>4. Ge rekote e swerwe ka khophutheng goba ka sebopego sa go balega sa elektroniki goba motšhene:</b>					
	Khopi ye e gatišitšwego ya rekote*		Khopi ye e gatišitšwego ya tshedimošo ye e ntšhitšwego rekoteng*		Khopi ka sebopego se se balegago sa khomphutha*

\*Ge o kgopetše khopi goba ngwalollo ya rekote (ka godimo), o nyaka gore khopi goba EE AOWA ngwalollo e romelwe ka poso go wena? Setempe se a lefelwa.

	EE	AOWA
--	----	------

**G. Dintlha tša tokelo efe ye e tlogo phethagatšwa goba šireletšwa**

Ge sekgoba se se filwego se sa lekane, ka kgopelo tšwela pele letlakaleng la ka thoko gomme o e kgomaretše go fomo ye. **Mokgopedi o swanetše go saena matlakala a tlaleletšo ka moka.**

1. Laetša gore ke tokelo efe ye e tlogo phethagatšwa goba šireletšwa:

.....

.....

.....

2. Tlhalosa gore ke ka lebaka la eng rekote ye e kgopelwago e nyakega bakeng sa phethagatšo goba tšhireletšo ya tokelo ye e laeditšwego ka godimo:

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.....  
 .....  
 .....

**H. Tsebišo ya sephetho mabapi le kgopelo go tumelelo**

O tla tsebišwa ka lengwalo ge e ba kgopelo ya gago e amogetšwe/gannwe. Ge o nyaka go tsebišwa ka mokgwa wo mongwe, ka kgopelo laetša mokgwa gomme o fe dintlha tša maleba go kgontšha kobamelo ka kgopelo ya gago.

O tla rata go tsebišwa bjang ka sephetho mabapi le kgopelo ya gago ya phihlelelo ya rekote?

.....

E saennwe go la ..... ka letšatši la ..... la .....ngwaga .....

.....  
 MOSAENO WA MOKGOPEDI /  
 MOTHO YO KGOPELO E DIRWAGO LEGATONG LA  
 GAGWE





**science and technology**

Department:  
Science and Technology  
**REPUBLIC OF SOUTH AFRICA**

**UMnyango Wesayensi Nobuchwepheshe  
IRiphabhlikhi yaseNingizimu Afrika**

## **IBHUKWANA LOMTHETHO WOKUKHUTHAZA UKUFINYELELA OLWAZINI KA 2000**

**ELENCIWE NGOKWEMIBANDELA YESIGABA14 (2) SOMTHETHO WOKUFINYELA  
OLWAZINI  
(PAIA) (uMthetho onguNo 2. ka 2000)**

**Ibuyekezwe Okokugcina Ngo 2016**

## FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

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## 19. Isethulo

Leli bhukwana (“Ibhukwana”) lishicilelwe ngokwemibandela Yesigaba 14 (2) soMthetho Wokukhuthazwa Kokufinyelela Olwazini onguNo. 2 ka 2000 (“uMthetho”). Lo Mthetho unikeza amandla Isigaba 32 soMthethosisekelo wakuleli othi abantu banelungelo lokufinyelela olwazini olusezandleni zoMbuso kanye nasolwazini olusezandleni zomunye umuntu nolusuke ludingwa omunye umuntu ukuze enze futhi/noma avikele noma ngabe yiliphi ilungelo.

Inhloso yalo Mthetho ukukhuthaza isiko lokwenzela izinto ekukhanyeni kanye nokukwazi ukuphendula emikhakheni womphakathi nowangasese ngokunika noma ngabe yimuphi umuntu ilungelo lokufinyelela olwazini ukuze lowo muntu akwazi ukwenza kanye nokuvikela wonke amalungelo ngendlela egcwele.

Inhloso yaleli Bhukwana ukubeka izinqubo okumele ukubalula izinqubo okumele zilandelwe kanye nemigomo okufanele ukuba kuhlangukshwane nakho yiwona wonke umuntu (“umfakisicelo”) ukufinyelela kumarekhodi asezandleni noma angaphansi kolawulo loMnyango Wezesayensi Nobuchwepheshe (“i-DST”).

## 20. Ukusebenza KoMthetho Wokukhuthazwa Kokufinyelela Olwazini (Iapha obizwa nje ngokuthi yi-PAIA)

UMthetho Wokukhuthazwa Ukufinyelela Olwazini (onguNo 2 ka 2000) uyasebenza nakuMnyango njengesikhungo somphakathi, ikakhulukazi mayelana nohlelo lwawo lwangaphakathi lokucina amarekhodi.

## 21. Inhloso yaleli Bhukwana ngokwe-PAIA

Inhloso yaleli Bhukwana ukuhlonza izinhloso kanye nemisebenzi yoMnyango bese lichaza nezinhlelo zawo zokucina amarekhodi ukuze kwenziwe lula izinjongo ze-PAIA.

## 22. UMhlahlandlela Wekhomishana Yamalungelo Abantu YaseNingizimu Afrika (“SAHRC”) maqondana noMthetho

Isigaba 10 soMthetho siding ukuthi Ikhomishana Yamalungelo Abantu yaseNingizimu Afrika (SAHRC) ishicilele umhlahlandlela onolwazi oludingeka ngokuphusile yinoma yimuphi umuntu ofisa ukwenza noma ukuvikela noma ngabe yimaphi amalungu malungana nemibandela yalo Mthetho.

Lo mhlahlandlela noshicilelwe ngazo zonke izilimi ezisemthethweni unalezi zinto ezilandelayo:

- lonke ulwazi lwamahhovisi omphakathi kanye nawezinhlango ezizimele;
- amakheli kanye neminingwane yokuxhumana yalezi zinhlango; kanye
- nezinhlango zosizo ezitholakala emahhovisini olwazi kanye Nakwikhomishani Yamalungelo Abantu YaseNingizimu Afrika.

### 22.1. Ukutholakala kanye Nokufinyelela Kumhlahlandlela:

Lo mhlahlandlela uyatholakala ukuze ucwaningwe kulezi zindawo ezilandelayo:

- yonke imitapoyolwazi yomphakathi; kanye
- nakuwubhusayithi Yekhomishana Yamalungelo Abantu YaseNingizimu Afrika – [www.sahrc.org.za](http://www.sahrc.org.za)

Uma kwenzeka uba nanoma yimiphi imibuzo mayelana nalolu daba daba niyacelwa ukuba nixhumane ngqo ne-SAHRC kuleli kheli:

**Ikheli leposi:** The South African Human Rights Commission  
Promotion of Access to Information Act Unit  
Research and Documentation Department  
Private Bag 2700  
Houghton, 2041

Ucingo: +27 11 484-8300  
Ifekisi: +27 11 484-0582  
Iwebhusayithi: [www.sahrc.org.za](http://www.sahrc.org.za)  
I-imeyili: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

### 23. Imininingwane yokuxhumana ne-DST

**Igama lenhlango:** uMnyango Wezesayensi Nobuchwepheshe

**Ikheli leposi**

UMnyango Wezesayensi Nobuchwepheshe  
Private Bag X894  
Pretoria

**Ikheli lendawo**

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0001

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**Ifekisi:**

(012) 317 4363

**Iwebhusayithi:**<http://www.dst.gov.za>**Isikhulu Esihlinzeka Ngolwazi:**

uMqondisi-Jikelele

**Ucingo:**

(012) 843 6815

**Ifekisi:**

0866 810006

**I-imeyili:**[paia@dst.gov.za](mailto:paia@dst.gov.za)

Abafakizicelo kulindeleke ukuthi babhale zonke izicelo zabo bazibhekise Kwisikhulu Esihlinzeka Ngolwazi.

**Isekela Lesikhulu Esihlinzeka Ngolwazi:**Isekela LoMqondisi-Jikelele:  
Corporate Services**Ucingo:**

(012) 843 6632

**Ifekisi:**

0865 508 775

**I-imeyili:**[paia@dst.gov.za](mailto:paia@dst.gov.za)**24. Uhlaka lokuma koMnyango kanye nemisebenzi****UNgongqoshe:**

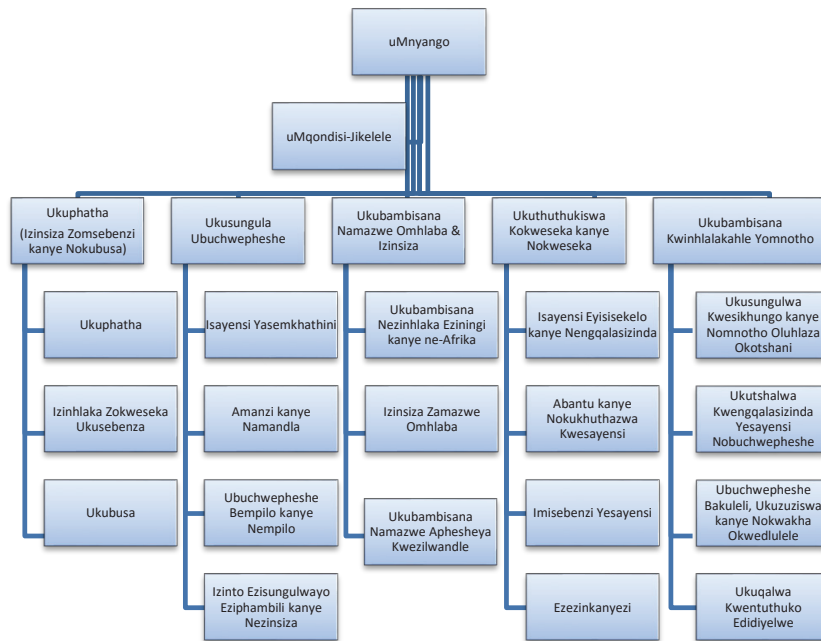
uMhlonishwa uNaledi Pandor

**Isekela Ngongqoshe:**

uMhlonishwa uZanele Magwaza-Msibi

**UMqondisi-Jikelele:**

uDkt Phil Mjwara



Ukuze uthole uhlaka lokuma koMnyango olubanzi uyacelwa ukuba ungene kuwebhusayithi yakwa-DST ethi: [www.dst.gov.za](http://www.dst.gov.za)

**24.1. Izinhlalo**

**24.1.1. Uhlelo 1: Ezokuphatha**

Lunomthwalo wokubheka ukuphathwa koMnyango wonkana nje luphinde futhi luhlinzeke ngezinsizakalo zokusiza uMnyango wonkana. Lolu hlelo luphinda futhi luqiniseke ukuthi izinhlangano ezixhaswe wuMnyango ziziphethe ngendlela efanele futhi zibusa ngendlela yokubusa eyamukelekile futhi konke ezikwenzayo kuhambisana nse namaqhinga okubusa oMnyango nokuwuHlelo Lukazwelonke Lokusungula (NSI). Ibheka iphinde ibuyekeze imikhandlu yezesayensi.

