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Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at [Maureen.Toka@gpw.gov.za](mailto:Maureen.Toka@gpw.gov.za) or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website [www.gpwonline.co.za](http://www.gpwonline.co.za).

We apologise for any inconvenience this might have caused.

Issued by GPW Communications

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

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REPUBLIC OF SOUTH AFRICA

## HIGH ALERT: SCAM WARNING!!!

### TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

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

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

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

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

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

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

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



## Fake Tenders

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

### How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

# Closing times for **ORDINARY WEEKLY** **GOVERNMENT GAZETTE** **2020**

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

- **24 December 2019**, Tuesday for the issue of Friday **03 January 2020**
- **03 January**, Friday for the issue of Friday **10 January 2020**
- **10 January**, Friday for the issue of Friday **17 January 2020**
- **17 January**, Friday for the issue of Friday **24 January 2020**
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- **22 April**, Wednesday for the issue of Thursday **30 April 2020**
- **30 April**, Thursday for the issue of Friday **08 May 2020**
- **08 May**, Friday for the issue of Friday **15 May 2020**
- **15 May**, Friday for the issue of Friday **22 May 2020**
- **22 May**, Friday for the issue of Friday **29 May 2020**
- **29 May**, Friday for the issue of Friday **05 June 2020**
- **05 June**, Friday for the issue of Friday **12 June 2020**
- **11 June**, Thursday for the issue of Friday **19 June 2020**
- **19 June**, Friday for the issue of Friday **26 June 2020**
- **26 June**, Friday for the issue of Friday **03 July 2020**
- **03 July**, Friday for the issue of Friday **10 July 2020**
- **10 July**, Friday for the issue of Friday **17 July 2020**
- **17 July**, Friday for the issue of Friday **24 July 2020**
- **24 July**, Friday for the issue of Friday **31 July 2020**
- **31 July**, Thursday for the issue of Friday **07 August 2020**
- **06 August**, Thursday for the issue of Friday **14 August 2020**
- **14 August**, Friday for the issue of Friday **21 August 2020**
- **21 August**, Friday for the issue of Friday **28 August 2020**
- **28 August**, Friday for the issue of Friday **04 September 2020**
- **04 September**, Friday for the issue of Friday **11 September 2020**
- **11 September**, Friday for the issue of Friday **18 September 2020**
- **17 September**, Thursday for the issue of Friday **25 September 2020**
- **25 September**, Friday for the issue of Friday **02 October 2020**
- **02 October**, Friday for the issue of Friday **09 October 2020**
- **09 October**, Friday for the issue of Friday **16 October 2020**
- **16 October**, Friday for the issue of Friday **23 October 2020**
- **23 October**, Friday for the issue of Friday **30 October 2020**
- **30 October**, Friday for the issue of Friday **06 November 2020**
- **06 November**, Friday for the issue of Friday **13 November 2020**
- **13 November**, Friday for the issue of Friday **20 November 2020**
- **20 November**, Friday for the issue of Friday **27 November 2020**
- **27 November**, Friday for the issue of Friday **04 December 2020**
- **04 December**, Friday for the issue of Friday **11 December 2020**
- **10 December**, Thursday for the issue of Friday **18 December 2020**
- **17 December**, Thursday for the issue of Friday **24 December 2020**
- **23 December**, Wednesday for the issue of Friday **31 December 2020**

# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

## NATIONAL AND PROVINCIAL

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

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

## EXTRA-ORDINARY

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

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

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

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

| Government Gazette Type                       | Publication Frequency          | Publication Date                          | Submission Deadline                     | Cancellations Deadline                               |
|---|--------------------------------|---|---|--|
| National Gazette                              | Weekly                         | Friday                                    | Friday 15h00 for next Friday            | Tuesday, 15h00 - 3 working days prior to publication |
| Regulation Gazette                            | Weekly                         | Friday                                    | Friday 15h00 for next Friday            | Tuesday, 15h00 - 3 working days prior to publication |
| Petrol Price Gazette                          | Monthly                        | Tuesday before 1st Wednesday of the month | One day before publication              | 1 working day prior to publication                   |
| Road Carrier Permits                          | Weekly                         | Friday                                    | Thursday 15h00 for next Friday          | 3 working days prior to publication                  |
| Unclaimed Monies (Justice, Labour or Lawyers) | January / September 2 per year | Last Friday                               | One week before publication             | 3 working days prior to publication                  |
| Parliament (Acts, White Paper, Green Paper)   | As required                    | Any day of the week                       | None                                    | 3 working days prior to publication                  |
| Manuals                                       | Bi- Monthly                    | 2nd and last Thursday of the month        | One week before publication             | 3 working days prior to publication                  |
| State of Budget (National Treasury)           | Monthly                        | 30th or last Friday of the month          | One week before publication             | 3 working days prior to publication                  |
| <i>Extraordinary Gazettes</i>                 | As required                    | Any day of the week                       | <i>Before 10h00 on publication date</i> | <i>Before 10h00 on publication date</i>              |
| Legal Gazettes A, B and C                     | Weekly                         | Friday                                    | One week before publication             | Tuesday, 15h00 - 3 working days prior to publication |
| Tender Bulletin                               | Weekly                         | Friday                                    | Friday 15h00 for next Friday            | Tuesday, 15h00 - 3 working days prior to publication |
| Gauteng                                       | Weekly                         | Wednesday                                 | Two weeks before publication            | 3 days <b>after</b> submission deadline              |
| Eastern Cape                                  | Weekly                         | Monday                                    | One week before publication             | 3 working days prior to publication                  |
| Northern Cape                                 | Weekly                         | Monday                                    | One week before publication             | 3 working days prior to publication                  |
| North West                                    | Weekly                         | Tuesday                                   | One week before publication             | 3 working days prior to publication                  |
| KwaZulu-Natal                                 | Weekly                         | Thursday                                  | One week before publication             | 3 working days prior to publication                  |
| Limpopo                                       | Weekly                         | Friday                                    | One week before publication             | 3 working days prior to publication                  |
| Mpumalanga                                    | Weekly                         | Friday                                    | One week before publication             | 3 working days prior to publication                  |

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

| Government Gazette Type              | Publication Frequency | Publication Date                               | Submission Deadline          | Cancellations Deadline                          |
|--------------------------------------|-----------------------|--|------------------------------|---|
| Gauteng Liquor License Gazette       | Monthly               | Wednesday before the First Friday of the month | Two weeks before publication | 3 working days <b>after</b> submission deadline |
| Northern Cape Liquor License Gazette | Monthly               | First Friday of the month                      | Two weeks before publication | 3 working days <b>after</b> submission deadline |
| National Liquor License Gazette      | Monthly               | First Friday of the month                      | Two weeks before publication | 3 working days <b>after</b> submission deadline |
| Mpumalanga Liquor License Gazette    | Bi-Monthly            | Second & Fourth Friday                         | One week before publication  | 3 working days prior to publication             |

### EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

### NOTICE SUBMISSION PROCESS

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

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

### QUOTATIONS

13. Quotations are valid until the next tariff change.
  - 13.1. **Take note:** **GPW's** annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
  - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
  - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
  - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
  - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
    - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
  - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
  - 19.1. This means that **the quotation number can only be used once to make a payment.**

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

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

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

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

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

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

**LIABILITY OF ADVERTISER**

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

**CUSTOMER INQUIRIES**

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

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

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

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



## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

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

### PROOF OF PUBLICATION

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

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

**Physical Address:**
**Government Printing Works**

149 Bosman Street

Pretoria

**Postal Address:**

Private Bag X85

Pretoria

0001

**GPW Banking Details:**
**Bank:** ABSA Bosman Street

**Account No.:** 405 7114 016

**Branch Code:** 632-005

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

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

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)
**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)
**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)
**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

## PROCLAMATIONS • PROKLAMASIES

## PROCLAMATION NO. 22 OF 2020

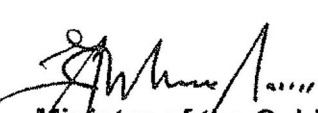
*by the**President of the Republic of South Africa***TRANSFER OF ADMINISTRATION AND POWERS AND FUNCTIONS ENTRUSTED BY LEGISLATION TO CERTAIN CABINET MEMBERS IN TERMS OF SECTION 97 OF THE CONSTITUTION**

In terms of section 97 of the Constitution of the Republic of South Africa, 1996, I hereby transfer the administration and powers and functions entrusted by the specified legislation, and all amendments thereto, to the specified Cabinet member as set out in the Schedule in English and isiZulu with effect from the date of publication of this Proclamation in the *Gazette*.

Given under my Hand and the Seal of the Republic of South Africa at *Johannesburg*  
this...08... day of ...June....., Two Thousand and Twenty.

  
**President**

By Order of the President-in-Cabinet:

  
**Minister of the Cabinet**

## SCHEDULE

1. The administration and the powers or functions entrusted by legislation to a Cabinet member mentioned in column 1 of the table below, immediately before the President amended the portfolio of Ministers contained in President's Act No 48 dated 26 February 2020, are transferred to the Cabinet member mentioned in column 2 of the table.

| <b>Column 1</b>                                      | <b>Column 2</b>                                      |
|--|--|
| <b>Previous Cabinet member</b>                       | <b>New Cabinet member</b>                            |
| Minister of Communications                           | Minister of Communications and Digital Technologies  |
| Minister of Environment, Forestry and Fisheries      | Minister of Forestry, Fisheries and the Environment  |
| Minister of Higher Education, Science and Technology | Minister of Higher Education, Science and Innovation |
| Minister of Sports, Arts and Culture                 | Minister of Sport, Arts and Culture                  |
| Minister of Trade and Industry                       | Minister of Trade, Industry and Competition          |

**ISIMEMEZELO***esisuka***kuMongameli weRiphabhulikhi yeNingizimu Afrika****UKUSHINTSHWA KOKUPHATHA KANYE NEMISEBENZI APHATHISWE  
NGUMTHETHO AMALUNGA ATHILE EKHABHINETHI NGOKWEMIGOMO  
YESIGABA SAMA-97 SOMTHETHOSISEKELO**

Ngokwemigomo yesigaba sama-97 soMthethosisekelo weRiphabhulikhi yeNingizimu Afrika, ka-1996, lapha ngidlulisa amandla kanye nemisebenzi enikwe ngumthetho othile, kanye nazo zonke izichibiyelo zawo, ngiwanika Ilunga leKhabhinethi elichaziwe njengokuba kuveziwe kuSheduli ngeSingisi kanye nesiZulu kusukela mhla kushicilelwa lesi Simemezelo kuSomqulu.

Ngaphansi Kwesandla sami Nesivalo seRiphabhulikhi yeNingizimu Afrika e ...Gol..... ngalolu suku..08..... ngenyanga ka *UW hlangukano* ngonyaka Wezinkulungwane Ezimbili kanye Namashumi Amabili.

**uMongameli**

Ngomyalelo kaMongameli-kuKhabhinethi:

  
**UNgqongqoshe weKhabhinethi**

**ISHEDULI**

1. Ukuphatha kanye nemisebenzi enikwe ngumthetho amalunga eKhabhinethi akukholamu 1 yethebula ngezansi, ngokushesha ngaphambi kokuthi uMongameli achibiyele iphothifoliyo yoNgqongqoshe equkethwe kuMthetho kaMongameli No. 48 yosuku mhla zingama-26 kuFebhuwari 2020, kudluliselwa elungeni leKhabhinethi elikukholamu 2 kuthebula ngezansi:

| <b>Ikholumu 1</b>  | <b>Ikholumu 2</b>   |
|--|---|
| <b>Ilunga leKhabhinethi ngaphambilini</b>                              | <b>Ilunga leKhabhinethi elisha</b>                                  |
| uNgqongqoshe Wezokuxhumana   | uNgqongqoshe Wezokuxhumana kanye Nezobuchwepheshe                   |
| uNgqongqoshe Wezemvelo, Ezamahlathi kanye Nezokudoba                   | uNgqongqoshe weZamahlathi, Ukudoba kanye Nezemvelo                  |
| uNgqongqoshe Wezemfundo ePhakeme, Ezesayensi kanye Nobuchwepheshe      | uNgqongqoshe Wezemfundo Ephakeme, Ezesayensi kanye Nokwenza kabusha |
| uNgqongqoshe Wezemidlalo, Amaciko kanye Nezamasiko                     | uNgqongqoshe Wemidlalo, Amaciko kanye Namasiko                      |
| uNgqongqoshe Wezokuhweba kanye Nzimboni Minister of Trade and Industry | uNgqongqoshe Wezokuhweba, Izimboni kanye Nemincintiswano            |

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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DEPARTMENT OF ECONOMIC DEVELOPMENT

NO. 703

26 JUNE 2020



***competition*commission**  
***south africa***

**AMENDED TERMS OF REFERENCE FOR THE LAND  
BASED PUBLIC PASSENGER TRANSPORT MARKET  
INQUIRY**

**June 2020**

## 1. BACKGROUND

On 10 May 2017, the Competition Commission (“the Commission”), in the exercise of its powers under Chapter 4A of the Competition Act 89 of 1998, published a notice in the Government Gazette (No. 40837) that it would conduct a Market Inquiry into the land-based public passenger transport (“Market Inquiry”). The Commission initiated the Market Inquiry because it has reason to believe that there are features of the sector that prevent, distort or restrict competition.

The Commission set out its Terms of Reference (“ToR”) and timeframes for the inquiry in the Government Gazette. The Market inquiry officially commenced on 7 June 2017 and it was expected to be completed by 30 June 2020.

## 2. AMENDMENT OF THE TERMS OF REFERENCE

In terms of section 43B(5) of the Act, the Commission may, by way of an amendment to the ToR, amend the scope of the Inquiry, or the time within which the Inquiry is expected to be completed, by further notice in the Gazette.

Having regard to the comments, submissions and information gathered by the Inquiry to date, the scope of the Inquiry remains unchanged. However, in light of the disruptions caused by the declaration of the state of natural disaster, the Commission has decided to amend the completion date to allow for sufficient time for engagement on proposed recommendations. In terms of the amendment, the Inquiry will be completed by **December 2020**.

Further details regarding key activities during the final phase of the Inquiry will be communicated on the Commission’s website.

## DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 704

26 JUNE 2020

**MARINE LIVING RESOURCES ACT, 1998  
(ACT NO. 18 OF 1998)****INVITATION TO COMMENT ON AN APPLICATION TO CONDUCT SEA-BASED  
ABALONE RANCHING IN THE AREA BETWEEN DORING BAY AND  
STRANDFONTEIN BAY, WESTERN CAPE AND TO INVITE OTHER INTERESTED  
PARTIES TO EXPRESS AN INTEREST IN APPLYING TO CONDUCT ABALONE  
RANCHING IN THIS AREA**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby invite the public to comment on the suitability of, and interest in, a proposed new area for sea-based abalone ranching.

The Department has received an application for a right in terms of section 18 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), to conduct sea-based abalone ranching (of *Haliotis midae*) in a new area along an approximately seven (7) kilometre stretch of coastline between Doring Bay and Strandfontein Bay in the Western Cape. This area has not previously been used for abalone ranching. The location of the proposed ranching area is located between GPS Points A and B and depicted on the map as set out in the Schedule hereto. The Environmental Risk Assessment Report prepared by the applicant is available on the Department's website:

**[https://www.environment.gov.za/legislations/gazetted\\_notices/proposedseabased\\_abaloneranching\\_doringbay](https://www.environment.gov.za/legislations/gazetted_notices/proposedseabased_abaloneranching_doringbay)** or it can be requested from Ms Zimasa Jika by emailing a request to [ZimasaJ@daff.gov.za](mailto:ZimasaJ@daff.gov.za).

Any person who wishes to submit representations or comments in connection with the proposed new area, is invited to do so within 30 calendar days from the date of publication of this Notice in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after the closing date may not be considered. All representations must be submitted in writing to the Deputy Director-General of the Department of Environment, Forestry and Fisheries, Branch: Fisheries Management, to the following addresses:

By post to: Department of Environment, Forestry and Fisheries  
Deputy-Director General: Fisheries Management  
**Attention:** Ms Zimasa Jika  
Private Bag X2  
VLAEBERG  
8018

By hand at: DDG: Fisheries Management, Attention: Ms Zimasa Jika, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town

By e-mail: [ZimasaJ@daff.gov.za](mailto:ZimasaJ@daff.gov.za)



### Invitation to interested applicants

If any other person is interested in conducting abalone ranching in this same proposed area, they may express an interest in applying for a right to conduct ranching in that area in terms of section 18 of the Marine Living Resources Act, 1998 (Act no. 18 of 1998). If the area is determined suitable for abalone ranching and other parties express an interest in applying for a right, a further notice will be published inviting formal applications to be submitted. It should be noted that only one right will be allocated in this area and potential applicants will be expected to comply with the following—

- Criteria for allocating rights for abalone ranching or stock enhancement pilot projects published in Government Notice No. 353 of *Government Gazette* 34241 dated 21 April 2011;
- General Guidelines for Marine Ranching and Stock Enhancement in South Africa published in Government Notice No. 729 of *Government Gazette* 33470 dated 20 August 2010; and
- Guidelines and Potential Areas for Marine Ranching and Stock Enhancement of Abalone (*Haliotis midae*) in South Africa published in Government Notice No. 729 of *Government Gazette* 33470 dated 20 August 2010.

The criteria and both sets of guidelines are available on the Department's website at [https://www.environment.gov.za/legislations/gazetted\\_notices/proposedseabased\\_abaloneranching\\_doringbay](https://www.environment.gov.za/legislations/gazetted_notices/proposedseabased_abaloneranching_doringbay)

An expression of interest should include the following:

- (a) Full name and ID number of potential applicant;
- (b) Company name and registration
- (c) Email address
- (d) Contact telephone number

The above information must be sent via email to [ZimasaJ@daff.gov.za](mailto:ZimasaJ@daff.gov.za) or posted to the Department as follows:

Department of Environment, Forestry & Fisheries  
**Attention:** Ms. Z Jika  
Foretrust Building  
Martin Hammerschlag Way  
CAPE TOWN  
8001

An expression of interest must be submitted within 30 days of the publication of this Notice in the *Government Gazette* and by no later than 16h00 on the last day.

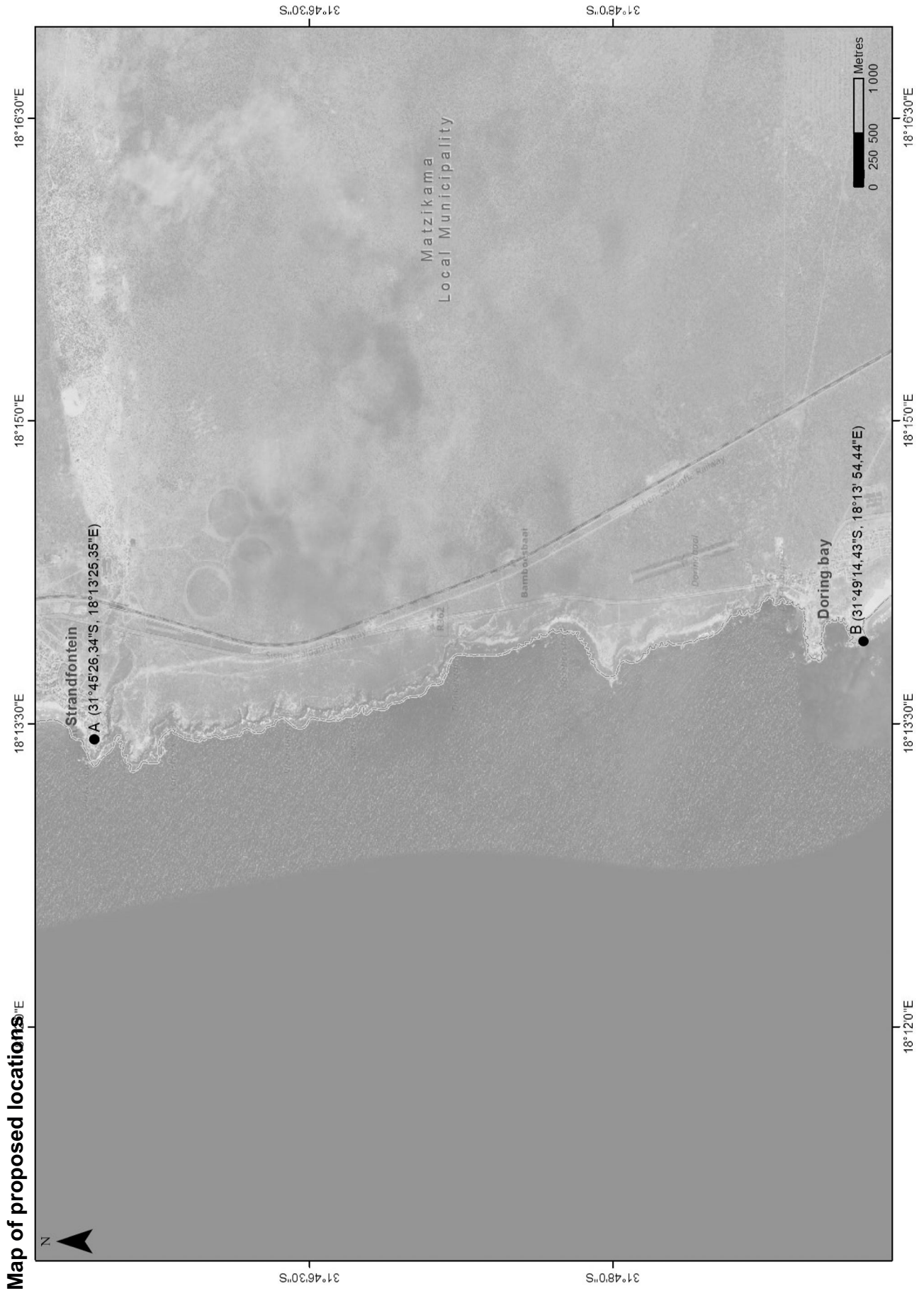
Any enquiries in connection with this notice can be directed to Mr Asanda Njobeni 082 924 0101 or Ms Zimasa Jika 082 332 7943.



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

**SCHEDULE****Table of coordinates**

| <b>Points</b> |               |               |
|---------------|---------------|---------------|
| <b>A</b>      | 31°45'26,34"S | 18°13'25,35"E |
| <b>B</b>      | 31°49'14,43"S | 18°13'54,44"E |



## DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 705

26 JUNE 2020

**NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT  
ACT, 2008 (ACT NO. 24 OF 2008)  
DRAFT AMENDMENTS TO THE NATIONAL ESTUARINE MANAGEMENT PROTOCOL**

I, Barbara Dallas Creecy, the Minister of Forestry, Fisheries and the Environment, hereby publish for public comment, draft amendments to the National Estuarine Management Protocol in terms of section 33(2) of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft amendments is invited to do so within 30 calendar days of the publication of this notice. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the national Department of Environmental Affairs, Branch: Oceans and Coasts:

**By hand:** The Deputy Director-General  
**Attention:** Mr Ruwen Pillay  
National Department of Environment, Forestry  
and Fisheries  
Branch: Oceans & Coasts  
2 East Pier Building, East Pier Road  
Victoria & Alfred Waterfront, Cape Town  
**By e-mail:** [rupillay@environment.gov.za](mailto:rupillay@environment.gov.za)

**By post to:** The Deputy Director-General  
**Attention:** Mr Ruwen Pillay  
National Department of Environment, Forestry  
and Fisheries  
Branch: Oceans & Coasts  
Private Bag X4390  
Cape Town, 8002



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

## SCHEDULE

### GENERAL EXPLANATORY NOTE:

[            ]      Words in bold type in square brackets indicate proposed deletion of text.

\_\_\_\_\_      Words underlined with a solid line indicate proposed insertions in the text.

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**GLOSSARY OF TERMS**

|                             |  |
|-----------------------------|--|
| CPZ                         | Coastal Protection Zone  |
| DAFF                        | Department of Agriculture, Fisheries and Forestry  |
| <u>[DEA] the Department</u> | <u>[Department of Environmental Affairs] National Department responsible for Environmental Affairs</u> |
| DMR                         | Department of Mineral Resources  |
| DST                         | Department of Science and Technology   |
| DWA                         | Department of Water Affairs  |
| EMP                         | Estuarine Management Plan  |
| EFZ                         | Estuarine Functional Zone  |
| ESD                         | Ecological Sustainable Development   |
| the ICM Act                 | National Environmental Management Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)         |
| IDP                         | Integrated Development Plan  |
| MCC                         | Municipal Coastal Committee  |
| MLRA                        | Marine Living Resources Act, 1998 (Act No. 18 of 1998)   |
| NBA                         | National Biodiversity Assessment   |
| NEMBA                       | National Environmental Management Biodiversity Act (Act No. 10 of 2004)                                |
| NEMPAA                      | National Environmental Management Protected Areas Act (Act No. 57 of 2003)                             |
| the Protocol                | National Estuarine Management Protocol   |
| NPA                         | National Port Authority  |
| PCC                         | Provincial Coastal Committee   |
| SAHRA                       | South African Heritage Resources Agency  |
| SAR                         | Situation Assessment Report  |
| SDF                         | Spatial Development Framework  |

## 1. INTRODUCTION

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South Africa (SA) has about 300 functional estuaries<sup>1</sup> that are distributed throughout a  $\pm$  3200 km coastline. Estuaries are characterized by high biodiversity and productivity and provide a range of environmental and socio-economic benefits. Examples include flood control, providing raw material for subsistence (building material) and nursery areas for juvenile fish. In South Africa, estuaries also provide shelter along an otherwise exposed coastline that has few natural embayments, therefore they often serve as nodes for habitation and development. Most South African estuaries have been altered from their pristine state due to human disturbances.

The 2011 National Biodiversity Assessment which uses two headline indicators for assessing the state of South Africa's biodiversity: "ecosystem threat status" and "ecosystem protection level" indicates that 43% of estuary ecosystem types are threatened, representing 79% of SA estuarine area. Only 33% of estuary ecosystem types are well protected and 59% have no protection at all. In general, the condition of estuaries has continued to deteriorate due to habitat alteration, over-exploitation of living resources and changes in water quantity and quality, amongst other reasons. Human impact activities need to be regulated and managed for estuaries to be adequately conserved and sustainably utilised.

Estuarine management is complex because estuaries are subjected to influences from marine, riverine and terrestrial ecosystems. Therefore, estuaries require integrated cross-sectorial planning and management as they include stakeholders that are involved in land use planning, management of freshwater and marine resources. Estuarine management is thus a dynamic process that requires careful planning and implementation of management decisions, through development and implementation of a National Estuarine Management Protocol ("the Protocol"), as set out below.

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<sup>1</sup>As defined in the ICM Act.

## 2. PURPOSE OF THE PROTOCOL

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The National Environmental Management: Integrated Coastal Management Act (Act No. 24 of 2008) (“the ICM Act”) which was promulgated in December 2009, requires estuaries of the Republic to be managed in a co-ordinated and efficient manner, in accordance with a National Estuarine Management Protocol (“the Protocol”). Section 33(2) of the ICM Act empowers the Minister responsible for Environmental Affairs with the concurrence of the Minister responsible for Water Affairs to publish a Protocol that will provide guidance for the management of estuaries through the development and implementation of **[individual]** estuarine management plans (EMPs). The EMPs seek to achieve greater harmony between ecological processes and human activities while accommodating orderly and balanced estuarine resource utilization.