**24.1.2. Uhlelo 2: Ucwaningo, Intuthuko kanye Nokusungula**

Luhlinzeka ngobuholi benqubomgomo kuhlelo lwesikhathi eside, lusebenze ngisho nakwimizamo ye-RDI kwi-NSI, bese futhi ludlala indima ebalulekile ekusunguleni izinhlelo ezintsha ezingamacebo esikhungo ukuze ziqhube i-RDI lapha eNingizimu Afrika.

**24.1.3. Uhlelo 3: Ukubambisana nezinhlaka zakwamanye amazwe kanye Nezinsiza**

Lolu hlelo lusungula lubuye futhi lusebenzele ubudlelwano obukabili nobuninginingi kanye nezivumelwano kwi-S&T ukuqinisa i-NSI bese lwenza ukuthi kube nokugeleza okufanele kolwazi, amandla kanye nezinsiza zingena eNingizimu Afrika kanye nase-Afrika yonkana.

**24.1.4. Uhlelo 4: Abantu kanye Nezinhlaka Zolwazi Lokusebenza**

Lolu hlelo lusungula lubuye futhi lwenze izinhlelo zokazwelonke ukuze kukhiqizwe ulwazi kanye nabantu abaqeqeshekile, kuhlanganisa nengqalasizinda, izinto zokusebenza kanye nezinhlelo zokucwaninga emphakathini, njengalokhu kudingekile ukuze kuqhutshwe i-NSI.

**24.1.5. Uhlelo 5: Ukubambisana Kwezenhlalakahle Yomnotho**

Lolu hlelo luhlinzeka ngenqubomgomo, amacebo kanye nokwesekwa kokukhula okuholwa yi-R&D kulezo zimboni okukhona okuthile ezikwengezayo kwimisebenzi yoMnyango ukuze uhulumeni, izimboni kanye nomphakathi bakwazi ukuqonda kangcono kanye nokubhekana nezinsalelo zomhlaba wonke zokuguquguquka kwesimo sezulu. Laphinda futhi luhlinzeke ngokweseka ucwaningo olususelwe ebufakazini obuthile olumayelana nokuthuthukiswa kweminxa yabantu nenhlalo kanye nokusiza uhulumeni ukuthi akwazi ukwenza ngcono ukuthatha izinqumo maqondana ne-S&T (kuhlanganisa ne-R&D) njengezinto eziyimikhakha yokukhiqiza.

**24.2. Imisebenzi Emikhulu****24.2.1. Isendlalelo somlando woMnyango**

UMnyango Wezesayensi Nobuchwepheshe (i-DST) yathola amandla awo Kwiphepha Elimhlophe langonyaka ka 1996 Kwisayensi kanye Nobuchwepheshe. Lo Mnyango waqala uyingxenywe yoMnyango Wezobuciko, Amasiko, Isayensi kanye Nobuchwepheshe, nowawusungulwe ngonyaka ka 1994. Lo Mnyango wabe sewehlukaniswa kuba yiminyango emibili okuwuMnyango Wezobuciko Namasiko kanye noMnyango Wezesayensi kanye Nobuchwepheshe ngonyaka ka 2002. Kuthe ngonyaka ka 2004 wazimela wodwana lo Mnyango. Isizathu esikhulu salokho kwaba wukuthi Isayensi, Ubuchwepheshe kanye Nokusungula (STI) kudlala indima enkulu ekukhuleni komnotho kanye nasekuthuthukeni kwenhlalo yomnotho.

### 24.2.2. Inhloso ye-DST

I-DST ifuna ukwenza ukuthi isayensi kanye nobuchwepheshe kwenze umsebenzi wakho ogcwele ekuthuthukisweni kwenhlalo kanye nezomnotho ngokuthuthukisa abantu, ucwaningo kanye nokusungulwa kwezinto ezintsha.

Lokhu kufaka phakathi ukungenelela okugxilile ezintweni ezithile, ukunethiwekha kanye nokusebenza njengevulandlela uma kuziwa ngasezinhlakeni zokukhiqiza umnotho wethu, nokuyokwenza ukuthi umnotho wethu ukwazi ukuqhubelana neminotho yamazwe omhlaba esimweni esisha, futhi ukwazi umnotho wethu ukulwa nokusilela emuva kwezinhlobo zentuthuko kwimiphakathi yakithi eswele. Inhloso yokuphumelelisa lo mbono umumethwe yintuthuko kanye namacebo okuhlinzeka ngezinsiza zokwenza isayensi, ezobunjiniyela kanye nobuchwepheshe babantu, ukwenza uhulumeni enze izinto ngokwentando yeningi kanye nomphakathi ngokunjalo kanye nokuqinisekisa ukuthi ukuthi kunezinhlalo zokuqhubeka kwesikhathi eside kwezemvelo kwizinhlobo zentuthuko.

### 24.2.3. Indlela esenza ngayo izinto

Ukugcina isizinda sesayensi esanele bese sigcina ngokuthi senziwe amathuba emisebenzi kanye nokukhula yizona ezinto eziyizinselelo ezinkulu kakhulu. Indlela ezosetshenziswa yisikhungo i-National System of Innovation (NSI) ekuboneni ukusungula izinto okungesilona ujenga – nokuyisimo lapho khona ukusebenza kungesiwona nje kuphela umsebenzi wokusungula kwizinkampani ngazodwana kodwa okunalokho kube wubudlelwano kanye nokuxhumana phakathi kwezikhungo – iya ngokuya ilokhu ishekelela uhulumeni imenza ukuthi akwazi ukuba yivulandlela, umxhumani kanye nomtshalizimali onobuchule.

### 24.2.4. Izinhloso

Izinhloso ezinhlanu eziphambili ze-DST ukwenza lokhu okulandelayo:

- Ukuthuthukisa umthamo wokusungula we-National System of Innovation (NSI) bese kuthi ngalokho uMnyango uyazi ukuthi usubambe iqhaza ekuthuthukisweni kwenhlalakahle yomnotho;
- Ukwenza ngcono igebelolwazi lwaseNingizimu Afrika ukuze kukhiqizwe amaphepha ophenyo asezingeni lomhlaba bese kuthi ezinye izinto ezitholakele ziguqulwe zibe yimikhiqizo esunguliwe kanye nezinhlobo eziphambili;



- Ukuthuthukisa abantu abanolwazi lwe-STI abafanele ukuze uMnyango ukwazi ukuhlangabezana nezidingo zomphakathi;
- Ukwakha ingqalasizinda ye-STI esezingeni eliphambili kakhulu ukuze inwebe imingcele yayo yolwazi, iqeqeshe isizukulwane esizayo sabacwaningi, bese futhi yenza ukuthi kube nokuthuthuka kobuchwepheshe kanye nokwedluliswa kwabo, kuhlanganisa nokushintshiselana ngolwazi; kanye
- Nokubeka iNingizimu Afrika esimweni esifanele sokuba yizwe elibambisanayo ngokohlelo lwe-RDI futhi nendawo lapho leli lizwe libheke khona iyabonakala ngokushintshana ngolwazi phakathi kweNingizimu Afrika kanye nalabo esebenzisana nabo eNingizimu Afrika kanye nasesifundeni, nokuyinto leyo engaqinisa i-NSI.

#### 24.2.5. Izinselelo Ezinkulu

Impumelelo yohlelo loMnyango olwaziwa ngokuthi yi-Ten Year Innovation Plan - 2008-2018 (TYIP) kuncike konke ekuphumeleleni kanye nasekufezekiseni lawa maphupho angenhla. Lolu Hlelo lubalula izinto ezisemqoka okudingeka ukuba zenziwe, nezibalulwe ngamafuphi njengezinselelo ezinkulu ezibhekene neNingizimu Afrika kanye futhi neziselelo emkhakheni wesayensi kanye nobuchwepheshe (S&T). Izinselelo ezinkulu lo Mnyango obhekene nazo yilezi ezilandelayo:

- **Ukusuka ekubeni yi-Farmer kuya ekubeni yi-Pharma:** Esikhathini esingaphezu kweminyaka eyishumi ezayo iNingizimu Afrika kumele ikwazi ukuzenzela umutho wayo wempilo ukuze ikwazi ukuba umholi ohamba phambili ekuhlinzekeni ngobuchwepheshe bempilo kanye nokwakhiwa kwamakhambi, isebenzisa izinsiza zomdabu zemvelo kanye nentuthuko entsha ekhona kwezomnotho womhlaba.
- **Umkhathi, Isayensi kanye Nobuchwepheshe:** INingizimu Afrika izoba wukhiye onqala ekubambeni iqhaza kanye nophathina kwisayensi yomkhathi yomhlaba kanye nesayensi kanye nobuchwepheshe ngokusebenzisa Isikhungo Somkhathi Sikazwelonke, nokuyimboni yesathelayithi ekhula ngamandla kanye nezinto eziningi ezisungulwayo kwisayensi yomkhathi, kuhlanganisa ukubheka umhlaba, ukuxhumana, ukufijola kanye nezobunjiniyela.
- **Ukuvikeleka Kwamandla:** kuhlinzeka ngamandla aphephile, ahlanzekile, akhonakalayo kanye nathembekile yizinto ezifunwa kakhulu emhlabeni jikele, kanti iNingizimu Afrika kumele ikwazi ukuhlangabezana nohlaka lwayo lokuhlinzeka ngamandla esikhathini esiphakathi nendawo, kodwa futhi ibe ngaleso sikhathi imatasa isungula uhlelo lwesikhathi eside lokuhlinzeka ngobuchwepheshe bamalahle, amandla enuzi, amandla avuselekayo kanye nesethembiso somnotho owenziwe ngamanzi.