More specifically, in terms of section 33 of the ICM Act the purpose of the national estuarine management protocol is to:

- (a) Determine a strategic vision and objectives for achieving effective integrated management of estuaries;
- (b) Set standards for the management of estuaries;
- (c) Establish procedures or provide guidance regarding how estuaries must be managed and how the management responsibilities are to be exercised by different organs of state and other parties;
- (d) Establish minimum requirements for estuarine management plans;
- (e) Identify who must prepare estuarine management plans and the process to be followed in doing so; and
- (f) Specify the process for reviewing estuarine management plans to ensure that they comply with the requirements of the ICM Act.

## 3. STRATEGIC VISION AND OBJECTIVES

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### 3.1 VISION

The national vision for estuarine management is as follows:



*The estuaries of South Africa are managed in a sustainable way that benefits the current and future generations.*

### **3.2 OBJECTIVES**

In order to recognize and effectively manage the unique environmental, economic, and social aspects of each estuary, it is important to establish strategic objectives. The strategic objectives for effective integrated management of estuaries include:

- 3.2.1 To conserve, manage and enhance sustainable economic and social use without compromising the ecological integrity and functioning of estuarine ecosystems;
- 3.2.2 To maintain and/or restore the ecological integrity of South African estuaries by ensuring that the ecological interactions between adjacent estuaries; between estuaries and their catchments; and between estuaries and other ecosystems, are maintained;
- 3.2.3 To manage estuaries co-operatively through all spheres of government; and to engage the private sector/ entities and civil society in estuarine management;
- 3.2.4 To protect a representative sample of estuaries (such protection could range from partial protection to full protection) in order to achieve overall estuarine biodiversity targets as determined by the 2011 National Biodiversity Assessment and the subsequent updates;
- 3.2.5 To promote awareness, education and training that relate to the importance, value and management of South African estuaries; and
- 3.2.6 To minimize the potential detrimental impacts of predicted climate change through a precautionary approach to development in and around estuaries and with regard to the utilization of estuarine habitat and resources.

## **4. STANDARDS FOR ESTUARINE MANAGEMENT**

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To ensure the effective implementation of a strategic vision and objectives, it is important that these translate into meaningful management standards. The following management standards are applicable:

- 4.1 Estuarine management must aim at best practice in terms of use, management and protection of estuaries based on principles of ecological sustainability and co-operative governance;
- 4.2 Estuary management planning must consider the predicted impacts of climate change and management of potential disasters including pollution events;
- 4.3 Integration of land use planning and natural resource management outcomes with estuarine management outcomes must be promoted;
- 4.4 Management actions should be based on sound scientific evidence and where lacking, the precautionary approach should prevail;
- 4.5 An estuary must be managed to avoid, minimize or mitigate significant negative impacts that include but are not limited to reduced water flows and loss of habitat or species;
- 4.6 An estuary must be maintained in its ecological category as determined in the 2011 NBA and subsequent updates in order to meet biodiversity targets, and to take into account the recommended extent of protection and recommended ecological health category; and
- 4.7 The classification and setting of the Ecological Reserve and Resource Quality Objectives (RQO) of an estuary must take into account the current ecological health status, recommended extent of protection and recommended ecological category in order to meet the biodiversity targets as set in the 2011 NBA and the subsequent updates.

## **5. RESPONSIBLE MANAGEMENT AUTHORITY FOR DEVELOPING ESTUARINE MANAGEMENT PLANS**

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Generally, most estuarine systems occur within the boundaries of a single municipality<sup>2</sup>, and some occur totally or partly within areas that are currently protected or are likely to be protected in future. Local government generally has closer involvement with activities happening within and around estuaries than the other spheres of government, and it is the local people that usually benefit most from the goods and services that estuaries provide. The Municipal Systems Act (Act No 32 of

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<sup>2</sup> As defined in the ICM Act.

2000) requires all municipalities to develop and implement IDPs that promote participation of communities and liaison with other spheres of government.

Considering the above and taking into account Sections 33, 34, 45, 47 and 49 of the ICM Act (dealing with the Estuarine Management Protocol, Estuarine Management Plans and Coastal Management Programmes), the following authorities are responsible for the development of EMPs and coordination of the implementation process:

- [5.1 **Where an estuary falls within the boundary of a single local municipality, the municipality must develop an EMP in consultation with the relevant government departments, except if the estuary is within the boundaries of a protected area or is identified as part of the protected area expansion strategy;**
- 5.2 **Where an estuary falls within the boundary of more than one local municipality, the district municipality must develop an EMP in consultation with the affected local municipalities, provincial and national government departments. The district municipality may in writing agree with the relevant local municipality/ies that the latter shall be responsible for developing an EMP. Copies of such agreements must be submitted to the relevant provincial environmental department for integrated coastal management within 30 days of them being concluded;]**
- 5.3 **Where an estuary falls within the boundary of more than one district municipality, the provincial environmental department shall develop an EMP, in consultation with the affected district municipalities and the relevant national government departments;]** Where an estuary falls within the boundary of a local or district municipality, or where an estuary falls within the boundary of more than one district municipality, the provincial environmental department must develop an EMP, in consultation with the affected local and district municipalities and the relevant national government departments;
- 5.4 Where an estuary crosses the boundaries between provinces, the Department must develop an EMP in consultation with the Provincial Lead Agencies for the ICM Act and other relevant national government departments;
- 5.5 Where an estuary is within a protected area or is identified as part of a protected area expansion strategy, the management authority responsible for the protected area must develop an EMP in consultation with relevant government departments;
- 5.6 Where an estuary is in a harbour, the Department must develop an EMP in consultation with the NPA or other managing organs of state for a harbour and relevant municipalities; and
- 5.7 Where an estuary crosses a state boundary, the Department in collaboration with the responsible authority of the affected state/s must develop the EMP in consultation with relevant government departments of the affected states.

To promote the successful development and implementation of estuarine management plans:

- (a) The Provincial Lead Agencies for the ICM Act must as part of the provincial coastal management programme identify a priority list of estuaries, **[(for which EMPs should be developed) within the Province that need conservation and effective management from the national priority list identified in the 2011 National Biodiversity Assessment and subsequent updates as the starting point.]** which would inform a phased approach for the development of EMPs over a period

of years within the Province. This list should focus on those estuaries that need conservation and effective management and be informed by the national priority list identified in the 2011 National Biodiversity Assessment and subsequent updates. Consideration should be given, in appropriate circumstances, as to whether certain estuaries can be clustered or grouped together for the purpose of developing one EMP as opposed to an EMP for every single estuary. Factors which may be considered in assessing the feasibility of this could include, location, size, ecosystem similarities, similar user profiles and challenges and similar role players and stakeholders. [This should include a schedule of municipalities that should develop these EMPs and their capacity to do so.]

- (b) **[The Provincial Lead Agencies for ICM must inform the Department about the capacity needs of the municipality to develop such EMPs.]** If Provincial Lead Agencies for ICM enter into agreements with municipalities in terms of section 156(4) of the Constitution, 1996, to give the function for developing an EMP to that municipality, they must inform the Department where such agreements have been entered into.
- (c) The Department may within available resources provide technical and management support to capacitate a municipality, where there has been agreement between the province and a municipality to develop an EMP, if and when such need arises. This will depend on the importance of that particular estuary in meeting biodiversity targets and the strategic objectives of the Department.
- (d) In order to develop sound EMPs scientific information generated through robust research is critical. The Department of Science and Technology (DST), DAFF and Departments of Water Affairs, Environmental Affairs and other relevant departments will play a crucial role in supporting research to address issues of uncertainties in estuaries, like Climate Change, and providing guidance in the development of appropriate policies for better management of estuaries.
- (e) The identified responsible management authority to develop the EMP needs to budget accordingly for the development of these plans.
- (f) Private entities and non-government organizations can play a supporting role in the development of an EMP by supporting the responsible management authority.

## **6. MINIMUM REQUIREMENTS FOR ESTUARINE MANAGEMENT PLANS**

Although each EMP will have specific and differing targets and indicators, the following components shall be included in all EMPs:

- 6.1 An executive summary of the Situation Assessment Report (SAR) that highlights the key information that would inform and/or influence the management decisions within the

- estuary;
- 6.2 A geographical description and a map of the estuary based on the Estuarine Functional Zone (EFZ) clearly identifying the boundaries of the system. Any deviation from the EFZ should be motivated for;
  - 6.3 The local vision and objectives that give effect to the strategic vision and objectives of the protocol;
  - 6.4 A list of management objectives and activities, that at minimum addresses the following: conservation and utilization of living and non-living resources (taking into account the priority biodiversity list in the 2011 National Biodiversity Assessment and subsequent updates), social issues, land-use and infrastructure planning and development, water quality and quantity, climate change, education and awareness; compliance and enforcement, and any other activities that will be required to maintain and or improve the condition of the estuary;
  - 6.5 Details of intended spatial zonation of the estuary specifying activities that may or may not take place in different sections of the estuary, and indicating:
    - (a) which organs of state will need to be consulted given the type of zonation that is proposed; and
    - (b) which organs of state will need to enact the relevant laws to implement the proposed zonation (for example if a no-fishing zone is proposed then either DAFF or the Department will be required to consider declaring a closed area or a protected area, respectively);
  - 6.6 A detailed integrated monitoring plan with a list of performance indicators for gauging the progress with respect to achieving the objectives of the EMP; and
  - 6.7 Details of the institutional capacity and arrangements required for managing different elements of the EMP, taking into account different departmental mandates.

An EMP must be in line with the National Coastal Management Programme, Provincial Coastal Management Programme and/or Municipal Coastal Management Programme.

## **7. PROCEDURE FOR DEVELOPING AN ESTUARINE MANAGEMENT PLAN**

The development of an estuarine management plan should follow a three-step process that involves a scoping phase, an objective setting phase and the development of the implementation plan.

### **7.1 SCOPING PHASE**

This phase involves collating and evaluating available information about the estuary that can assist with establishing the status of the estuary and inform management planning. Generally, such information is available in the form of maps and reports from various government agencies and research institutions. It is imperative that local knowledge is considered during this phase. The information should be collated in the form of a Situation Assessment Report (SAR). The SAR

should also highlight any major information gaps and the recommendation to address these. At minimum, the SAR must:

- 7.1.1 Describe legislative instruments that are currently applicable to the effective management of the estuary, including existing and planned management strategies/plans (i.e. catchment management strategies, IDP, SDF, Coastal Management Programmes, etc.) and their relevance to the proposed management of the estuary;
- 7.1.2 Provide a detailed understanding of the structure (abiotic and biotic components), functioning and state of the estuary, including the underlying processes and drivers. This should also include the Reserve for the estuary if it has been determined (or identify the need for determining a reserve) and estimate the present ecological state of the estuary where possible. This should be done by using the Estuarine Health Index as applied in Ecological Water Requirement Methods– Department of Water Affairs and Forestry, 2008 or subsequent versions of Estuarine Health Index that are approved by DWA. This is a standardized approach for estimating the degree of modification of an estuary from its reference state to present;
- 7.1.3 Describe in a socio-economic context (demographic, economic profile, etc.) and the level/s of dependence of local communities on the estuary. This will include assessment of the opportunities and constraints within the ecological system (including potential carrying capacity for activities), taking into account its current and recommended ecological state and limits of acceptable change where available; and
- 7.1.4 Identify the goods and services or human use activities and their impacts or potential impacts on the present ecological state of the estuary.

## 7.2 OBJECTIVE SETTING PHASE

The SAR provides a good basis for setting a realistic and achievable vision and list of objectives for a particular estuarine system; based on limits of acceptable change and carrying capacity, current/potential goods and services provided by the estuary, current/potential threats, opportunities and constraints that the socio-ecological system provides. Effective governance arrangements must be proposed, within the ambit of existing legislation and mandates that are in line with the strategic vision and objectives stipulated in the Protocol. The objectives should generally be qualitative statements of the values defined in the local vision. The objectives should consider among others:

- (i) the conservation and utilization of living resources (taking into account the priority conservation list of estuaries identified in the 2011 National Biodiversity Assessment and subsequent updates.) and non-living resources;
- (ii) social issues;

- (iii) management of water quality and quantity;
- (iv) land use and infrastructure planning and development;
- (v) climate change;
- (vi) education and awareness; and
- (vii) compliance and enforcement.

The local vision and objectives must be aligned with the strategic vision and objectives of the Protocol. This must be demonstrated by stating the relevant strategic objectives of the Protocol that are relevant to the estuary, together with the related local objective/s that will give effect to them.

### **[7.3 DEVELOPMENT OF IMPLEMENTATION PLAN**

For implementation, a range of options for management actions should be identified in order to achieve the vision and objectives. These management actions, which shall be translated into project plans by the responsible government department that is responsible for certain aspects of estuary management (as per legislative mandates), should at minimum address the following key sectors:

- 1) the conservation and utilization of living resources (taking into account the priority conservation list of estuaries identified in the 2011 the National Biodiversity Assessment, 2011 and subsequent updates);
- 2) social issues;
- 3) management of water quality and quantity;
- 4) land use and infrastructure planning and development;
- 5) climate change;
- 6) education and awareness; and
- 7) compliance and enforcement.

**Project Plans need to be prioritized and must include:**

- (i) a work plan (schedule) specifying when each action will be carried out and by whom;
- (ii) a resource plan (staff and finances) required to carry out the above; and
- (iii) a monitoring plan (including key indicators) to measure effectiveness of management actions. It will be necessary to monitor outcomes to ensure that the EMP is achieving its objectives and targets. Generally, monitoring involves ongoing “resource monitoring” to measure the general health of the estuary and “compliance monitoring” to record impacts of human activities and whether they comply with legislation or monitoring of the

**impacts of natural events.]**

## **8. PUBLIC PARTICIPATION PROCESS**

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- (1) The responsible management authority developing an EMP must actively engage all the relevant stakeholders including government department, non-government organizations and civil society in the development and implementation of the EMP.
- (2) An estuarine management plan must be subjected to a public participation process as required by section 53 of the ICM Act.



## 9. APPROVAL AND [ADOPTION] INTEGRATION OF AN EMP

### 9.1 Approval of an EMP

- (1) Once the responsible management authority has given due consideration to any comments received during the public participation process, it must obtain formal approval for the EMP as follows:
- (a) **[Where an EMP has been developed by local and/or district municipality, the MEC of the relevant provincial environmental Department shall approve the EMP,] Where an EMP has been developed by Provincial Lead Agencies for the ICM Act, a provincial conservation agency, the provincial environmental department or a local and/or district municipality by agreement with the province, the MEC of the relevant provincial environmental Department shall approve the EMP; and**
  - (b) **Where an EMP has been developed by the [Provincial Lead Agencies for the ICM Act, or a provincial conservation agency or provincial environmental] Department or [the] a National Conservation Agency, the Minister of the [national [department responsible for Environmental Affairs] Department shall approve the EMP.**
- [ (2) **The relevant approval authority must acknowledge receipt of the draft EMP within 21 days of receiving such request for approval.**
- (3) **Within 90 days of the acknowledgement of receipt, the relevant approval authority shall conduct a review of the EMP to determine whether it meets the requirements of the Protocol and other relevant sections of the ICM Act including section 53. ]**

### 9.2 [Adoption] Integration of an EMP

Once approved by the relevant approval authority, the EMP shall, to ensure effective implementation of the EMP, be integrated as follows: [be formally adopted by the responsible management authority and signed by the head of the responsible management authority. For effective implementation of an adopted EMP on the local scale, the following must be applied]

- (1) Where an EMP has been developed by a municipality[,] as a result of an agreement with the province, it must be incorporated into the broader Municipal Coastal Management programme as required in section 49 of the ICM Act or as part of IDPs as required by the Municipal Systems Act (No. 32 of 2000).

- (2) Where an EMP has been developed by the Provincial Lead Agent, provincial environmental department or provincial conservation agency, the EMP must be incorporated into the Provincial Coastal Management Programme.
- (3) Where an EMP has been developed by a protected area's management authority, the EMP must be integrated into that protected area's management plan as contemplated in section 39 of NEMPAA.
- (4) Where an EMP has been developed by the Department, the EMP must be incorporated into the National Coastal Management Programme.

## REVIEW OF ESTUARINE MANAGEMENT PLANS

It is also necessary to review monitoring data to assess effectiveness of the EMP in meeting its management targets. EMPs must be reviewed by the responsible management authority that developed the plan at least every 5 years from the date it was adopted (if possible in line with IDP, Coastal Management Programme and SDF cycle), but may also be reviewed at any other time. Such review shall include assessment of:

- (a) The effectiveness of the EMP and success with meeting its objectives, taking into consideration information from monitoring during the preceding years;
- (b) Environmental changes (if any) at a local or a wider scale that could affect the estuarine resources or the implementation of the EMP; or
- (c) Changes (if any) to legislation, land-use planning, goals or policies that may require the EMP to be amended.

Based on these findings, it may be necessary to amend an EMP, even to the extent of revising its objectives. Following such review, the responsible management authority shall either modify or re-endorse the EMP and shall engage in public participation in terms of section 8 of the Protocol, before the amended EMP can be approved in terms of the approval and adoption process outlined above in section 9 of the Protocol.

## INSTITUTIONAL STRUCTURES AND ARRANGEMENTS

Effective institutional structures and arrangements are crucial support elements for the successful implementation and co-ordination of actions in terms of the Protocol and the subsequent estuary management plans. Chapter 5 of the ICM Act details the institutional arrangements that would, once implemented, contribute to co-operative coastal governance in South Africa. These

arrangements are made at national, provincial and municipal levels and the embodiment of co-operative coastal governance is vested in coastal committees. No new institutional arrangements are proposed by the Protocol. The Provincial and Municipal coastal committees shall serve as the forums for monitoring the implementation of EMPs and reporting of progress and achievements related to estuarine management. Any existing and/or planned individual estuary forums can be regarded as informal additional advisory bodies for facilitating the implementation of the project plans identified in the EMPs and to foster continuous stakeholder engagement.

## FINANCIAL SECTOR CONDUCT AUTHORITY

NO. 706

26 JUNE 2020

**FINANCIAL SECTOR REGULATION ACT, 2017  
FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002****AMENDMENT OF THE GENERAL CODE OF CONDUCT FOR AUTHORISED FINANCIAL SERVICES PROVIDERS AND REPRESENTATIVES, 2003 AND THE SPECIFIC CODE OF CONDUCT FOR AUTHORISED FINANCIAL SERVICES PROVIDERS AND REPRESENTATIVES CONDUCTING SHORT-TERM DEPOSIT BUSINESS, 2004**

I, DP Tshidi, hereby, under section 15 of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002), promulgate amendments to the General Code of Conduct for Authorised Financial Services Providers and Representatives, 2003 and the Specific Code of Conduct for Authorised Financial Services Providers and Representatives conducting Short-term Deposits Business, 2004, as set out in Schedules A and B.

**DP TSHIDI****FOR THE FINANCIAL SECTOR CONDUCT AUTHORITY**

**SCHEDULE A****Interpretation**

1. In this schedule, "General Code" means the General Code of Conduct for Authorised Financial Services Providers and Representatives, 2003, published in Board Notice No. 80 of 2003, as amended.

**Amendment of section 1(1) of the General Code**

2. Section 1(1) of the General Code is hereby amended by-
  - (a) the substitution for the definition "advertisement" of the following definition:  
**"advertisement" [In relation to a provider] means any [written, printed, electronic or oral] communication [(including a communication by means of a public radio service), which is directed to the general public, or any section thereof, or to any client on request, by any such person, which is intended merely to call attention to the marketing or promotion of financial services offered by such person, and which does not purport to provide detailed information regarding any such financial services; and 'advertising' or 'advertises' has a corresponding meaning] published through any medium and in any form, by itself or together with any other communication, which is intended to create public interest in the business, financial services, financial products or related services of a provider, or to persuade the public (or a part thereof) to transact in respect of a financial product, financial service or related service of the provider in any manner, but which does not purport to provide detailed information to or for a specific client regarding a specific financial product, financial service or related service;"**
  - (b) the substitution for the definition of "company" of the following definition:  
**"company" [means a company under the Companies Act, 1973 (Act 61 of 1973)] has the meaning assigned to it in the Companies Act, 2008 (Act No. 71 of 2008);"**
  - (c) the insertion after the definition of "company" of the following definition:  
**"comparative" refers to a direct or indirect comparison between providers or between financial products, financial services or related services of one or more provider or product supplier;"**
  - (d) the substitution for the definition of "direct marketing" of the following definition:  
**"Direct marketing", means the rendering of financial services by way of telephone, internet, digital application platform, media insert, direct or electronic mail [, or electronic mail], but excludes [excluding] the publication of an advertisement [any such means which are advertisements not containing transaction requirements.];"**
  - (e) the insertion after the definition of "distribution channel" of the following definition:  
**"endorsements" refer to public statements declaring the virtues of a financial product, financial service or related service of a provider or recommending the entering into of a financial product, financial service or related service;"**

- (f) the insertion after paragraph (b) of the definition of "financial interest" of the following paragraph:  
"(c) a qualifying enterprise development contribution to a qualifying beneficiary entity by a provider that is a measured entity;";
- (g) the insertion after the definition of "financial interest" of the following definition:  
"FSC" means the Financial Sector Code published in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act, (Act 53 of 2003), as amended from time to time;";
- (h) the substitution for the definition "holding company" of the following definition:  
"holding company" [means a holding company as defined in section 1(4) of the Companies Act, 1973 (Act 61 of 1973)] has the meaning assigned to it in the Companies Act, 2008 (Act No. 71 of 2008);";
- (i) the insertion after the definition of "immaterial financial interest" of the following definition:  
"loyalty benefit" means any benefit (including a so-called cash- or premium-back bonus) that is directly or indirectly provided or made available to a client by a provider or a product supplier or an associate of the provider or product supplier, which benefit is wholly or partially contingent upon –
- (a) the financial product with that provider or product supplier remaining in place;
  - (b) the client continuing to utilise a financial service of that provider or product supplier;
  - (c) the client increasing any benefit to be provided under a financial product;  
or
  - (d) the client entering into any other financial product or benefit or utilising any related services offered by that provider, product supplier or their associates;";
- (j) the insertion after the definition of "immaterial financial interest" of the following definitions:  
"measured entity" has the meaning assigned to it in the FSC insofar it relates to a qualifying enterprise development contribution;"; and  
"no-claim bonus" means any benefit that is directly or indirectly provided or made available to a client by a product supplier in the event that the client does not claim or does not make a certain claim under a financial product within a specified period of time;";
- (k) the insertion after the definition of "new entrant" of the following definition:  
"plain language" means communication that –
- (a) is clear and easy to understand;
  - (b) avoids uncertainty or confusion; and

(c) is adequate and appropriate in the circumstances,

taking into account the factually established or reasonably assumed level of knowledge of the person or average persons at whom the communication is targeted;

(i) the insertion after the definition of "provider" of the following definitions:

"publish" means –

(a) to make generally known;

(b) to make a public announcement of;

(c) to disseminate to the public; or

(d) to produce or release for distribution;

and "publication" has a corresponding meaning;"

"puffery" means any value judgments or subjective assessments of quality based solely on the opinion of the evaluator and where there is no pre-established measure or standard;"

"qualifying beneficiary entity" has the meaning contemplated in the FSC insofar as it relates to a qualifying enterprise development contribution;"

"qualifying enterprise development contribution" has the meaning assigned to it in the FSC;"

"related service" means any service or benefit provided or made available by a product supplier or a provider or any associate of that product supplier or provider, together with, or in connection with, any financial product, financial service or benefit in respect of that financial product or financial service, and includes a loyalty benefit and a no-claim bonus;"

"replace or replacement" means the action or process of –

(a) substituting a financial product, wholly or in part, with another financial product; or

(b) the termination or variation of a financial product and the purchase, entering into, investment in or variation of another financial product;

with the purpose of meeting the same or similar needs or objectives of the client or in anticipation of, or as a consequence of, effecting the substitution, termination or variation, irrespective of the sequence of the occurrence of the transactions;"

"service supplier" means any person (whether or not that person is the agent of the provider), other than a representative, with whom a provider has an

arrangement relating to the marketing, distribution, administration or provision of financial products, financial services or related services;";

- (m) the insertion after the definition of "sign-on bonus" of the following definition:  
"significant owner" means a significant owner as described in section 157(1) and (2) of the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017);"; and
- (n) the insertion after the definition of "transaction requirement" of the following definitions:  
"variation" includes:
- (a) an acceleration of the contractual retirement date or other date on which benefits become available;
  - (b) any change to the premium or other periodic investment amount payable in respect of a financial product;
  - (c) making the financial product or investment paid-up;
  - (d) the cessation of premiums or other periodic investment amount;
  - (e) the application of the policy or investment value as premiums or other periodic investment amount payable in respect of a financial product;
  - (f) the reduction or removal of any guarantee or benefit in respect of a financial product;
  - (g) any act that results in a change to a material term or condition, or the contract term;
  - (h) the financial product becoming static because an option to update cover, benefits, premiums or other periodic investment amounts has not been exercised;
  - (i) any transfer from or of one financial product to another financial product;
  - (j) a non-renewal of a short-term insurance policy;"; and

"white labelling" refers to the marketing of, or offering of, a specific financial product of a product supplier wholly or partially under the brand of another person who is not the product supplier, in terms of an arrangement between the product supplier and that other person;".

#### **Amendment of section 3 of the General Code**

3. Section 3 of the General Code is hereby amended by the insertion after subsection (3) of the following subsections:

"(4) A provider –

- (a) may not indicate or imply that it is authorised, regulated or otherwise supervised by the Authority in respect of business for which it is not so authorised, regulated or supervised;



- (b) may not in any manner refer to its authorisation or name the Authority as its Regulator in any advertisement relating to products or services that are not financial products or financial services in respect of which it is authorised. In such a manner as to create the impression that its authorisation extends to such products and services or that its provision of such products or services is regulated by the Authority.
- (5) A provider may not describe itself or the financial services it renders as being "independent" if –
- (a) the provider or its associate is a significant owner of any product supplier or its associate in respect of whose products the provider renders financial services;
  - (b) any product supplier in respect of whose products the provider renders financial services or an associate of such product supplier is a significant owner of the provider or its associate; or
  - (c) the provider directly or indirectly receives or is eligible for any financial interest from a product supplier in respect of whose products the provider renders financial services, other than a financial interest referred to in section 3A(1)(a)(i), (ii), (vi) or (vii);
  - (d) any other relationship exists between the provider and any product supplier in respect of whose products the provider renders financial services that gives rise to a material conflict of interest."