- **Ukushintsha Kwezinto Emhlabeni:** INingizimu Afrika kumele ikwazi ukusebenzisa indawo yayo ekuyo, neyenza ukuthi yona njengezwe ikwazi ukudlala indima ehamba phambili kwisayensi yokulwa nesimo sokugququka kwezulu.
- **Iminxa Yabantu kanye Nenhlalo:** Njengezwi elihamba phambili emazweni asathuthuka, iNingizimu Afrika kumele ibambe iqhaza ekuqondeni kanye nasekuqondweni kwayo ngamazwe omhlaba ukushintsha iminxa yenhlalo, kanye nendima okumele idlalwe yisayensi ekukhuthazeni ukukhula kanye nokuthuthuka.

## 25. Izinkampani zomphakathi ezibika kwi-DST

- I-Academy of Science of South Africa (ASSAF)
- I-Council for Scientific and Industrial Research (CSIR)
- I-Human Sciences Research Council (HSRC)
- I-National Research Foundation (NRF)
- I-Technology Innovation Agency (TIA)
- I-South African National Space Agency
- I-Agency for Science and Technology Advancement
- I-Astronomy Management Authority
- I-National Council on Innovation
- I-National Intellectual Property Management Office

## 26. Imithetho ephasiswe yi-DST

- UMthetho Wesikhungo Sesayensi saseNingizimu Afrika onguNo 67 ka 2001
- UMthetho Wesikhungo saseNingizimu Afrika
- UMthetho Wobuhle Bezinkanyezi Zomhlaba onguNo 21 ka 2007
- UMthetho Wokucwaninga Ngesayensi Yabantu onguNo 23 ka 1968
- UMthetho Wamalungelo Okuqamba Ucwningo Olukhokhelwe Ngezimali Zikahulumeni kanye Nentuthuko onguNo 51 ka 2008
- UMthetho Kazwelonke Womkhandlu Wokweluleka Ngezokusungula onguNo 55 ka 1997
- UMthetho Kazwelonke Oyisisekelo Sokucwaninga onguNo 23 ka 1998
- UMthetho Kazwelonke Wezesayensi onguNo 106 ka 2003
- UMthetho Wemisebenzi Yesayensi Yezemvelo onguNo 27 ka 2003
- UMthetho Wokuchibiyela Womthetho Wobuchwepheshe Besayensi ka 2011

- UMthetho Womkhandlu Wokucwaninga Ngezesayensi onguNo 46 ka 1988
- UMthetho Wesikhungo Somkhathi waseNingizimu Afrika onguNo 36 ka 2008
- UMthetho Wesikhungo Sokusungulwa Kobuchwepheshe onguNo 26 ka 2008
- Ibhukwana Lokukhuthazwa Kokufinyelela Olwazini

## 27. Inqubo yokufinyelela

### 27.1. Indlela Yokwenza Isicelo

Gcwalisa ifomu elifanele nelitholakala kwa-DST. Ukuze utholele lelo fomu, thumela i-imeyili ku: [paia@dst.gov.za](mailto:paia@dst.gov.za). Ifomu litholakala ngalezi zilimi ezilandelayo<sup>3</sup>:

- IsiNgisi
- IsiZulu
- IsiPedi.

Yonke imibuzo kumele ibhekiswe Kwisikhulu Esihlinzeka Ngolwazi:

**Isikhulu Esihlinzeka Ngolwazi:** uMqondisi-Jikelele  
**Ucingo:** (012) 843 6815  
**Ifekisi:** 0866 810 006  
**I-imeyili:** [paia@dst.gov.za](mailto:paia@dst.gov.za)

### 27.2. Izinhloko kanye Nezinhlolo Zamarekhodi Okusezandleni zoMnyango Wezesayensi Nobuchwepheshe

#### 27.2.1. Ukudalulwa kolwazi lungaceliwe:

Uhla lwemikhakha yamarekhodi olutholakala kubantu ngale kokuthi baze bafake isicelo ngokwemibandela YoMthetho Wokufinyelela Olwazini lunanyathiselwe lapha kanti luyilokho okuthiwa Okunanyathiselwe A. Lawa marekhodi avele ayatholakala kuwebhusayithi ye-DST.

#### 27.2.2. Amarekhodi atholakala ngemuva kwesicelo:

Uhla lwamarekhodi asezandleni zoMnyango nokungafanele ukuthi acelwe uma edingeka ngokwemibandela YoMthetho Wokufinyelela Olwazini lunanyathiselwe lapha kanti luyilokho

<sup>3</sup>Okwamanje i-DST inamafomu asatholakala ngalezi zilimi ezibalulwe ngenhla kuphela. Yize-ke kunjalo, izicelo eziyobe zidinga ifomu elibhalwe ngezinye izilimi nazo ziyobhekelelwa.

okubizwa ngokuthi Okunanyathiselwe B. Ukufinyelela kulawa marekhodi kufanele ukuthi kucelwe Kusikhulu Esihlinzeka Ngolwazi ngokulandela inqubo ebhalwe lapha ngezansi.

### **27.3. Ukukhokhwa kwezimali ezinqunyiwe:**

Njengokusho koMthetho, kufanele ukuthi kube nenani lemali elinguR35.00 eliphezela isicelo sokuthola ulwazi oluthile. Le mali ikhokhwa iyisheke, ingukheshi (uma izolethwa ngesandla) noma ifakwe kwi-akhawunti yasebhange ye-DST (isiliphu esiwubufakazi bokukhokha kwakho kufanele ukuthi sihambisane nefomu lesicelo).

Igama Le-Akhawunti:	Department of Science and technology
Ibhange:	ABSA Bank
Inombolo Ye-Akhawunti:	4056183523
Inombolo Yegatsha:	323645
Uhlobo Lwe-Akhawunti:	Deposit Account

### **27.4. Ukuphasiswa nokwaziswa kwesicelo**

Isikhulu Esihlinzeka Ngolwazi se-DST sifika sithole isicelo bese siqinisekisa ukuthi lesi siceo siyiso bese sibona futhi ukuthi ngabe lolo lwazi oludingekayo lukhona yini kwa-DST. Ngemuva kwalokho-ke isicelo siyaye bese siyemukelwa, siqatshwe noma sedluliselwe kulezo zinhlaka ezifanele nokuyizo ezigcina lolo lwazi oludingekayo. Kuyaye bese kukhishwa ukwazisa okubhekiswe kumfakisicelo okumchazelayo mayelana nesimo sesicelo lesi.

### **27.5. Ukwedluliswa kolwazi**

Uma isicelo lesi siye semukelwa, i-DST iyaye bese ihlanganisa iphinde ilungise lolo lwazi bese ibala izindleko okufanele yona ikhokhelwe khona ngalokho. Izindleko zibalwa ngokwemibandela yezimali ezinqunyiwe njengalokhu zishiwo *Kwithebula 1: Izimali ezikhokhelwa Izikhungo Zomphakathi*.

### **27.6. Ukwaziswa kokugcina**

Umfakisicelo uyokwaziswa ngokuphuthulwa kwesicelo sakhe kanye nezimali ezikhokhwayo nokuyobe kudingeka ukuthi azikhokhele i-DST.

### **27.7. Ukukhokhwa kanye nokuhanjiswa kwawo**

Kuyothi-ke lapho uma sekukhokhiwe futhi nemali eshiwo yatholakala, bese lolo lwazi ludedelwa-ke luya kumfakisicelo.

Kufanele ukuthi ifomu elifanele ligcwaliswe futhi kubhalwe imininingwane efanele ukuze Isikhulu Esihlinzeka Ngolwazi sikwazi ukuthi sihlonze:

- Irekhodi noma amarekhodi acelwayo.
- Ukuthi uyena bani ofaka isicelo.
- Ukuthi ngabe yilona luphi uhlobo lokufinyelela oludingekayo, uma kuwukuthi lokho kufinyelela kuyahlinzekwa;
- Ikhei lokuposa noma ikheli le-imeyili noma inombolo yefekisi komfakisiselo.

Umfakisiselo kufanele ukuthi asho ukuthi ulwazi lolo ulufunela ukwenza noma ukuvikela ilungelo futhi akusho kucace ukuthi ngabe luhlobo luni lwelungelo ahlose ukulenza noma ukulivikela. Ngaphezu kwalokho, umfakisiselo kufanele ukuthi akusho kucace ukuthi kungani irekhodi lidingekile ukuze enze noma avikele lelo lungelo athi ufuna ukulenza noma ulivikela.

UMnyango uyobe usudlulisa isicelo zingakapheli izinsuku zokusebenza ezingama-30, ngaphandle-ke uma umfakisiselo eye wabalula izizathu ezikhethekile, nokuyofanele ukuthi zanelise Isikhulu Esihlinzeka Ngolwazi, ukuthi kunezimo ezithile eziphoqayo ukuthi lezi zikhathi ezishiwo ngenhla kungahanjiswana nazo. Lesi sikhathi sezinsuku ezingama-30 kusengenzeka ukuba selulelwe ezinye futhi izinsuku ezingama-30 uma isicelo singesolwazi oluningi, noma uma isiceo siding ukuthi lolo lwazi luqale luyophenywa ngoba lukwelinye ihhovisi lesikhungo futhi ulwazi lolo lungeke lwakwazi ukuthi lutholakale singakapheli lesi sikhathi esiyizinsuku ezingama-30 esishiwo kuqala. I-DST iyokwazisa umfakisiselo ngokubhalwe phansi uma kwenzeka idinga ukuthi isikhathi selulwe.