#### **Amendment of section 3A of the General Code**

#### **4. Section 3A of the General Code is hereby amended by -**

- (a) the substitution of paragraphs (iii), (iv) and (v) of subsection (1)(a) of the following paragraphs:
  - "(iii) fees authorised under the Long-term Insurance Act, 1998 (Act No. 52 of 1998), the Short-term Insurance Act, 1998 (Act No. 53 of 1998) or the Medical Schemes Act, 1998 (Act No. 131 of 1998), [if those fees are reasonably commensurate to a service being rendered];
  - (iv) fees for the rendering of a financial service in respect of which commission or fees referred to in subparagraph (i), (ii) or (iii) is not paid, if [those fees] –
    - (aa) the amount, frequency, payment method and recipient of those fees and details of the services that are to be provided by the provider or its representatives in exchange for the fees are specifically agreed to by a client in writing; and
    - (bb) those fees may be stopped at the discretion of that client;
  - (v) fees or remuneration for the rendering of a service to a third party [which fees or remuneration are reasonable commensurate to the service being rendered]; "

- (b) the substitution of paragraph (b) of subsection (1) of the following paragraph:  
“(b) A provider may not offer any financial interest to a representative of that provider [for] –
- (i) that is determined with reference [giving preference] to the quantity of business secured for the provider without also giving due regard to the [exclusion of the quality of the service rendered to] delivery of fair outcomes for clients; or
  - (ii) for giving preference to a specific product supplier, where a representative may recommend more than one product supplier to a client; or
  - (iii) for giving preference to a specific product of a product supplier, where a representative may recommend more than one product of that product supplier to a client.”;
- (c) the Insertion after paragraph (b) of subsection (1) of the following paragraph:  
“(bA) For purposes of subsection (1)(b)(i), a provider must be able to demonstrate that the determination of and entitlement to the financial interest takes into account measurable indicators relating to the-
- (i) achievement of minimum service level standards in respect of clients;
  - (ii) delivery of fair outcomes for clients;
  - (iii) quality of the representative’s compliance with this Act;
- as agreed between the provider and the representative, and that sufficient weight is attached to such indicators to materially mitigate the risk of the representative giving preference to the quantity of business secured for the provider over the fair treatment of clients.”;
- (d) the substitution of paragraph (c) of subsection (1) of the following paragraph:  
“(c) For the purposes of this section, where the same legal entity is a product supplier and a provider, paragraph (a) does not apply to the representatives of that entity. That entity is subject to sections 3A(1)(b) and 3A(1)(bA), in respect of its representatives.”;
- (e) the insertion after paragraph (c) of subsection (1) of the following paragraph:  
“(d) A provider or its representatives may only receive or offer the financial interests referred to in subsections (a)(iii), (iv) and (v) if -
- (i) those financial interests are reasonably commensurate with the service being rendered, taking into account the nature of the service and the resources, skills and competences reasonably required to perform it;

- (ii) the payment of those financial interests does not result in the provider or representative being remunerated more than once for performing a similar service;
  - (iii) any actual or potential conflicts between the interests of clients and the interests of the person receiving the financial interests are effectively mitigated; and
  - (iv) the payment of those financial interests does not impede the delivery of fair outcomes to clients.”; and
- (f) the substitution of paragraph (b)(ii) of subsection (2) of the following paragraph:  
 “(ii) specify the type of financial interest that the provider will offer a representative and the basis on which a representative will be entitled to such a financial interest and motivate how that financial interest complies with sections 3A(1)(b) and 3A(1)(bA);”.

#### **Amendment of section 4 of the General Code**

5. Section 4 of the General Code is hereby amended by –

- (a) the substitution of subsection (4) of the following subsection:  
“(4) Subject to subsection (5), [A] a provider, in dealing with a client may not compare different financial services, financial products, product suppliers, providers or representatives, unless the differing characteristics of each are made clear, and may not make inaccurate, unfair or unsubstantiated criticisms of any financial service, financial product, product supplier, provider or representative.”; and
- (b) the insertion after subsection (4) of the following subsection:  
“(5) The requirements in section 14(10) relating to the use of comparisons in advertisements apply with the necessary changes to comparisons referred to in subsection (4).”.

#### **Amendment of section 7 of the General Code**

6. Section 7 of the General Code is hereby amended by –

- (a) the substitution in subsection (1) of the words preceding paragraph (a) of the following words:  
 “Subject to the provisions of this Code, a provider [other than a direct marketer,] must-“;
- (b) the substitution of paragraph (v) of subsection (1)(c) of the following paragraph:  
 “(v) the nature and extent of monetary obligations assumed by the client, directly or indirectly, in favour of the provider, including [the manner of payment or discharge thereof, the frequency thereof, and the consequences of non-compliance] –  
(aa) the amount, frequency and payment method thereof;  
(bb) details of the services that are to be provided by the provider or its representatives in exchange therefor; and

(cc) the client's rights in relation to terminating those obligations and the consequences of terminating or failing to meet those obligations;"

which information should, wherever feasible, be included in a written agreement between the client and the provider;"; and

(c) the insertion after subsection (3) of the following subsection:

"(3A) A provider must at the earliest reasonable opportunity after conclusion of a transaction provide the client with all information referred to in subsections (1), (2) and (3) in writing, to the extent that any such information has not already been provided to the client in writing."

#### **Insertion of new section after section 7 of the General Code**

7. The General Code is hereby amended by the insertion of the following section after section 7:

#### **7A Forecasts, illustrations, hypothetical data or projected benefits and past performance data**

- (1) Subject to subsection (2) and (3), the requirements in section 14(15) relating to the use of forecasts, illustrations, hypothetical data or projected benefits and past performance data in an advertisement apply with the necessary changes to a provider when making use of forecasts, illustrations, hypothetical data or projected benefits and past performance data in the rendering of a financial service.
- (2) A provider may only make a statement regarding the past performance (including awards and rankings) of a financial product or financial service if –
  - (a) the basis on which the performance is measured is clearly stated and the presentation of the performance is accurate, fair and reasonable;
  - (b) the statement is accompanied by a warning that past performance is not indicative of future performance; and
  - (c) the past performance is relevant to the financial service being rendered.
- (3) A provider that uses forecasts, illustrations, hypothetical data or projections when rendering financial services must –
  - (a) furnish the client with support for such forecasts, illustrations, data or projections in the form of clearly stated basic assumptions (including but not limited to any relevant assumptions in respect of performance, returns, costs and charges) with a reasonable prospect of being met under current circumstances;
  - (b) make it clear that they are not guaranteed and are provided for illustrative purposes only;

- (c) disclose, where the returns or benefits are dependent on the performance of underlying assets or other variable market factors, clear indications of such dependence; and
- (d) warn the client about risks involved in buying or selling a financial product based on a forecast, illustration, hypothetical data or projection."

#### **Amendment of section 8 of the General Code**

8. Section 8 of the General Code is hereby amended by-

- (a) the substitution in subsection (1) of the words preceding paragraph (a) of the following words:  
"A provider [other than a direct marketer,] must prior to providing a client with advice-";
- (b) the substitution of paragraph (a) in subsection (1) of the following paragraph:
  - (a) [take reasonable steps to seek from the client appropriate and available information regarding the client's financial situation, financial product experience and objectives to enable the provider to provide the client with appropriate advice] obtain from the client such information regarding the client's needs and objectives, financial situation, risk profile and financial product knowledge and experience as is necessary for the provider to provide the client with appropriate advice, which advice takes into account –
    - (i) the client's ability to financially bear any costs or risks associated with the financial product;
    - (ii) the extent to which the client has the necessary experience and knowledge in order to understand the risks involved in the transaction;  
and
    - (iii) where the client is a pension fund, medical scheme, friendly society, employer or other entity that is being advised on entering into a financial product or transaction aimed at providing benefits for its members, employees or other underlying natural persons, the reasonably identified collective needs and circumstances of such members, employees or other natural persons;"
- (c) the insertion after paragraph (c) in subsection (1) of the following paragraph:  
"(cA) where as a result of limitations referred to in paragraph (c) the provider is not able to identify a financial product or products that will be appropriate to the client's needs and objectives, financial situation, risk profile and product knowledge and experience, the provider must make this clear to the client, decline to recommend a product or transaction and suggest to the client that they should seek advice from another appropriately authorised provider;"
- (d) the substitution of paragraph (d) in subsection (1) of the following paragraph:  
"(d) where the financial product ("the replacement product") is to replace [an existing] another financial product [wholly or partially] ("the terminated product") [held by the client], fully disclose to the client the actual and

potential financial implications, costs and consequences of such a replacement, including, where applicable, full details of-";

(e) the substitution of subsection (4) of the following subsection:

"(4)(a) In performing the analysis referred to in subsection (1)(b) a provider may, in determining the extent of the client information necessary to provide appropriate advice, take into account –

(i) any specific objectives or needs of the client that the client has explicitly requested the provider to focus on, or not to focus on, in performing the analysis;

(ii) any specific objectives or needs of the client that the client and the provider have explicitly agreed to focus on or not to focus on in performing the analysis;

(iii) applicable surrounding circumstances that make it clear that the analysis can reasonably be expected by the client to focus only on specific objectives or specific needs of the client;

(iv) the fact that the client has explicitly declined to provide any information requested by the provider.

(4)(b) Where an analysis referred to in subsection (1)(b) is performed in any of the circumstances referred to in subsection (4)(a), the provider must alert the client as soon as reasonably possible that -

(i) there may be limitations on the appropriateness of the advice provided in light of such circumstances; and

(ii) the client should take particular care to consider on its own whether the advice is appropriate considering the client's objectives, financial situation and particular needs, particularly any aspects of such objectives, situation or needs that were not considered in light of the aforementioned circumstances.

(4)(c) Where a client elects to conclude a transaction that differs from that recommended by the provider, or otherwise elects not to follow the advice furnished, or elects to receive more limited information or advice than the provider is able to provide, the provider must alert the client as soon as reasonably possible of the clear existence of any risk to the client, and must advise the client to take particular care to consider whether any product selected is appropriate to the client's needs, objectives and circumstances."

#### **Amendment of section 9 of the General Code**

9. Section 9 of the General Code is hereby amended by –

(a) the insertion after subsection (1) of the following subsection:

"(1A) The Registrar may determine the format of and the matters to be addressed in the record of advice referred to in section 9(1)."; and

- (b) the substitution of subsection (2) of the following subsection  
 "A provider[, other than a direct marketer,] must provide a client with a copy of the record contemplated in 9(1) in writing."

#### **Amendment of section 14 of the General Code**

10. Section 14 of the General Code is hereby amended by the substitution of that section of the following section:

#### **"14 ADVERTISING**

##### **Application**

- (1)(a) For purposes of this section, "client" includes the general public.
- (b) The principles, requirements and standards contained in this section apply regardless of the medium used to publish an advertisement.
- (c) This section applies to any advertisement published on or after the date on which this section takes effect, regardless of whether the advertisement was also previously published prior to this section taking effect.

##### **General principles**

- (2)(a) A provider, other than a provider that is a natural person and a representative, must have documented processes and procedures for the approval of advertisements by a key person (as defined in the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017)) or a person of appropriate seniority to whom the key person has delegated the approval.
- (b) A provider must, prior to publishing an advertisement, take reasonable measures to ensure that the information provided in the advertisement is consistent with this section.
- (c) Where feasible, measures must provide for an objective review of an advertisement other than by the person that prepared or designed it.
- (d) Where an advertisement is produced or published by another person the provider must –
- (i) where the person producing or publishing the advertisement is the provider's representative or is otherwise acting on behalf of the provider in relation to the advertisement, ensure that the advertisement is consistent with this section and have appropriate processes in place to ensure such consistency; and
- (ii) where the person producing or publishing the advertisement is not acting on behalf of the provider in relation to the advertisement but the provider is aware or ought reasonably to be aware of the production or publication, take reasonable steps to mitigate the risk of the advertisement not being consistent with this rule.

- (e) Where a provider becomes aware that an advertisement that relates to its business, financial services or related services, whether published by the provider or any other person, is not consistent with this section, the provider must –
- (i) as soon as reasonably practicable correct or withdraw the advertisement; or
  - (ii) take reasonable steps to ensure that it is corrected or withdrawn; and
  - (iii) notify any person who it knows to have relied on the advertisement.

#### **Factually correct, balanced and not misleading**

- (3)(a) Advertisements must –
- (i) be factually correct, excluding aspects of an advertisement constituting puffery;
  - (ii) provide a balanced presentation of key information; and
  - (iii) not be misleading.
- (b) An advertisement that references statistics, performance data, achievements or awards must disclose –
- (i) the source and the date thereof; and
  - (ii) the identity of the grantor of an award and must make it clear if the award is granted by an associate of the provider or product supplier.
- (c) An advertisement that refers to premiums or other periodic investment amounts must –
- (i) in the case where the premium or periodic investment amount will escalate automatically, indicate the escalation rate or basis; and
  - (ii) where the premium, in the case of an insurance policy, (with or without automatic escalations) may change at a future date, indicate the period for which the premium is guaranteed.
- (d) Descriptions in an advertisement must not -
- (i) give benefits or returns undue prominence compared with risks; and
  - (ii) exaggerate benefits or returns or create expectations regarding financial product or financial service performance or the performance of related services that the provider does not reasonably expect to achieve.
- (e) Descriptions in an advertisement, in respect of a specific financial product, financial service or related service, must include key limitations, exclusions, risks and charges, which must be clearly explained and must not be worded positively to imply a benefit.



- (f) References to a fee or cost must give a realistic impression of the overall level of fees or costs a person is likely to pay, including any indirect fees or costs.
- (g) Notwithstanding paragraph (e), but subject to all other requirements of this section, where a provider can demonstrate that, due to the nature of the medium used for the advertisement, it is not reasonably practicable for the information required in paragraph (e) to be fully included in the advertisement itself, the advertisement must indicate -
- (i) that additional information on key limitations, exclusions, risks and charges related to the financial product, financial service or related service being advertised is available; and
  - (ii) where and how the additional information in (i) may be accessed.
- (h) The information referred to in paragraph (g) must be publicly available and readily accessible to the average client targeted by the advertisement.
- (i) An advertisement, when examined as a whole, must not be constructed in such a way as to lead the average targeted client to any false conclusions he or she might reasonably rely upon.
- (j) For the purposes of (i), a provider must when constructing an advertisement consider the conclusion likely to be made by clients that are subject to the advertisement, and in doing so have regard to -
- (i) the literal meaning of the words;
  - (ii) impressions from nonverbal portions of the advertisement; and
  - (iii) materials and descriptions omitted from the advertisement.
- (k) An advertisement relating to a financial product that is targeted at a particular type or group of client must make this clear.
- (l) An advertisement must not obscure information.
- (m) Each piece of information in an advertisement must be prominent enough in accordance with subsection (14) and proximate enough to other information so as not to mislead the average targeted client.
- (n) An advertisement must not be designed to exaggerate the need for urgency which could encourage the average targeted client to make unduly hasty decisions.
- (o) Warnings, disclaimers and qualifications contained in an advertisement must -
- (i) not be inconsistent with other content in the advertisement; and
  - (ii) have sufficient prominence to effectively convey key information.
- (p) An advertisement relating to a financial service must -

- (i) disclose any relevant limitations on the extent of the financial service and the range of financial products on which the financial service is based;
- (ii) not create a misleading impression about the nature and extent of a provider's skills, experience, knowledge and expertise insofar it relates to the financial service; and
- (iii) not create a misleading impression about the cost of a financial service including that it is 'free' if the service is in fact paid for by the client directly or indirectly through other costs or charges.

#### **Public interest**

- (4) An advertisement must not disparage or make inaccurate, unfair or unsubstantiated criticisms about any financial product, financial service, product supplier or provider.

#### **Identification of product supplier or provider**

- (5)(a) An advertisement relating to a financial product or financial service must clearly and prominently in accordance with subsection (14) identify the product supplier or provider or both, as applicable.
- (b) An advertisement must not use the group or parent company name or the name of any other associate of a product supplier or provider, or the name of another person, to –
  - (i) create the impression that any person other than the product supplier or provider, as the case may be, is financially or otherwise liable in relation to a financial product or financial service.
  - (ii) mislead or deceive as to the true identity of the provider or product supplier
- (c) An advertisement relating to a financial product that is subject to a white labelling arrangement must clearly and prominently in accordance with subsection (14) identify the product supplier.

#### **Appropriate language and medium**

- (6)(a) An advertisement must use plain language.
- (b) Terms must be defined or explained if the average targeted client could not reasonably be expected to understand them.
- (c) A provider must consider the appropriateness of the medium to be used to publish any advertisement in relation to the complexity of the features of the financial product or financial service or other information being communicated.

#### **Record keeping of advertisements**

- (7)(a) A provider must keep adequate records of all advertisements.

- (b) All records referred to in subsection (7)(a) must be kept for a period of at least 5 years after publication.

#### **Negative option marketing**

- (8) A provider or any person acting on its behalf may not offer to enter into any agreement in respect of a financial product or financial service on the basis that the agreement will automatically come into existence unless the client explicitly declines the provider's offer to enter into agreement.

#### **Unwanted direct advertising**

- (9)(a) Where a provider or any person acting on its behalf uses a telephone or mobile phone call, voice or text message or other electronic communication for an advertisement, it must allow the client during that call or within a reasonable time after receiving the message, the opportunity to demand that the provider or other person does not publish any further advertisements to the client through any of these mediums.
- (b) A provider or any person acting on its behalf may not charge a client a fee or allow a service supplier to charge a client any fee for making a demand in terms of paragraph (a).

#### **Comparative marketing**

- (10)(a) Where a survey or other financial product or financial service comparison informs a comparative advertisement, the survey or other product or service comparison –
- (i) must be undertaken by an independent person or, if it is not reasonably practicable that it is undertaken by an independent person, the advertisement must be so qualified;
  - (ii) must be conducted at regular intervals if relied on or referenced on an on-going basis;
  - (iii) must ensure that financial products, financial services or related services being compared have the same or similar characteristics;
  - (iv) must take account of comparable features across the financial product, financial service or related service offerings included in the sample to ensure that not only the price (e.g. the Rand value of premiums or investments) is being compared, but also the benefits provided under the financial products, financial services or related services concerned;
  - (v) In particular, in the case of comparisons between financial products that are insurance policies, must ensure that price comparisons are based on policies with equivalent terms and conditions, including insured events, cover levels, exclusions, waiting periods and other key features;

- (vi) may not focus on the price of a financial product, financial service or related service to the exclusion of the suitability of the financial product, financial service or related services or its delivery on client expectations; and
  - (viii) must ensure that the information used in comparisons is current, complete and accurate.
- (b) The survey or other comparison source and date thereof must be referenced in the advertisement and the methodology applied must be publicly available and readily accessible to the public in an easily understandable format.

### **Puffery**

- (11) Advertisements that include puffery must be consistent with the provisions relating to puffery in the Code of Advertising Practice Issued by the Advertising Regulatory Board as amended from time to time.

### **Endorsements**

- (12)(a) Testimonials and third person endorsements used in an advertisement –
- (i) must be the genuine opinion and actual experience of the person making the testimonial or endorsement and be properly attributed to such person;
  - (ii) must be based upon actual statements made for testimonial or endorsement purposes; and
  - (iii) may use a pseudonym instead of the real name of the person making the testimonial or endorsement, provided this is stated in the advertisement concerned.
- (b) If the person making the testimonial or endorsement, or their employer or principal or any associate, has any financial interest or relationship to the –
- (i) provider or any associate of the provider or person acting on behalf of the provider; or
  - (ii) product supplier or any associate of the product supplier or person acting on behalf of the product supplier where the advertisement relates to a financial product,
- or will or has been compensated for the endorsement by any person (other than through reimbursement of actual costs incurred by the person making the endorsement), this must be disclosed in the advertisement.
- (c) Any endorsement in an advertisement must clearly and prominently in accordance with subsection (14) state that the endorsement does not constitute financial advice.

### **Loyalty benefits or bonuses**

- (13)(a)** An advertisement that references a loyalty benefit (including so-called cash- or premium-back bonuses in relation to insurance policies) or no-claim bonus must not create the impression that such benefit or bonus is free and must adequately –
- (i)** indicate if the loyalty benefit or no-claim bonus is optional or not; and
  - (ii)** regardless of whether or not the loyalty benefit or no-claim bonus is optional, express the cost of the benefit or bonus including, where applicable, the impact that such cost has on the premium or investment amount, unless the impact is negligible; and
  - (iii)** identify the grantor of the benefit or bonus.
- (b)** For purposes of subsection (13)(a)–
- (i)** the impact is deemed to be negligible if the cost of the loyalty benefit or no-claim bonus comprises less than 10% of the total premium or investment amount payable under a financial product.
  - (ii)** where the impact of a loyalty benefit or no-claim bonus is not negligible and where the advertisement refers to the actual premium or investment amount payable –
    - (aa)** the cost of the benefit or bonus must be shown as a percentage of that premium or investment amount; and
    - (bb)** the provider must be able to demonstrate that the premium or investment amount and benefit cost used in the advertisement presents a true reflection of the cost impact for the average targeted client; and
  - (iii)** where the impact of a loyalty benefit or no-claim bonus is not negligible and where the advertisement does not refer to the actual premium or investment amount payable, the average cost of the benefit or bonus as a percentage of premium or investment amount must be provided.
- (c)** Where an advertisement highlights a loyalty benefit or no-claims bonus as a significant feature of a financial product or financial service and makes reference to a projected loyalty benefit value or no-claim bonus value that is payable on the expiry of a period in the future, it must also express the value of the projected benefit or bonus in present value terms, using reasonable assumptions about inflation.
- (d)** An advertisement must clearly state whether the availability or extent of a loyalty benefit or no-claims bonus is contingent on future actions of the client or any factors not within the client's control.
- (e)** An advertisement may not create the impression that the bonus or benefit is guaranteed or more likely to materialise than the provider or product supplier reasonably expects for the average targeted client.

## **Prominence**

- (14)(a)** In determining prominence, whenever information must be disclosed prominently as required by this section, consideration must, as appropriate, be given to –
- (i)** the target audience of the advertisement;
  - (ii)** the likely information needs of the average targeted client;
  - (iii)** prominence in the context of the advertisement as a whole;
  - (iv)** positioning of the text and audibility and speed of speech;
  - (v)** the duration of displays of key information;
  - (vi)** background;
  - (vii)** colour; and
  - (viii)** font size.
- (b)** A statement or information in an advertisement is not regarded as being prominent if, amongst other things, the statement or information is –
- (i)** obscured through the close proximity of promotional illustrations and/or additional text;
  - (ii)** difficult to read due to the use of small font sizes, unclear type styles or the duration for which it is displayed;
  - (iii)** likely to be overlooked due to its position;
  - (iv)** superimposed across a coloured or patterned background which lessens its visual impact; or
  - (v)** difficult to hear or understand due to the volume or speed at which speech is delivered.
- (c)** Subject to paragraph *(d)*, in an advertisement relating to a financial product that is subject to a white labelling arrangement, the name of the product supplier must be as frequently mentioned, as audible or as visible as that of the white label and, in respect of written media, must be at least the same font size as that of the white label.
- (d)** Paragraph *(c)* does not apply to an advertisement relating to a financial product that is subject to a white labelling arrangement where –
- (i)** the white label arrangement is with a product supplier that is part of the same group of companies that the provider is part of;
  - (ii)** the advertisement uses the brand of the product supplier; and
  - (iii)** all requirements of subsection (5) and paragraphs *(a)* and *(b)* are complied with in relation to the identification of the product supplier.

### **Principles relating to forecasts, illustrations, hypothetical data or projected benefits and past performance data**

- (15)(a) No projected benefits (including but not limited to future investment values and, in the case of insurance policies, maturity, income, death, disability or full or partial surrender benefits) may be included in advertisements, if the benefits depend on future unknown investment performance, unless used to demonstrate the benefits of savings generally.
- (b) Any reference to projected benefits, investment performance or returns must clearly reflect the effect that fees and costs may have on actual returns or benefits.
- (c) When past investment performance is provided for or referred to in an advertisement –
- (i) all information must be accurate and must be provided in the correct context, and the provider must be able to substantiate all claims made; and
  - (ii) a statement must be included that past performance cannot be extrapolated into the future and is not an indication of future performance.
- (d) If tax advantages are referenced in an advertisement such advantages must be explained, and any key restrictions, penalties, and mitigating circumstances must be disclosed.
- (e) Any reference to guaranteed elements or features must indicate whether the guarantee is subject to any requirements and conditions and where disclosure of those requirements and conditions can be found.
- (f) Where a financial product comprises participatory interests in an underlying collective investment scheme referred to in the Collective Investment Schemes Control Act No. 45 of 2002, or where a financial product provides for investment of client's funds into collective investment scheme portfolios, any advertisement must, in addition to the applicable requirements of this subsection, comply with any determination of advertising and marketing requirements for collective investment schemes made under the Collective Investment Schemes Control Act No. 45 of 2002."

### **Amendment of section 15 of the General Code**

11. Section 15 of the General Code is hereby amended by the –

- (a) deletion of subsections (2), (3) and (4);
- (b) the substitution of subsection (5) of the following subsection:  
 "(5) A direct marketer ~~[shall be obliged to]~~ **must** record all telephone conversations with clients in the course of direct marketing and must have appropriate procedures and systems in place to store and retrieve such recordings. **[Records of advice furnished to a client telephonically need not be reduced to writing but a copy of the relevant voiceloggged records must be provided, on request, to the client or Registrar within a reasonable time.]**";

- (c) the substitution of subsection (6) of the following subsection:  
 “(6) Notwithstanding the above [or contrary provision in the code], a direct marketer must at the earliest reasonable opportunity after conclusion of a transaction provide, in writing, the client with all information referred to in sections [such of the information required to be provided to the client in terms of clauses] 4[,] and 5 [and 7] of this Code, to the extent that any such information has not already been provided to the client in writing [as has not yet been recorded or provided to the client in writing before the conclusion of any transaction, must be provided to the client in writing within 30 days thereafter].”; and
- (d) the insertion of the following subsection after subsection (6):  
 “(7) A provider must, on request of the client, make recordings of telephone discussions available to the client.”.

#### Amendment of Part XI of the General Code

12. Part XI of the General Code is hereby amended by the substitution of the following Part:

### PART XI COMPLAINTS MANAGEMENT (ss 16 - 19)

#### 16 DEFINITIONS

In this Part –

“**client query**” means a request to the provider or the provider’s service supplier by or on behalf of a client, for information regarding the provider’s financial products, financial services or related processes, or to carry out a transaction or action in relation to any such product or service;

“**complainant**” means a person who submits a complaint and includes a –

- (a) client;
- (b) person nominated as the person in respect of whom a product supplier should meet financial product benefits or that persons’ successor in title;
- (c) person whose life is insured under a financial product that is an insurance policy;
- (d) person that pays a premium or an investment amount in respect of a financial product;
- (e) member;
- (f) person whose dissatisfaction relates to the approach, solicitation marketing or advertising material or an advertisement in respect of a financial product, financial service or related service of the provider,

who has a direct interest in the agreement, financial product or financial service to which the complaint relates, or a person acting on behalf of a person referred to in (a) to (f);

“**complaint**” means an expression of dissatisfaction by a person to a provider or, to the



knowledge of the provider, to the provider's service supplier relating to a financial product or financial service provided or offered by that provider which indicates or alleges, regardless of whether such an expression of dissatisfaction is submitted together with or in relation to a client query, that -

- (a) the provider or its service supplier has contravened or failed to comply with an agreement, a law, a rule, or a code of conduct which is binding on the provider or to which it subscribes;
- (b) the provider or its service supplier's maladministration or wilful or negligent action or failure to act, has caused the person harm, prejudice, distress or substantial inconvenience; or
- (c) the provider or its service supplier's has treated the person unfairly;

**"compensation payment"** means a payment, whether in monetary form or in the form of a benefit or service, by or on behalf of a provider to a complainant to compensate the complainant for a proven or estimated financial loss incurred as a result of the provider's contravention, non-compliance, action, failure to act, or unfair treatment forming the basis of the complaint, where the provider accepts liability for having caused the loss concerned, but excludes any -

- (a) goodwill payment;
- (b) payment contractually due to the complainant in terms of the financial product or financial service concerned; or
- (c) refund of an amount paid by or on behalf of the complainant to the provider where such payment was not contractually due;

and includes any interest on late payment of any amount referred to in (b) or (c);

**"goodwill payment"** means a payment, whether in monetary form or in the form of a benefit or service, by or on behalf of a provider to a complainant as an expression of goodwill aimed at resolving a complaint, where the provider does not accept liability for any financial loss to the complainant as a result of the matter complained about;

**"member"** in relation to a complainant means a member of a -

- (a) pension fund as defined in section 1(1) of the Pension Funds Act, 1956 (Act 52 of 1956);
- (b) friendly society as defined in section 1(1) of the Friendly Societies Act, 1956 (Act 25 of 1956);
- (c) medical scheme as defined in section 1(1) of the Medical Schemes Act, 1998 (Act 131 of 1998); or
- (d) group scheme as contemplated in the Policyholder Protection Rules made under section 62 of the Long-term Insurance Act, 1998, and section 55 of the Short-term Insurance Act, 1998;

**“rejected”** in relation to a complaint means that a complaint has not been upheld and the provider regards the complaint as finalised after advising the complainant that it does not intend to take any further action to resolve the complaint and includes complaints regarded by the provider as unjustified or invalid, or where the complainant does not accept or respond to the provider’s proposals to resolve the complaint;

**“reportable complaint”** means any complaint other than a complaint that has been –

- (a) upheld immediately by the person who initially received the complaint;
- (b) upheld within the provider’s ordinary processes for handling client queries in relation to the type of financial product or financial service complained about, provided that such process does not take more than five business days from the date the complaint is received; or
- (c) submitted to or brought to the attention of the provider in such a manner that the provider does not have a reasonable opportunity to record such details of the complaint as may be prescribed in relation to reportable complaints; and

**“upheld”** means that a complaint has been finalised wholly or partially in favour of the complainant and that –

- (a) the complainant has explicitly accepted that the matter is fully resolved; or
- (b) it is reasonable for the provider to assume that the complainant has so accepted; and
- (c) all undertakings made by the provider to resolve the complaint have been met or the complainant has explicitly indicated its satisfaction with any arrangements to ensure such undertakings will be met by the provider within a time acceptable to the complainant.