Uma isicelo senziwa egameni lomunye umuntu, lapho-ke lowo muntu ofaka isicelo kuyofanele ukuthi alethe ubufakazi besikhundla yena njengomfakisiselo akwenza ngaphansi kwaso lokho futhi lokho akwenze ngendlela ephusile neyokwanelisa Isikhulu Esihlinzeka Ngolwazi.

Uma lowo muntu ofake isicelo engakwazi ukugcwalisa ifomu elishiwo ngoba engafundile noma ngenxa yokukhubazeka, lowo muntu-ke uvumelekile ukufaka isicelo ngomlomo. Kodwa-ke umfakisiselo kusuke kusafanele ukuthi akhokhe imali enqunyiwe, ngaphambi kokuba kuze kube khona nje okwenziwayo mayelana nesicelo sakhe.

### **27.8. Izimali ezikhokhwayo**

UMthetho uphasisa izinhlobo ezimbili zezimali okufanele ukuthi zikhokhwe:

- Imali yesicelo, nokuyoba yimali emile nje nenqunyiwe, kanye nemali yokufinyelela, neyobalwa ngokubheka izinto ezifana nezindlelo zokukhiqiza, ukucwaninga kanye nesikhathi sokulungisa lelo rekhodi kanye nezindleko, kuhlanganisa ngisho nanemali yokuposa imbala.
- Uma isicelo sifika Kwisikhulu Esihlinzeka Ngolwazi, leso sicelo-ke, ngokwesaziso, siyodinga ukuthi umfakisicelo, uma kungesiyena umfakisicelo ozicelela yena ngokwesiqu sakhe, akhokhe imali okudingeka ukuba ayikhokhe (uma ikhona), ngaphambi kokuba leso sicelo sakhe size sedluliswe.
- Uma lelo rekhodi kuye kwaphenywa ukuze litholakale futhi lalungiswa ukuze lidalulwe (kuhlanganisa nokuhlela ukuthi lelo rekhodi litholakale ngendlela elicelwe ngayo, futhi lokho kudle isikhathi esingamahora angaphezu kwalawo ashijo wumthetho oqondene nale nhloso, isikhulu esihlinzeka ngolwazi kuyofanele ukuthi sazise umfakisicelo ukuthi akhokhe idiphozithi yalelo nani lemali elinqunyiwe nokuyofanele ukuthi umfakisicelo alikhokhe uma isicelo lesa sesiphasisiwe.
- Isikhulu Esihlinzeka Ngolwazi siyolubamba ulwazi singaludedeli kuze kuba umfakisicelo ukhokha imali eshiwo ngenhla.
- Umfakisicelo isicelo sakhe sokufinyelela kwirekhodi elithile esiye saphasiswa savunywa, lowo mfakisicelo kuyofanele ukuthi akhokhe imali yokufinyelela emaqondana nokukhiqizwa kanye nokuphenywa kwerekhodi futhi aphinde akhokhele ngisho nanoma yisiphi isikhathi esiphusile nokuye kwadingeka ukuthi sichithwe kufunwana nalelo rekhodi futhi kufanele ukuthi kube ngamahora angale kwalawo anqunyiwe lapho kuphenywa futhi kulungiswa lelo rekhodi ukuze lidalulwe, kuhlanganisa ngisho nokwenza izinhlelo zokuthi lelo rekhodi litholakale ngendlela elicelwe ukuthi litholakale ngayo.
- Uma kunediphozithi ebisikhokhiwe mayelana nesicelo sokufinyelela, bese lesa sicelo siyachithwa, lesa sikhulu esihlinzeka ngolwazi esithintekayo lapho kuyobe sekuba wumsebenzi waso ukubuyisela emuva idiphozithi leyo eyobe isikhishiwe iye kumfakisicelo obeyikhiphile.

### **Ithebula 1: Izimali ezikhokhelwa Izikhungo Zomphakathi**

Lezi zimali ezilandelayo yizimali okuyofanele ukuthi zikhokhwe:

<b>INCAZELO</b>	<b>INANI (R)</b>
Imali yesicelo ekhokhwa yinoma yimuphi umfakisicelo	35.00
Imali yekhophi yebhukwana njengalokhu kushiwo ngokwesiqondiso 5(c) (kwifothokhophi ngayinye eyikhasi elingu A4 noma ingxenye yalokho)	0.60
Izimali zokukhiqiza okukhulunywe ngazo kwisiqondiso 7(1) zimi ngale ndlela elandelayo:	

1) Ifothokhophi ngayinye ewubukhulu bekhasi elingu-A4 noma ingxenye	0.60
2) Ikhophi ngayinye ephrintiwe yobukhulu bekhasi elingu-A4 noma ingxenye egcinwe kwikhompyutha noma kwisimo sethekhnoloji noma efundwa ngomshini	5.00
3) Ikhophi efundwa ngekhompyutha:	
a) kwidiski yestifi	5.00
b) kwicwecwe lediskhi (elifundekayo)	40.00
4) Imibhalo yezithombe ehunyushiwe:	
a) ikhasi lobukhulu obungu-A4 noma ingxenye yalo	22.00
b) ikhophi yezithombe ezibukwayo	60.00
5) Umbhalo oyirekhodi elilalelwayo:	
a) ikhasi lobukhulu be-A4 noma ingxenye yalo	12.00
b) ikhophi yombhalo olalelwayo	17.00
Izimali zokufinyelela ezikhokhwa umfakisicelo zimi ngale ndlela elandelayo:	
1) Ifothokhophi ngayinye ewubukhulu bekhasi elingu-A4 noma ingxenye	0.60
2) Ikhophi ngayinye ephrintiwe yobukhulu bekhasi elingu-A4 noma ingxenye egcinwe kwikhompyutha noma kwisimo sethekhnoloji noma efundwa ngomshini	0.40
3) Ikhophi efundwa ngekhompyutha:	
a) kwidiski yestifi	5.00
b) kwicwecwe lediskhi (elifundekayo)	40.00
4) Imibhalo yezithombe ehunyushiwe, ikhasi lobukhulu obungu-A4 noma ingxenye yalo	22.00
5) Umbhalo oyirekhodi elibukwayo	60.00
6) Ukugaywa kwerekhodi elilalelwayo,	
a) ikhasi lobukhulu obungu-A4 noma ingxenye yalo	12.00
b) ikhophi yerekhodi elilalelwayo	17.00
Ukusesha kokudalulwa kwerekhodi, kuba wuR15.00 kwihora ngalinye noma ingxenye yehora, ukukhipha ihora lokuqala, elidingekayo ngenxa yalokho kusesha kanye nokulungisa.	
Imali yokuposa yangempela ekhokhwayo uma ikhophi yerekhodi kufanele ukuthi ithunyelwe ngeposi kumfakisicelo. Izindleko zokuposa ziyoya ngendawo lelo rekhodi eliposwayo elithunyelwa kuyo.	

### 27.9. Ukwenqatshwa kwesicelo kanye nokwedluliswa kwalokho kwenqatshwa kwesicelo

- Umfakisicelo kumele aqaphele isigaba 7(1) se-PAIA nesho lokhu okulandelayo:  
 “ Lo Mthetho awusebenzi kwirekhodi lesikhungo somphakathi noma esizimele uma—  
 (a) lelo rekhodi licelelwa inhloso yecala lobugebengu noma yecala lamademeshe;

(b) lelo rekhodi licelwe ngemuva kokuqala kwecala lobugebengu noma lamademeshe, kuye ngokuthi yikhona kuphi okwenzekayo; futhi

(c) ukukhiqizwa noma ukufinyelela kulelo rekhodi ngokwenhloso esihlalo kupharagrafu (a) kunikwe kunoma ngabe yimuphi omunye umthetho.

(d) izicelo zalolo lwazo olusezandleni ze-DST kucace bha ngokombono ophusile ukuthi akuthi shu futhi uma ukubheka nje uyazibonela ukuthi kudlalwa ngamathuba futhi kwenziwa okungafanele ngezinsiza."

Uma isigaba 7(1) sisebenza, lokho kuyosho ukuthi angeke wena ukwazi ukufaka isicelo ngokwemibandela ye-PAIA.

- Izizathu zokwenqaba ezibalulwe Kwingxenye 2 Yesahluko 4 kanye Nakwingxenye 3 Yesahluko 4 se-PAIA kumele ukuthi ziqashelisiswe kakhulu uma kwenziwa isicelo.
- Umfakisisicelo uvumelekile ukuthi angafaka isicelo sangaphakathi sokwedluliswa kokuchithwa kwesicelo yisikhulu esihlinzeka ngolwazi se-DST ukunikezela ngesicelo sokufinyelela olwazini oluthile kanti lokho angakwenza ngokubhekisa isicelo sakhe kulabo abanamandla afanele.
- Umuntu oseceleni nje uvumelekile naye ukuthi angafaka isicelo sangaphakathi sokwedluliswa kokuchithwa kwesicelo yisikhulu esihlinzeka ngolwazi se-DST ukunikezela ngesicelo sokufinyelela olwazini oluthile.

### **27.10. Indlelayo kwedluliswa kwesinqumo sokwenqatshwa kwesicelo kanye nezimali zokwedlulisa isinqumo**

Isicelo sokwedluliswa kokungaphumeleli kwesicelo singenziwa kwifomu elifanele:

- Zingakapheli izinsuku zokusebenza ezingama-60;
- Uma kunesidingo sokuthi kube nesaziso esiya komunye umuntu oseceleni, kufanele ukuthi zingakapheli izinsuku ezingama-30 kusukela leso saziso sihanjisiwe kulowo mfakisisicelo mayelana naleso sinqumo okungenelisekiwe ngaso; or
- Uma kudingeka ukuthi kube nesaziso esithunyelwa kulowo owedluliswa isicelo, ngemuva kokuba sekuthathwe isinqumo kufanele ukuthi sihanjisiwe noma sithunyelwe kwisikhulu esihlinzeka ngolwazi sakwa-DST;
- Kufanele ukuthi isihloko sokwedluliswa isinqumo sishiwo futhi kubalulwe nezizathu zokwedluliswa kwesinqumo kanti kufanele futhi kufakwe noma ngabe yiluphi olunye ulwazi olubalulekile alwaziyo lowo owedluliswa isinqumo;
- Uma, ngaphezu kwempendulo ebhalwe phansi, lowo owedluliswa isinqumo efisa ukuthi aziswe ngesinqumo ngenye indlela, kuyofanele ukuthi ayisho leyo ndlela ayobe efisa ukwaziswa ngayo bese futhi ehlinzeka ngemininingwane emayelana naleyo ndlela;



- Uma kufanele, kuyofanele ukuthi kuphelezwe yimali yakhona efanele, futhi kufanele ukuthi kucacise ikheli leposi noma inombolo yesikhahlamezi; futhi
- Uma ukwedluliswa kwesinqumo kwenziwe ngemuva kokuphela kwesikhathi esinqunyiwe sokwedluliswa kwezinqumo esishiwo, labo abanamandla okubhekana nalokhu kwedluliswa, uma sebethole izizathu ezizwakalayo, bakuvumele ukuthi kuqhubekela phambili lokhu kwedluliswa kwesinqumo yize kuyobe sekwedlulelwe yisikhathi.

Uma labo abasemandleni nasemagunyeni abafanel bekuchithwa ukufakwa kokwedluliswa kwesinqumo sekwedlule isikhathi, lowo owedlulisa lesi sinqumo kuyofanele ukuthi ahlinzeke ngesaziso kulowo muntu okunguyena obefake isicelo sokwedlulisa isinqumo. Lowo muntu ongabe efake ukwedluliswa kwesinqumo kuyofanele ukuthi akhokhe imali efanele ekhokwayo (uma ikhona imali ekhokhwayo) emaqondana nokwedlulisa kwakhe isinqumo, bese kuthi isinqumo esingabe sesedluliselwe ukuthi sibuyekezwe kabusha bese senziwa kancane amancozuncozu kuze kuba leyo mali okudingeka ukuba ikhokhwe ikhokhwa yonke ngothi lwayo. Bese kuthi ngokushesha okukhulu ngendlela okungenzeka ngayo, kodwa noma ngabe yinini-ke zingakapheli izinsuku zokusebenza eziyi-10 ngemuva kokuthola ukwedluliswa kwesinqumo, isikhulu esihlinzeka ngolwazi se-DST kuyofanele ukuthi sihambise lokho kwedluliswa kwesinqumo kulabo abasemandleni nasemagunyeni afanele ukubhekana nalokho kwedluliswa kwesinqumo:

- Ukwedluliswa kwesinqumo kuhlanganisa nezizathu zokungeneliseki ngesinqumo lesi esedluliswayo; futhi
- Uma ukwedluliswa kwesicelo kumayelana nokwenqatshwa noma nokuhlinzekwa kwelungelo lokufinyelela, igama, ikheli leposi, ikheli lobhalonyazi, inombolo yocingo kanye neyesikhahlamezi, noma ngabe yikuphi-ke okukhona, kwalowo muntu wesithathu oseceleni kufanele kuvezwe futhi kube yindlela yokwazisa ngesicelo lesi.

### **9.11Ukuhlinzeka ngelungelo lokufinyelela kumarekhodi**

Kuye ngokuthi izinqubo ze-PAIA zithini, ukufinyelela kumarekhodi acelwe kwi-DST kuyohlinzekwa kuphela uma -

- Zonke izidingo zezinqubo ezibalulwe kwi-PAIA ezimayelana nesicelo kuye kwahlangatshezwana nazo; futhi
- Ukufinyelela kumarekhodi aceliwe kunganqatshiwe ngokwemibandela yokwenqaba ebalulwe kwi-PAIA.
- Izizathu zokwenqaba noma zokuchitha isicelo zibalulwe Kwingxenye 2 Yesahluko 4 kanye Nakwingxenye 3 Yesahluko 4 kanti phakathi kwazo zifaka lezo eziyimpoqo ezimayelana nokuvikelwa kwalokhu-
  - (a) ulwazi lokuthengisa oluqondene nabantu noma nezinkampani eziseceleni;

- (b) ulwazi oluthile oluyisifuba;
- (c) ukuphepha kwabantu abathile kanye nokuvikelwa kwempahla ethile;
- (d) amarekhodi athile ayimfihlo avele ekukhiqizweni kwezinto ezithile ezimayelana nokusebenza komthetho;
- (e) izinto ezithinta ezomnotho noma impilakahle yezezimali yeRiphabhlikhi kanye nemisebenzi yezomnotho yeRiphabhlikhi;
- (f) ulwazi locwaningo lwabantu abaseceleni kanye nokuvikelwa kolwazi lophenyo lwesikhungo somphathi; noma
- (g) ulwazi oluthile olumayelana nokusebenza kwezikhungo zomphakathi.

#### **10. Okunanyathiselwe A: Ulwazi oluvame ukutholakala kuwebhusayithi ye-DST**

- Ulwazi oluvamile lwe-DST
  - Uhlaka lokuma koMnyango
  - Umbono, Umbono & Amagugu
  - UMnyango
  - Uhla lokuxhumana
- Izindawo I-DST Egxile Kuzo Kakhulu
  - Ucwanningo
    - Ophathina bocwaningo
    - Ulwazi mayelana nokuthola izimali zocwaningo
  - Ukusungula
    - Imininingwane yokuxhumana ukuthola usizo lokuxhaswa ngezimali
  - Abantu abasha
    - Izindawo ezinhle nezingavakashelwa
    - Izinto ezenziwa zibonwe
    - Amaqiniso
    - Ukuxhumana okukusa kumawebhusayithi Ezesayensi kanye Nobuchwepheshe
  - Imisebenzi
    - Usizo Lokuxhaswa Ngezimali
    - I-Careers beyond 2000
    - Ama-BioCareers
- Amathuba emisebenzi kwezesayensi nobuchwepheshe
- Uhlelo Lwentela Lokuhlonyuliswa nge-R&D
  - Imihlahlandlela, amabhukwana kanye namafomu

- Imithetho kanye namanye amadokhumenti ahambisana Nohlelo Lokuhlonyuliswa Ngentela ye-R&D Tax
- Imibuzo Evame Ukubuzwa
- Lapho Kugcinwe Khona Izindaba
  - Izinkulumo Ezigciniwe
  - Izingxoxo Eziya Emithonjeni Yezokwazisa
  - Lapho kukhulunywa khona nge-DST ezindabeni
  - Okwenzeka ePhalamende
  - Izethulo
    - Izethulo ezenziwa kwi-DST 2006/7 Umbiko Waminyaka Yonke Oya ePhalamende
    - Izethulo Kwisithangami Senqubomgomo ye-S&T. Japan, Juni 2005
    - Izethulo ezenziwa wuNks Anita Canca
    - Intuthuko Yokuthuthukiswa Kwamandla eNingizimu Afrika
    - Isayensi, Ubuchwepheshe kanye Nokusungula
    - I-GEOSS Initiative
    - Ukuhlolwa Kwesikhashana Kwemithelela Yohlelo Lwamandla Kazwelonke lwe-R&D
    - I-Science, Technology and Innovation: Case study of the SA Policy Environment
    - I-Comparative Advantages and Global Research Infrastructure Partnerships
    - I-SA Science and Technology System
    - Izethulo ezinziwa kwi-SA National Editors' Forum (SANEF); 22 Novemba 2003
    - I-Sector-wide Science and Technology Programme Proposal
    - Izethulo ezenziwa mhlaka 15 Julayi 2004, eBrussels.
    - Izethulo Kwinkomfa Yesine Yomhlaba Kumakhosikazi Asemakhaya.pdf
    - I-OECD Review of the SA National System of Innovation
    - I-Corporate Strategy 2008
    - Umthethosivivinywa i-National Space Agency Bill. PPT
    - Izindaba ezithinta i: India-Brazil-South Africa (IBSA)
    - Isithangami Mayelana Nesayensi Yomkhathi kanye Nezinkanyezi
    - Umsakazo i-Science and Technology Awareness Radio
    - Ikhalela Lezinhlelo Ezizoba Khona
    - Iphepha Lezindaba Le-DST
    - Iphepha Lezindaba Lazinyanga Zonke Le-SKAO
    - Izitatimende zeKhabhinethi