## **17 COMPLAINTS MANAGEMENT FRAMEWORK**

### **Establishment of complaints management framework**

- (1)(a) A provider, excluding a representative, must establish, maintain and operate an adequate and effective complaints management framework to ensure the effective resolution of complaints and the fair treatment of complainants that –
  - (i) is proportionate to the nature, scale and complexity of the provider’s business and risks;
  - (ii) is appropriate for the business model, policies, services, and clients of the provider;
  - (iii) enables complaints to be considered after taking reasonable steps to gather and investigate all relevant and appropriate information and circumstances, with due regard to the fair treatment of complainants;
  - (iv) does not impose unreasonable barriers to complainants; and

- (v) must address and provide for, at least, the matters provided for in this Part.
- (b) A provider must regularly review its complaints management framework and document any changes thereto.

#### **Requirements for complaints management framework**

- (2)(a) The complaints management framework must at least, provide for –
- (i) relevant objectives, key principles and the proper allocation of responsibilities for dealing with complaints across the business of the provider;
  - (ii) appropriate performance standards and remuneration and reward strategies (internally and where any functions are outsourced) for complaints management to ensure objectivity and impartiality;
  - (iii) documented procedures for the appropriate management and categorisation of complaints, including expected timeframes and the circumstances under which any of the timeframes may be extended;
  - (iv) documented procedures which clearly define the escalation, decision-making, monitoring and oversight and review processes within the complaints management framework;
  - (v) appropriate complaint record keeping, monitoring and analysis of complaints, and reporting (regular and ad hoc) to executive management, the board of directors and any relevant committee of the board or in the absence of a board the governing body on –
    - (aa) identified risks, trends and actions taken in response thereto; and
    - (bb) the effectiveness and outcomes of the complaints management framework;
  - (vi) appropriate communication with complainants and persons representing complainants on the complaints and the complaints processes and procedures;
  - (vii) appropriate engagement between the provider and a relevant ombud;
  - (viii) meeting requirements for reporting to the Authority and public reporting in accordance with this Part;
  - (ix) a process for managing complaints relating to the provider's representatives and service suppliers, insofar as such complaints relate to services provided in connection with the provider's financial products, financial services or related services, which process must –
    - (aa) enable the provider to reasonably satisfy itself that the representative or service supplier has adequate complaints management processes in place to ensure fair treatment of complainants;

- (bb)** provide for monitoring and analysis by the provider of aggregated complaints data in relation to complaints received by its representatives and service suppliers and their outcomes;
  - (cc)** include effective referral processes between the provider and its representatives and service suppliers for handling and monitoring complaints that are submitted directly to either of them and require referral to the other for resolution; and
  - (dd)** include processes to ensure that complainants are appropriately informed of the process being followed and the outcome of the complaint; and
- (x)** regular monitoring of the complaints management framework generally.

#### **Allocation of responsibilities**

- (3)(a)** The board of directors or in the absence of a board the governing body and key individuals of the provider, excluding a representative, is responsible for effective complaints management and must approve and oversee the effectiveness of the implementation of the provider's complaints management framework.
- (b)** Any person that is responsible for making decisions or recommendations in respect of complaints generally or a specific complaint must –
- (i)** be adequately trained;
  - (ii)** have an appropriate mix of experience, knowledge and skills in complaints handling, fair treatment of customers, the subject matter of the complaints concerned and relevant legal and regulatory matters;
  - (iii)** not be subject to a conflict of interest; and
  - (iv)** be adequately empowered to make impartial decisions or recommendations.

#### **Categorisation of complaints**

- (4)(a)** A provider, excluding a representative, must categorise reportable complaints in accordance with the following minimum categories –
- (i)** complaints relating to the design of a financial product, financial service or related service, including the fees, premiums or other charges related to that financial product or financial service;
  - (ii)** complaints relating to information provided to clients;
  - (iii)** complaints relating to advice;
  - (iv)** complaints relating to financial product or financial service performance;

- (v) complaints relating to a service to clients, including complaints relating to premium or investment contribution collection or lapsing of a financial product ;
  - (vi) complaints relating to financial product accessibility, changes or switches, including complaints relating to redemptions of Investments;
  - (vii) complaints relating to complaints handling;
  - (viii) complaints relating to insurance risk claims, including non-payment of claims; and
  - (ix) other complaints.
- (b) A provider must, in addition to the categorisation set out in paragraph (a), consider additional categories relevant to its chosen business model, financial products, financial services and client base that will support the effectiveness of its complaint management framework in managing conduct risks and effecting improved outcomes and processes for its clients.
- (c) A provider must categorise, record and report on reportable complaints by identifying the category contemplated in paragraphs (a) and (b) to which a complaint most closely relates and group complaints accordingly.

#### **Complaints escalation and review process**

- (5)(a) A provider, excluding a representative, must establish and maintain an appropriate internal complaints escalation and review process.
- (b) Procedures within the complaints escalation and review process should not be overly complicated, or impose undue burdensome paperwork or other administrative requirements on complainants.
- (c) The complaints escalation and review process should -
- (i) follow a balanced approach, bearing in mind the legitimate interests of all parties involved including the fair treatment of complainants;
  - (ii) provide for internal escalation of complex or unusual complaints at the instance of the initial complaint handler;
  - (iii) provide for complainants to escalate complaints not resolved to their satisfaction; and
  - (iv) be allocated to an impartial, senior functionary within the provider or appointed by the provider for managing the escalation or review process of the provider.

#### **Decisions relating to complaints**

- (6)(a) Where a complaint is upheld, any commitment by the provider to make a compensation payment, goodwill payment or to take any other action must be carried out without undue delay and within any agreed timeframes.

- (b) Where a complaint is rejected, the complainant must be provided with clear and adequate reasons for the decision and must be informed of any applicable escalation or review processes, including how to use them and any relevant time limits.

#### **Record keeping, monitoring and analysis of complaints**

- (7)(a) A provider must ensure accurate, efficient and secure recording of complaints and complaints-related information.
- (b) The following must be recorded in respect of each reportable complaint-
- (i) all relevant details of the complainant and the subject matter of the complaint;
  - (ii) copies of all relevant evidence, correspondence and decisions;
  - (iii) the complaint categorisation as set out in subsection (4); and
  - (iv) progress and status of the complaint, including whether such progress is within or outside any set timelines.
- (c) A provider must maintain the following data in relation to reportable complaints categorised in accordance with subsection (4) on an ongoing basis -
- (i) number of complaints received;
  - (ii) number of complaints upheld;
  - (iii) number of rejected complaints and reasons for the rejection;
  - (iv) number of complaints escalated by complainants to the internal complaints escalation process;
  - (v) number of complaints referred to an ombud and their outcome;
  - (vi) number and amounts of compensation payments made;
  - (vii) number and amounts of goodwill payments made; and
  - (viii) total number of complaints outstanding.
- (d) Complaints information recorded in accordance with this subsection must be scrutinised and analysed by a provider on an ongoing basis and utilised to manage conduct risks and effect improved outcomes and processes for its clients, and to prevent recurrences of poor outcomes and errors.
- (e) A provider must establish and maintain appropriate processes for reporting of the information in subsection (7)(d) to its governing body or executive management.

#### **Communication with complainants**

- (8)(a) A provider must ensure that its complaint processes and procedures are transparent, visible and accessible through channels that are appropriate to the provider's clients.
- (b) A provider may not impose any charge for a complainant to make use of complaint processes and procedures.
- (c) All communications with a complainant must be in plain language.
- (d) A provider must, wherever feasible, provide clients with a single point of contact for submitting complaints.
- (e) A provider must disclose to a client –
- (i) the type of information required from a complainant;
  - (ii) where, how and to whom a complaint and related information must be submitted;
  - (iii) expected turnaround times in relation to complaints; and
  - (iv) any other relevant responsibilities of a complainant.
- (f) A provider must within a reasonable time after receipt of a complaint acknowledge receipt thereof and promptly inform a complainant of the process to be followed in handling the complaint, including –
- (i) contact details of the person or department that will be handling the complaint;
  - (ii) indicative and, where applicable, prescribed timelines for addressing the complaint;
  - (iii) details of the internal complaints escalation and review process if the complainant is not satisfied with the outcome of a complaint;
  - (iv) details of escalation of complaints to the office of a relevant ombud and any applicable timeline; and
  - (v) details of the duties of the provider and rights of the complainant as set out in the rules applicable to the relevant ombud.
- (g) Complainants must be kept adequately informed of –
- (i) the progress of their complaint;
  - (ii) causes of any delay in the finalisation of a complaint and revised timelines; and
  - (iii) the provider's decision in response to the complaint.

## **18 ENGAGEMENT WITH OMBUD AND REPORTING**

### **Engagement with ombud**

**(1)(a) A provider must –**

- (i) have appropriate processes in place for engagement with any relevant ombud in relation to its complaints;
- (ii) clearly and transparently communicate the availability and contact details of the relevant ombud services to complainants at all relevant stages of the relationship with a client, including at the start of the relationship and in relevant periodic communications;
- (iii) display and/or make available information regarding the availability and contact details of the relevant ombud services at the premises and/or on the web site of the provider;
- (iv) maintain specific records and carry out specific analysis of complaints referred to them by the ombud and the outcomes of such complaints; and
- (v) monitor determinations, publications and guidance issued by any relevant ombud with a view to identifying failings or risks in their own policies, services or practices.

**(b) A provider must –**

- (i) maintain open and honest communication and co-operation between itself and any ombud with whom it deals; and
- (ii) endeavour to resolve a complaint before a final determination or ruling is made by an ombud, or through its internal escalation process, without impeding or unduly delaying a complainant's access to an ombud.

**19 REPORTING COMPLAINTS INFORMATION**

A provider must have appropriate processes in place to ensure compliance with any prescribed requirements for reporting complaints information to any relevant designated authority or to the public as may be required by the Registrar.

**Short title and Commencement**

13. This Notice is called the Amendment of the General Code of Conduct for Authorised FSPs and Representatives, 2020, and comes into operation on publication in the Government Gazette, except those paragraphs of the Notice specified in the first column of the Table hereunder, which will take effect on the dates as indicated in the second column of the Table.

| <b>Provision of Notice</b>  | <b>Effective Date</b>                            |
|---|--|
| Paragraph 4, in respect of section 3A of the General Code of Conduct for Authorised FSPs and Representatives, 2019) | 6 months after the effective date of this Notice |



| <b>Provision of Notice</b>   | <b>Effective Date</b>                             |
|--|---|
| Paragraph 6, in respect of section 7 of the General Code of Conduct for Authorised FSPs and Representatives, 2019  | 6 months after the effective date of this Notice  |
| Paragraph 10, in respect of section 14 of the General Code of Conduct for Authorised FSPs and Representatives, 2019  | 6 months after the effective date of this Notice  |
| Paragraph 11, in respect of section 15 of the General Code of Conduct for Authorised FSPs and Representatives, 2019  | 6 months after the effective date of this Notice  |
| Paragraph 12,, In respect of the following sections of the General Code of Conduct for Authorised FSPs and Representatives, 2019: <ul style="list-style-type: none"> <li>• Section 16</li> <li>• Section 17(1)</li> <li>• Section 17(3)</li> <li>• Section 17(5)</li> <li>• Section 17(6)</li> <li>• Section 17(7)(a), (b)(i), (ii) and (iv) and (e)</li> <li>• Section 17(8)</li> <li>• Section 18</li> <li>• Section 19</li> </ul> | 6 months after the effective date of this Notice  |
| Paragraph 12, in respect of the following sections of the General Code of Conduct for Authorised FSPs and Representatives, 2019: <ul style="list-style-type: none"> <li>• Section 17(2)</li> <li>• Section 17(4)</li> <li>• Section 17(7)(b)(iii), (c) and (d)</li> </ul>  | 12 months after the effective date of this Notice |

## SCHEDULE B

### Interpretation

1. In this schedule, "Short-term Deposit Code" means the Specific Code of Conduct for Authorised Financial Services Providers and Representatives conducting Short-term Deposits Business, 2004, published in Board Notice No. 102 of 2004, as amended.

### Amendment of section 1 of the Short-term Deposit Code

2. Section 1 of the Short-term Deposit Code is amended by –
  - (a) the substitution in subsection (1) of the definition "advertisement" of the following definition:  
"‘advertisement’ has the meaning assigned to it in section 1(1) of the General Code;"; and
  - (b) the insertion of the following definition after the definition of "deposit":  
"‘General Code’ means the General Code of Conduct for Authorised Financial Services Providers and Representatives, 2003, published in Board Notice No. 80 of 2003, as amended".