- I-SADC
- Imibhalo Yemibono
- Isikhungo Sezinsiza
  - Imibiko Yaminyaka Yonke
  - Imithetho
  - Amacebo kanye Nemibiko
  - Icebo Lokusebenza Kwe-DST ngo: 2010-13
  - Imibiko Ngalokho Okuzokwenziwa
  - Imibiko Yocwaningo Nentuthuko
  - Imibiko Yamaphrojekthi
  - Amaphephandaba
  - Imibiko Yokubuyekizwa Kokusebenza Kongqongqoshe
  - Imikhiqizo Yolwazi
  - Ingqalasizinda Yocwaningo
  - Ingqalasizinda Yezomoya
  - Ama-Coffee Table Books
- Isithangami Kwisayensi Yezomoya kanye Nezinkanyezi
- Izinsizakalo
- Izikhungo Zokwenza Imisebenzi Enhlobonhlobo
  - Isikhungo i-Centre of Excellence in Biomedical TB Research
  - Isikhungo i-Centre of Excellence in Invasion Biology
  - Isikhungo i-Centre of Excellence in Strong Materials
  - Isikhungo i-Centre of Excellence in Birds as Keys to Biodiversity Conservation at the Percy Fitzpatrick Institute
  - Isikhungo i-Centre of Excellence in Catalysis
  - Isikhungo i-Centre of Excellence in Tree Health Biotechnology at FABI
  - Isikhungo i-Centre of Excellence in Epidemiological Modelling and Analysis
- Uhlelo Lokuhlonyuliswa Ngentela Iwe-R & D Tax
- I-S&T Landscape
- Iphephandaba Lezindaba Zasemkhathini
- I-Sumbandilasat
- I-Science and Technology Awareness Radio (STAR)
  - Ingxoxombono yangoJuni 2010
  - Ingxoxombono yangoMeyi 2010 - eMaropeng

- Ingxoxombono yango-Ephreli 2010 - ngeSquare Kilometre Array (SKA)
- Ingxoxombono yangoMashi 2010
- Ingxoxombono yangoJanuwari 2010
- Ingxoxombono yangoDisemba 2009
- Ingxoxombono yangoNovemba 2009
- Ingxoxombono yango-Okthoba 2009
- Ingxoxombono yangoSeptthemba 2009
- Ingxoxombono yango-Agasti 2009
- Amathenda
  - Uhlaka lwenqubomgomo yokuthengwa
  - Izimpendulo kwizimemezelo zamathenda
  - Labo abanamathenda noMnyango kumanje
- I-NSW10 proposal template FINAL.doc
- Imisebenzi
  - Imihlahandlela mayelana nokubhalisa kwimisebenzi yakwa-DST
  - Amathuba akamuva emisebenzi
  - Uxhumana olukuyisa kwifomu elingu: Z83
  - Imihlomulo yokusebenzela i-DST
  - Ukubhaliswa Nge-Intanethi Ukuze Ube Sohlwini Lwabantu Abahlinzeka Ngezinsizakalo
- Isikhungo Esiyisizinda Solwazi
- Ukuxhumana
  - I-COFISA
  - Izethulo
  - Amadokhumenti
- I-Square Kilometre Array (SKA)
- Shanghai
  - 2010 Shanghai Expo - Izithombe
  - South Africa at Expo 2010: Indawo Yezithombe
- I-German South Africa Year of Science 2012/13
- Ukwesekwa kwebhajethi yesikhungo
- I-SAFIPA  
Ingqungquthela yomhlaba yokushintsha kwezinto
- I-PRIAP

- Ukwesekwa okuvamile ekwenziweni kwebhajethi
- I-Performance Information Management System (PIMS)
- Izinkampani ezingaphansi koMnyango
  - I-Technology Innovation Agency
  - I-Human Sciences Research Council
  - I-Academy of Science of South Africa
  - I-South African National Space Agency
  - I-Council for Scientific Research and Industrial Research
  - I-Agency for Science and Technology Advancement
  - I-National Intellectual Property Management Office
  - I-National Research Foundation
  - I-Astronomy Management Authority
  - Imininingwane yokuxhuma

**11. Okunanyathiselwe B: Izihloko kanye nezinhlobo zamarekhodi okungaphansi kwezandla ze-DST**

Uhlelo/Uhlelo Olungaphansi	Isihloko Samarekhodi
<b>UHLELO 1: EZOKUPHATHA</b>	
<b>Uhlelo 1A. Izinsizakalo Zokuphatha</b>	
<u>Uhlelo Olungaphansi: Isikhulu Esiphezulu Esiphethe Ezezimali (CFO)</u>	
Ukuphathwa Kwezimali (Management Accounting)	Ama-Estimates of National expenditure (ENE) Medium Term Expenditure Framework (MTEF), Ama-Adjusted Estimates of National Expenditure (AENE) Imibiko yokwexwayisa kusenesikhathi, imibiko mayelana nokumoshwa nokusetshenziswa kwezimali, umbiko mayelana nokuhamba kahle kwemali.
I-Financial Accounting	Izitatimende zezimali, Izinto ezikhona kanye Nalezo Ezikweletwayo, Imibiko Ngezimali Zikazwelonke, Izitifiketi Zokwenza Izinto Ngendlela ngokulandisa kokusebenza kwezimali kuHulumeni kazwelonke, Izitatimende zezimali zesikhashana nezonyaka kanye namarekhodi akho konke ukusetshenzwa kwezimali maqondana nezimali ezingenile eMnyangweni, Ukusebenza Kwazo, Ezimoshiwe, Ezikhona kanye Nezikweletwayo.
Ukuphathwa Kohlelo Lokwedluliswa Kwezinhlobo	Izinqubomgomo kanye Nezinqubo Zokuphathwa Kohlelo Lokwedluliswa Kwezinhlobo; Isizinda salabo abasebenzela uMnyango; Izinto ezibekwe yilabo abasebenzela uMnyango; Amadokhumenti okubhida, kuhlanganisa namaminithi ekomidi elilawula ukuthi ubani othola ithenda, Izethulo mayelana namabhidi, Ukuqinisekiswa kwemikhiqizo kanye nemibandela yokusebenza, Amaminithi emihlangano nabahlinzeki ngezinsiza; Izethulo mayelana nokuchithwa kwezinto zoMnyango, Irejist yezinto zoMnyango; Amaminithi ekomidi elilahla izinto zoMnyango; Ukuphathwa kwezimoto zoMnyango; Izinhlelo zokuphathwa kwezimali nezinto ezikhona kanye nalezo

<b>Uhlelo/Uhlelo Olungaphansi</b>	<b>Isihloko Samarekhodi</b>
	ezikweletwayo eMnyangweni; Amadokhumenti amathenda, kuhlanganisa namathenda anikezwe abantu.
<u>Uhlelo Olungaphansi:</u> Isikhulu Esiphezulu Esibhekele Ezezimali	
Uhlelo Lolwazi Lwezokuxhumana	Uhlelo Lokutakula; Izingqobomgomo ze-IT, Amabhukwana ezinqubo nokwenziwa, ama-Master Services Plan, Iqhinga le-IT.
Ulwazi kanye Nokugcinwa Kwamarekhodi	Iqhinga Lokulawula Ukugcinwa Kwamarekhodi kanye Nenqubomgomo, Iqhinga Lokulawula Amarekhodi, Ibhukwana le-PAIA.
<u>Uphiko:</u> Olwezokuphepha	Izingqobomgomo zokuphepha kanye nezingqubo; Imibiko mayelana nokusebenzelana kwezokuphepha; Ividiyo yalokho okwenziwa kwisakhiwo
<u>Uhlelo Olungaphansi:</u> Ezomthetho	Imithetho kanye neziqondiso kwe-DST, Izivumelwano, Imibono yezomthetho kanye nenqolobane yezinkampani ezivaliwe, izingqobomgomo zemithetho, ibhukwana lokwenza izinto ngendlela.
<u>Uhlelo Olungaphansi:</u> Kwa-Human Resource	
Izinhlelo Ezikhethekile	Amaqhingana akwa-HR, Izingqobomgomo, Izingqubo kanye Namacebo; Izinhlelo Zokulinganisa Ukumeleleka Kobulili Obuthile; Izinhlelo Zokusizakala Kwabasebenzi; Imibiko Yokusizwa Kwabasebenzi; Imigomo YeBatho Pele; Izingqubo Zokufaka Izikhazazo kanye Nokuqondiswa Izigwegwe; Umbhalo Wezipho.
Ukuphathwa Ngendlela Kwethalente kanye Nokuthuthuka Kwenhlangano	Amaqhingana akwa-HR, Izingqobomgomo, Izingqubo kanye Nezinhlalo; Ukukalwa Kwemisebenzi kanye Nemibiko Yokwenziwa Komsebenzi.
<b>Uhlelo 1B. Isikhulu Esiphezulu Esiphethe Ezokusebenza</b>	
Ihhovisi LikaMqondisi-jikelele	Izethulo zoNgqongqoshe kanye no-DG Ukulawulwa Kwengcuphe



<b>Uhlelo/Uhlelo Olungaphansi</b>	<b>Isihloko Samarekhodi</b>
<u>Uhlelo Olungaphansi:</u> Ukuhlela Inqubomgomo, Ukubheka Ukubusa kanye Nokubuyekeza (PPGM&E)	Imibiko Yaminyaka Yonke ye-DST; Uhlelo Lwebhizinisi; Ulwazi oluyimibiko emayelana nokusebenza; Ukubuyekezwa kwesikhungo kanye nezinhlelo kuhlenganisa namadokhumenti akwesekayo lokho; Amaminithi emihlangano; Ukuxhumana nezinhlelo ezingaphansi kwe-DST (amaminithi amaforamu – Osihlalo, aka-CEO no-CFO); Imibiko yokusebenza kwabasebenzi kanye nokunconywa kwabo; Izinhlelo kanye nemihlahlandlela; Imibiko ekhomishiwe.
<u>Uhlelo Olungaphansi:</u> Ukucwaningwa Kwamabhuku Kwangaphakathi	Amaminithi Ekomidi Lokucwaninga; Imibiko Yokucwaningwa Kwamabhuku Kwangaphakathi; Imibiko Yamakomidi Okucwaningwa Kwamabhuku, Imiqulu, Izivumelwano Zokuhambisana.
<u>Uhlelo Olungaphansi:</u> Ukuxhumana Kwesayensi	Izinkulumo; Ukuxhumana kwangaphakathi; Okucashunwe kwimibiko yocwaningo; Izithombe.
I-HR Sourcing and Maintenance	Amaqinga akwa-HR, Izinqubomgomo, Izinqubo kanye Namacebo; Amafayela Aqondene Nabasebenzi; Ukubhaliswa Kwezikhathi Zekhefu.
<u>UhleloOlungaphansi:</u> uMkhandlu i-National Advisory Council on Innovation (NACI)	Ukuqokwa kwabantu, Ukwamukelwa kanye Nokuchithwa Kwamalunga Omkhandlu; Amakomidi Amakhulu kanye Namancane; Ukulawulwa Kocwaningo.
<b>UHLELO 2: UKUTHUTKISWA KOPHENYO KANYE NOKUSUNGULA</b>	
Ihhovisi Lesekele LikaMqondisi-Jikelele	
<u>Uhlelo Olungaphansi:</u> Ubuchwepheshe Bempilo kanye Nezempilo	Amaqinga; Izikhungo ama-Centres of Competence; iziqondiso; izincwadi, izinqumo kanye nokuxhumana Nezikhungo; Izinselelo Ezinkulu Zokusuka ku-Farmer kuya ku-Pharma; izicelo ze-GMOs (ezingenalo ulwazi oluyisifuba).
<u>UhleloOlungaphansi:</u> Isayensi Yomkhathi	Ukwenza ngcono izinto zokuthi kukwazi ukuthi kufinyeleleke kwizikhungo ezingama-Satellite Application Centres.

<b>Uhlelo/Uhlelo Olungaphansi</b>	<b>Isihloko Samarekhodi</b>
<u>Uhlelo Olungaphansi:</u> Izinto Eziphambili Okumele Zisungulwe kanye Nezinhlaka	Indlela Yokusebenza Yezimali Ezitholakala nge-R&D.
<u>Uhlelo Olungaphansi:</u> Ukuthuthukiswa Kolwazi Kwizinhloko Zolwazi Lomdabu	Ukulawulwa Kolwazi; Amadokhumenti Ocwaningo Mayelana Nezinhlalo Zolwazi Lomdabu kanye Nemibiko – bheka ku <a href="http://www.NIKSO.dst.gov.za">www.NIKSO.dst.gov.za</a> ; Uhlelo Lukazwelonke Lwamarekhodi.
<b>UHLELO 3: UKUBAMBISANA NAMAZWE OMHLAKA KANYE NEZINSIZA</b>	
Ihhovisi lika-DDG	
<u>Uhlelo Olungaphansi:</u> Ukubambisana Okukabili Kwaphesheya Kwezilwandle	Izivumelwano
<u>Uhlelo Olungaphansi:</u> Izinhloko Zamazwe Omhlaba	Amabhukwana amaprojekthi Ukuxhumana namawebhusayithi amaprojekthi athile Isithangami seprojekthi kanye nezithangami zokucobelelana ngolwazi
<u>Uhlelo Olungaphansi:</u> Ukubambisana Okuningi kanye ne-Afrika	Ukuzwana Amathuba okufunda Amapheshana eminyango Imibiko yokuhlanganyela
<b>UHLELO 4: ABANTU KANYE NEZINHLAKA ZOLWAZI LOKUSEBENZA</b>	
Ihhovisi lika-DDG	
<u>Uhlelo Olungaphansi:</u> Isayensi Eyisisekelo kanye Nengqalasizinda	Ukwenza ngcono ukubambisana okunamaqhinga kanye nezinhlalo zokuthuthukisa ingqalasizinda entsha yokucwaninga kanye nokufinyelela kwingqalasizinda entsha.
<u>Uhlelo Olungaphansi:</u> Abantu & Ukukhuthazwa Kwesayensi	Izikhungo ezingama-Centres of Excellence; Osihlalo Bokucwaninga; Imibiko Yocwaningo; Ulwazi Lwemifundaze.
<u>Uhlelo Olungaphansi:</u> Ukusetshenzwa Kwezinkanyezi	Ulwazi Mayelana ne-Square Kilometre; bheka ku: <a href="http://www.SKA.ac.za">www.SKA.ac.za</a> ; Izinhlelo zokulawula ukusetshenzwa kwezinkanyezi kanye neziqondiso; Izifungo.
<b>UHLELO 5: UKUBAMBISANA KWEZENHLALAKAHLE YOMNOTHO</b>	

Uhlelo/Uhlelo Olungaphansi	Isihloko Samarekhodi
Ihhovisi Lesekela LikaMqondisi-Jikelele	Izinselelo Ezinkulu, nezinhlelo zokwenza kanye namadokhumenti akhuluma ngezinto ezithile; Izinhlaka zamaqhinga.
Uhlelo Olungaphansi: Ukutshala Izimali Kwisayensi & Ubuchwepheshe	Ucwaningo kanye nemibiko mayelana nezibalo ezenziwe; Izimpendulo zezinkampani ezahlukene kucwaningo olwenziwe.
Uhlelo Olungaphansi: I-S&T Umthelela Kwezenhlalo: Ukusungula Ukuze Kube Nentuthuko Edidiyelwe	Ukwakha ubudlelwao kanye nokuhlinzeka ngokweseka kwezokutshalwa kwezimali kanye nokwenziwa kwezikhwama zokugcinwa izimali.
Uhlelo Olungaphansi: I-S&T Umthelela Kwezomnotho: Ukulungiswa Kwendawo kanye Nomnotho Oluhlaza	Imibiko Yokugcina Yokugcwaninga.
Uhlelo Olungaphansi: I-S&T Umthelela Kwezomnotho: Ukwenziwa Kwezobuchwepheshe Zakuleli kanye Nokwakha Okujulile	Amaqhingana Ulwazi olumayelana nobunikazi kanye nolwazi oluvikelekile; Uhlelo Lokwenza Ubuchwepheshe Bakuleli; Uhlelo Lokulawula Izinto; Imihlahlandlela Yokusizakala Ngobuchwepheshe.

## Okunanyathiselwe C



IRIPHABHLIKHI YASENINGIZIMU AFRIK

## IFOMU A

**ISICELO SOKUFINYELELA KWIREKHODI LESIKHUNGO  
SOMPHAKATHI**

Isigaba 18(1) soMthetho Wokufinyelela Olwazini ka 2000  
(uMthetho onguNo 2 ka 2000)

**[Isiqondiso 2]****KUQONDENE NOMNYANGO KUPHELA LOKHU**

Inombolo Yereferensi: \_\_\_\_\_

Isicelo samukelwe wu \_\_\_\_\_ (yisho isikhundla, igama kanye  
nesibongo sesikhulu esihlinzeka ngolwazi/isekela lesikhulu esihlinzeka ngolwazi) mhlaka  
\_\_\_\_\_ (usuku) e \_\_\_\_\_ (indawo)

Imali yesicelo (uma ikhona):R\_\_\_\_\_

Idiphozithi (uma ikhona):R\_\_\_\_\_

Imali yokufinyelela:R\_\_\_\_\_

-----  
Isignesha Yesikhulu Esihlinzeka Ngolwazi/Yesekela Lesikhulu Esihlinzeka Ngolwazi

**A. Imininingwane yesikhungo somphakathi**

Inhloko:

**B. Imininingwane yomuntu ocela ukufinyelela kwirekhodi**

- a) Imininingwane yomuntu ocela ukufinyelela kwirekhodi kufanele ihlinzekwe lapha ngezansi.  
 (b) Nikeza ikheli kanye/noma inombolo yesikhahlamezi eRiphabhlikhi ulwazi lapho ulwazi kufanele luthunyelwe khona.  
 (c) Ubufakazi besikhundla isicelo esenziwa ngaphansi kwaso, uma kunjalo, kufanele buhambisane nesicelo.

Amagama aphelele nesibongo:

.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
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Inombolo kamazisi:

Ikheli leposi: .....

Inombolo yocingo: (.....)..... Inombolo yesikhahlamezi: (.....).....

Ikheli lobhalonyazi: .....

Isikhundla isicelo esenziwa ngaphansi kwaso, uma senziwa egameni lomunye umuntu:

**C. Imininingwane yomuntu ofakelwa isicelo**

Lesi sigaba kufanele sigcwaliswe KUPHELA uma isicelo solwazi senziwa egameni lomunye umuntu.

Amagama aphelele nesibongo:

.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
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Inombolo kamazisi

**D. Imininingwane yerekhodi**

- (a) Hlinzeka ngemininingwane egcwele yerekhodi okucelwa ukufinyelelwa kulo, kuhlanganisa nenombolo yereferensi uma uyazi, ukuze irekhodi likwazi ukuthi litholakale.  
 (b) Uma indawo ehlinzekiwe ingenele, uyacelwa ukuba ubhale ephepheni eliseceleni bese ulinamathisela kuleli fomu.

1. Ukuchazwa kwerekhodi noma ingxenye efanele yerekhodi:

.....

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.....

.....

**FORMA: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

2. Inombolo yereferensi, uma ikhona:

.....

.....

.....

3. Noma yimiphi eminye futhi imininingwane yerekhodi:

.....

.....

.....

**E. Izimali ezikhokhwayo**

- |     |                                                                                                                                                                            |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Isicelo sokufinyelela kwirekhodi, ngaphandle kwirekhodi eliqukethe ulwazi oluqendene nawe ngqo, siyokwenziwa kuphela ngemuva kokuba imali yesicelo isikhokhiwe.            |
| (b) | Uyokwaziswa ngenani lemali elidingeka ukuba likhokhwe njengemali yesicelo.                                                                                                 |
| (c) | Imali ekhokhwayo ukufinyelela kwirekhodi yencike kwindlela ukufinyelela lokho okufiswa ngayo kanye nesikhathi esiphusile sokusesha kanye nokulungisa irekhodi.             |
| (d) | Uma wena ufaneleka ukuthi ungakhokhiswa zimali ngokucela ukufinyelela kwirekhodi elithile, uyacela ukuba usho isizathu sokufaneleka kwakho ngalokho kungakhokhiswa kwakho. |

Isizathu sokungakhokhiswa izimali zokucela irekhodi:

.....

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.....

.....

## IFOMU A: ISICELO SOKUFINYELA OLWAZINI LWESIKHUNGO SOMPHAKATHI

## F. Indlela yokufinyelela kwirekhodi

Uma ungakwazi ukufunda ngenxa yokuphila nokukhubazeka, kumbe ungakwazi ukubuka noma ukulalela irekhodi ngokwendlela yokufinyelela kwirekhodi ehlinzekwe ku-1 kuya ku-4 lapha ngezansi, yisho indlela okhubazeke ngayo bese uchaza ukuthi ulidinga ngayiphi indlela irekhodi lelo na.

Ukuphila Nokukhubazeka:	Indlela irekhodi lelo elidingeka ngayo:
Maka ibhokisi elifanele ngophawu olungu- "X".	
AMANOTHI:	
(a) Ukuhambisana nesicelo sakho sokufinyelela kwirekhodi ngendlela eshiwo ungenzeka kuncike kwindlela irekhodi elitholakala ngayo.	
(b) Ukucela ukufinyelela ngendlela okwenziwe ngayo kungenzeka ukuthi kwenqatshelwe ezimweni ezithile. Esimweni esifuze leso-ke uyokwaziswa ukuthi ngabe ukufinyelela lokho kungenzeka yini unikezwe imvume yakho ngenye indlela.	
(c) Imali ekhokhwayo ngokufinyelela kwirekhodi, uma ikhona eyokhokhwa, kuyoba yimali ngakolunye uhlangothi eyonqumeke ngenxa yohlobo lokufinyelela olwazini oluyobe luceliwe.	

<b>1. Uma irekhodi lelo lingelibhalwe phansi noma eliphrintiwe:</b>					
	ikhophi yerekhodi *		ukuhlolwa kwerekhodi		
<b>2. Uma irekhodi kuyizithombe ezibukwayo - (lokhu kufaka phakathi izithombe ezishuthiwe, ezizubukhazikhazi, amavidiyo aqoshiwe, izithombe ezenziwe)</b>					
	buka izithombe		kopisha izithombe*		imibhalo echaza izithombe *
<b>3. Uma irekhodi kungamazwi aqoshiwe noma imininingwane engakwazi ukuthi ibuye ihlinzekwe ngomsindo::</b>					
	ukulalela umsindo lowo		ukubhalwa phansi komsindo olalelwayo *		
<b>4. Uma irekhodi likwikhompiyutha noma kwinto eyi-elektronikhi noma kwindlela efundeka ngomshini othile:</b>					
	ikhophi ephrintiwe yerekhodi *		ikhophi ephrintiwe yolwazi olutholwe kwirekhodi *		ikhophi kwindlela yekhomyutha efundekayo (i-stiffy noma

* Uma ngabe wena wawucele ikhophi noma irekhodi eselibhalwe phansi (ngenhla), ngabe ungathanda ukuthi ikhophi noma irekhodi eselibhalwe phansi liposwe lize kuwe? Uyokhokhiswa imali yokuposa	YEBO	CHA
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------	-----

## G. Imininingwane yelungelo eliding ukwenziwa noma ukuvikelwa

Uma lesi sikhala onikwe sona singenele kahle, uyacelwa ukuba uqhubeke ephapheni elinye eliseceleni bese ulinamathisela kuleli fomu.

**Umfakisicelo kufanele ukuthi awasayine lawo maphepha okwengeza.**

1. Yisho ukuthi yimaphi amalungelo adinga ukwenziwa noma ukuvikelwa:

.....

.....

.....

2. Chaza ukuthi kungani irekhodi eliceliwe lidingeka ukwenza noma ukuvikela kwelungelo elishiwo ngenhla:

.....

.....

.....

**IFOMU A: ISICELO SOKUFINYELA OLWAZINI LWESIKHUNGO SOMPHAKATHI****H. Isaziso ngesinqumo esenziwe ngokufinyelela kwakho**

Uyokwaziswa ngokubhalwe phansi ngesinqumo sokwedlulisa kwakho isinqumo ngaphakathi. Uma ufisa ukwaziswa ngenye indlela, uyacelwa ukuba uyisho leyo ndlela bese uhlinzeka ngemininingwane efanele ukuze kukwazeke ukuthi kuhanjiswa nesicelo sakho.

Ngabe ungakhetha ukuthi waziswe kanjani mayelana nesinqumo sesicelo sakho sokufinyelela kwirekhodi?

.....

Sisayinwe e \_\_\_\_\_ ngomhlaka \_\_\_\_ ku \_\_\_\_\_ 20 \_\_\_\_ .

.....  
ISIGNESHA YOMFAKISICELO /  
YOMUNTU OKWENZIWA ISICELO EGAMENI LAKHE



**IFOMU A: ISICELO SOKUFINYELA OLWAZINI LWESIKHUNGO SOMPHAKATHI**

**SOUTH AFRICAN RESERVE BANK  
NOTICE 40 OF 2017**

**THE BANKS ACT, 1990 (ACT NO. 94 OF 1990 – “THE BANKS ACT”)**

**WITHDRAWAL OF CONSENT TO MAINTAIN A REPRESENTATIVE OFFICE OF A FOREIGN INSTITUTION IN THE REPUBLIC OF SOUTH AFRICA, IN TERMS OF SECTION 34 OF THE BANKS ACT: BANIF – BANCO INTERNACIONAL DO FUNCHAL, S.A.**

Notice is hereby given, for general information, that the consent granted to Banif – Banco Internacional do Funchal, S.A., by the Registrar of Banks, to maintain a representative office of a foreign institution in the Republic of South Africa was withdrawn with effect from 12 December 2016.

**SOUTH AFRICAN RESERVE BANK  
NOTICE 41 OF 2017**

**THE BANKS ACT, 1990 (ACT NO. 94 OF 1990 – “THE BANKS ACT”)**

**WITHDRAWAL OF CONSENT TO MAINTAIN A REPRESENTATIVE OFFICE OF A FOREIGN INSTITUTION IN THE REPUBLIC OF SOUTH AFRICA, IN TERMS OF SECTION 34 OF THE BANKS ACT: BANCO NACIONAL DE DESENVOLVIMENTO ECONÔMICO E SOCIAL**

Notice is hereby given, for general information, that the consent granted to Banco Nacional de Desenvolvimento Econômico E Social, by the Registrar of Banks, to maintain a representative office of a foreign institution in the Republic of South Africa was withdrawn with effect from 30 November 2016.

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**BOARD NOTICES • RAADSKENNISGEWINGS**

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**BOARD NOTICE 2 OF 2017**

**ROAD ACCIDENT FUND**

**ADJUSTMENT OF STATUTORY LIMIT IN RESPECT OF CLAIMS FOR LOSS OF INCOME AND LOSS OF SUPPORT**

The Road Accident Fund hereby, in accordance with section 17(4A)(a) of the Road Accident Fund Act, Act No. 56 of 1996, as amended, adjusts and makes known that the amounts referred to in subsection 17(4)(c) are hereby adjusted to **R 254 450.00**, with effect from **31 January 2017**, to counter the effects of CPI inflation.

Note: The CPI index based on the new “basket and weights” was used to calculate this adjustment, **effective from 31 January 2017** (with base year December 2012 = 100). The rebased CPI index for May 2008 was 78.1. The CPI index for November 2016 was 124.2. This adjustment was calculated by multiplying the R 160 000 limit by 124.2/78.1.

**RAADSKENNISGEWING 2 VAN 2017****PADONGELUKFONDS****AANPASSING VAN STATUTÊRE LIMIET TEN OPSIGTE VAN EISE VIR VERLIES AAN INKOMSTE EN ONDERHOUD**

Die Padongelukfonds maak ooreenkomstig artikel 17(4A)(a) van die Padongelukfondswet, Wet No. 56 van 1996, soos gewysig, bekend dat, met effek vanaf **31 Januarie 2017**, die bedrae waarna verwys word in subartikel 17(4)(c) aangepas word tot **R 254 450.00**, ten einde die uitwerking van VPI inflasie teen te werk.

Neem kennis: Die VPI indeks gebaseer op die nuwe "mandjie en gewigte" is gebruik om hierdie aanpassing, effektief vanaf **31 Januarie 2017**, te bereken (met basisjaar Desember 2012 = 100). Die heraangepaste VPI indeks vir Mei 2008 was 78.1. Die VPI indeks vir November 2016 was 124.2. Hierdie aanpassing was bereken deur die R 160 000 limiet te vermenigvuldig met  $124.2/78.1$

# **WARNING!!!**

## **To all suppliers and potential suppliers of goods to the Government Printing Works**

The Government Printing Works would like to warn members of the public against an organised syndicate(s) scamming unsuspecting members of the public and claiming to act on behalf of the Government Printing Works.

One of the ways in which the syndicate operates is by requesting quotations for various goods and services on a quotation form with the logo of the Government Printing Works. Once the official order is placed the syndicate requesting upfront payment before delivery will take place. Once the upfront payment is done the syndicate do not deliver the goods and service provider then expect payment from Government Printing Works.

Government Printing Works condemns such illegal activities and encourages service providers to confirm the legitimacy of purchase orders with GPW SCM, prior to processing and delivery of goods.

To confirm the legitimacy of purchase orders, please contact:

Renny Chetty (012) 748-6375 ([Renny.Chetty@gpw.gov.za](mailto:Renny.Chetty@gpw.gov.za)),

Anna-Marie du Toit (012) 748-6292 ([Anna-Marie.DuToit@gpw.gov.za](mailto:Anna-Marie.DuToit@gpw.gov.za)) and

Siraj Rizvi (012) 748-6380 ([Siraj.Rizvi@gpw.gov.za](mailto:Siraj.Rizvi@gpw.gov.za))

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](mailto:info.egazette@gpw.gov.za)  
Publications: Tel: (012) 748 6053, 748 6061, 748 6065