### Amendment of section 6 of the Short-term Deposit Code

3. Section 6 of the Short-term Deposit Code is amended by –
  - (a) the substitution of the introductory paragraph before paragraph (a) for the following:  
"(1) A provider must, subject to the provisions of this Code –";
  - (b) the deletion of paragraph (f); and
  - (c) the insertion of the following subsection after paragraph (e):  
"(2) A provider must comply with –
    - (a) section 14 of the General Code; and
    - (b) Part XI of the General Code."

### Amendment of Parts IV and V of the Short-term Deposit Code

4. Parts IV and V of the Short-term Deposit Code is hereby amended by the deletion of those Parts.

### Short title and Commencement

5. This Notice is called the Amendment of the Specific Code of Conduct for Authorised Financial Services Providers and Representatives conducting Short-term Deposits Business, 2020, and comes into operation 6 months after the effective date of the Amendment of the General Code of Conduct for Authorised FSPs and Representatives, 2020.

## FINANCIAL SECTOR CONDUCT AUTHORITY

NO. 707

26 JUNE 2020

**FINANCIAL SECTOR REGULATION ACT, 2017  
FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002****AMENDMENT OF THE DETERMINATION OF FIT AND PROPER REQUIREMENTS, 2017**

I, DP Tshidi, hereby, under section 6A of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002), promulgate amendments to the Determination of Fit and Proper Requirements, 2017, as set out in the Schedule.

**DP TSHIDI****FOR THE FINANCIAL SECTOR CONDUCT AUTHORITY**

## SCHEDULE A

### Interpretation

1. In this Schedule, “the Determination” means the Determination of Fit and Proper Requirements for Financial Services Providers, 2017, published in Board Notice No. 194 of 2017.

### Amendment of section 1(1) of the Determination

2. Section 1(1) of the Determination is hereby amended by-

- (a) the substitution for the definition “cash” of the following definition:

““cash” means –

- (a) physical currency consisting of Reserve Bank notes and coins;
- (b) any balance in an account with a -
  - (i) bank as defined in section 1(1) of the Banks Act;
  - (ii) ‘branch’, ‘branch of a bank’ or a ‘mutual bank’ as defined in section 1(1) of the Banks Act;
  - (iii) bank established in a country other than the Republic and which lawfully conducts in such other country a business similar to the business of a bank, excluding a facility that extends credit;”;

- (b) the substitution for the definition “CPD activity” of the following definition:

““CPD activity” means an activity that is-

- (a) approved by a Professional Body that confirmed that the activity is verifiable; and
- (b) allocated an hour value or a part thereof by that Professional Body; and
- [(c) verifiable,]

and excludes -

- (i) an activity performed towards a qualification; and
- (ii) product specific training;”;

- (c) the substitution for the definition “fund member policy” of the following definition:

““fund member policy” means a fund member policy as defined in [Part 5A] Regulation 3.1 of the Regulations under the Long-term Insurance Act;”;

- (d) the insertion after the definition “fund member policy” of the following definition:

**“fund policy” means a fund policy as defined in Regulation 1.1 of the Regulations under the Long-term Insurance Act;”**

(e) the insertion after the definition “hedge fund FSP” of the following definition:

**“Insurance Act” means the Insurance Act, 2017 (Act No. 18 of 2017);”**

(f) the substitution for the definition “long-term insurance subcategory A” of the following definition:

**“long-term insurance subcategory A” means an assistance policy or a life insurance policy as defined in section 1 of the Insurance Act underwritten under the Funeral class of life insurance business as set out in Schedule 2 of the Insurance Act;”**

(g) the substitution for the definition “long-term insurance subcategory B1” of the following definition:

**“long-term insurance subcategory B1” means –**

(a) a disability, health and life policy as defined in section 1(1) of the Long-term Insurance Act which provides only risk benefits as contemplated in the Regulations under that Act, but excludes–

**[(a)](i)** a fund policy as defined in section 1(1) of that Act;

**[(b)](ii)** a fund member policy;

**[(c)](iii)** an investment policy as defined in Part 5B of those Regulations; or

**[(d)](iv)** a policy referred to in the definitions of long-term insurance subcategories A, B1-A, B2, B2-A and C; or

(b) **means a life insurance policy as defined in section 1 of the Insurance Act underwritten under the Risk or Credit Life classes of life insurance business as set out in Schedule 2 of the Insurance Act;”**

(h) the substitution for the definition “long-term insurance subcategory B1-A” of the following definition:

**“long-term insurance subcategory B1-A” means those long-term insurance policies or life insurance policies referred to in the definition of long-term insurance subcategory B1 which require no or limited underwriting;”**

(i) the substitution for the definition “long-term insurance subcategory B2” of the following definition:

**“long-term insurance subcategory B2” means –**

(a) a long-term policy as defined in section 1 of the Long-term Insurance Act which is –

- ~~[(a)](i)~~ an investment policy as defined in Part 5B of the Regulations under that Act and which guarantees a minimum return of any premium paid at a specified future date or dates, and where such minimum is ascertainable in Rand terms at inception;
- ~~[(b)](ii)~~ a disability, health or life policy that provides risk benefits as contemplated in the Regulations under that Act and has a guaranteed investment value or a materially equivalent value;
- ~~[(c)](iii)~~ an annuity which guarantees a minimum annuity for the term of the policy which annuity is ascertainable in Rand terms at inception; or
- ~~[(d)](iv)~~ a policy which combines the any of the policy features referred to in paragraphs (i) to (iii),

but excludes a fund policy, a fund member policy and a policy referred to in the definitions of long-term insurance categories A, B1, B1-A, B2-A and C; or

~~(b) a life insurance policy as defined in section 1 of the Insurance Act which is –~~

~~(i) an investment policy as defined in Part 5B of the Regulations under the Long-term Insurance Act and which guarantees a minimum return of any premium paid at a specified future date or dates, and where such minimum is ascertainable in Rand terms at inception;~~

~~(ii) a combined policy underwritten under the following classes of life insurance business as set out in Schedule 2 of the Insurance Act –~~

~~(aa) risk class or credit life class; and~~

~~(bb) individual investment class or income drawdown class;~~

~~that has a guaranteed investment value or a materially equivalent value;~~

~~(iii) underwritten under the Life Annuity class of life insurance business as set out in schedule 2 of the Insurance Act and which guarantees a minimum annuity for the term of the policy which annuity is ascertainable in Rand terms at inception; or~~

~~(iv) a policy which combines the any of the policy features referred to in paragraphs (i) to (iii).~~

but excludes a fund policy, a fund member policy and a policy referred to in the definitions of long-term insurance categories A, B1, B1-A, B2-A and C;”;

~~(j) the substitution for the definition “long-term insurance subcategory B2-A” of the following definition:~~

**“long-term insurance subcategory B2-A” means those long-term insurance policies or life insurance policies referred to in the definition of long-term insurance subcategory B2 which provide for the premiums to be invested in an investment portfolio managed by the product supplier with no option by the policyholder to request a change or amendment to that portfolio;”**

- (k) the substitution for the definition “long-term insurance subcategory C” of the following definition:

**“long-term insurance subcategory C” means a long-term policy[ies] as defined in section 1(1) of the Long-term Insurance Act, [1998,] or a life policy as defined in section 1 of the Insurance Act [but excludes] excluding –**

- (a) a fund policy[ies] as defined in section 1(1) of the Long-term Insurance Act, [1998,]
- (b) a fund member policy[ies]; and
- (c) a policy referred to in the definitions of long-term insurance subcategories A, B1, B1-A, B2 and B2-A;”

- (l) the substitution for the definition “short-term insurance commercial lines” of the following definition:

**“short-term insurance commercial lines” means –**

- (a) short-term insurance policies referred to in the Short-term Insurance Act purchased by juristic persons and natural persons acting in a business capacity; or
- (b) a non-life insurance policy as defined in section 1 of the Insurance Act, but excludes a policy referred to in the definition of ‘personal lines’ as defined in that Act;”

- (m) the substitution for the definition “short-term insurance personal lines” of the following definition:

**“short-term insurance personal lines” means –**

- (a) short-term insurance policies referred to in the Short-term Insurance Act purchased by natural persons acting otherwise than in a business capacity, but excludes a policy referred to in the definition of short-term insurance personal lines A1; or
- (b) a non-life insurance policy as defined in section 1 of the Insurance Act, where the policyholder is a natural person acting otherwise than solely for the purposes of the person’s own business;”

- (n) the substitution for the definition “short-term insurance personal lines A1” of the following definition:

**“short-term Insurance personal lines A1” means –**

- (a)** the short-term Insurance policies referred to in the definition of ‘short-term Insurance personal lines’, excluding-
- (i) marine policies; and
  - (ii) engineering policies and guarantee policies as defined in section 1 of the Short-term Insurance Act; or
- (b)** a non-life Insurance policy referred to in the definition of ‘short-term Insurance personal lines’, but excluding non-life Insurance policies underwritten under the following classes of non-life Insurance business as set out in Schedule 2 of the Insurance Act –
- (i) Marine; and
  - (ii) Engineering;

and which policies–

- [(I)](aa)** require no or limited underwriting;
- [(II)](bb)** define policy benefits or obligations as a sum insured, provide for the replacement of the insured asset or provide for the settlement of outstanding balances due and payable to credit providers;
- [(III)](cc)** have contract terms of 24 months or less;
- [(IV)](dd)** are not subject to the principle of average; and
- [(V)](ee)** do not provide for any exclusions or conditions from liability of the insurer other than-
  - (a[a]A)** exclusions relating to unlawful conduct, provided that such exclusions may only be applied or relied on if there is a direct link between the cause of the loss and the unlawful conduct;
  - (b[b]A)** special risks referred to in the Conversion of the SASRIA Act, No. 134 of 1998;
  - (c[c]A)** exclusions relating to the condition of any asset insured at inception of the policy other than exclusions relating to the wear and tear of the asset;
  - (d[d]A)** exclusions relating to the maintenance and usage of the insured asset under a policy that insures against unforeseen mechanical or electrical component failure;
  - (e[e]A)** exclusions relating to consequential loss; or



**(f)(A)** any combination of (aA) to (eA);”.

#### **Amendment of section 27 of the Determination**

3. Section 27 of the Determination is hereby amended by the substitution of subsection (1) of the following subsection:

**“(1) Regulatory examinations may be set and delivered by examination bodies [recognised for that purpose by the Registrar].”;**

#### **Amendment of section 37 of the Determination**

4. Section 37 of the Determination is hereby amended by the substitution of paragraph numbers (ii) and (iii) after paragraph (i) of subsection (2)(b) of the following paragraph numbers:

- [(ii)](iii)** systems and procedures that are adequate to safeguard the security, integrity and confidentiality of information, including –
- (aa) electronic data security and internal and external cybersecurity;
  - (bb) physical security of assets and records;
  - (cc) system application testing;
  - (dd) back-up and disaster recovery plans and procedures for systems and electronic data; and
- [(iii)](iv)** systems and processes to ensure accurate, complete and timely processing of data, reporting of information and the assurance of data integrity;”.

#### **Amendment of section 40 of the Determination**

5. Section 40 of the Determination is hereby amended by –

(a) the substitution of paragraph (i) of subsection (1)(a) of the following paragraph:

**(i)** is not **[declared insolvent or provisionally insolvent] an unrehabilitated insolvent;**” and

(b) the insertion after subsection (4) of the following subsection:

**“(5) If a representative who is a natural person is sequestrated after the appointment referred to in subsection (1), the FSP who appointed the representative may only allow such representative to continue to act on behalf of the FSP as a representative if the FSP implements appropriate measures to mitigate any risks that may arise for clients or the FSP as a result of the representative being sequestrated.”**

### **Amendment of section 47 of the Determination**

6. Section 47 of the Determination is hereby amended by –

**(a)** the substitution for the definition “annual expenditure” of the following definition:

**“annual expenditure” means -**

- (a)** the expenditure set out in the latest set of financial statements of an FSP; or
- (b)** in the case of an applicant commencing business, the budgeted expenditure as expressed in the budget or financial accounts,

**less-**

- (i)** staff bonuses;
- (ii)** employees' and directors', partners' or members' share in profit;
- (iii)** emoluments of directors, members, partners or sole proprietor;
- (iv)** other appropriation of profits to directors, members and partners;
- (v)** remuneration that is linked to-
  - (aa)** a percentage of the FSP's revenue; or
  - (bb)** a percentage of the revenue generated by an employee[,] or representative [or contractor] of the FSP; and

that in the absence of such revenue the FSP has no obligation to pay the remuneration;
- (vi)** depreciation;
- (vii)** bad debts; and
- (viii)** any loss resulting from the sale of assets;”;

**(b)** the substitution for the definition “remuneration” of the following definition:

**“remuneration” for purposes of the definition of ‘annual expenditure’, includes salaries, wages, commissions, fees and any other payment, paid directly or indirectly by an FSP to an employee[,] or representative [or contractor] of that FSP either directly or indirectly;”.**

### **Amendment of section 52 of the Determination**

7. Section 52 of the Determination is hereby amended by –

(a) the insertion after subsection (17) of the following subsection:

“(18) An FSP, key individual or representative who has successfully completed a regulatory examination contemplated in the Notice referred to in section 51(1)(b) that was applicable to an FSP, key individual or representative, respectively, is deemed to meet the regulatory examination requirements set out in Part 4 of Chapter 3 applicable to an FSP, key individual or representative respectively.”.

**Amendment of Annexure Four of the Determination**

8. Annexure Four of the Determination is hereby amended by –

(a) the amendment of the arrangement of the numbers of the subclasses listed under the item Short-term Insurance: Personal Lines in the first column of Table 1 of the following arrangement:

|          |   |
|----------|---|
| 1.1      | Personal lines: Accident and health policy    |
| 1.2      | Personal lines: Liability policy              |
| [1.4]1.3 | Personal lines: Miscellaneous policy          |
| [1.5]1.4 | Personal lines: Motor policy                  |
| [1.6]1.5 | Personal lines: Property policy               |
| [1.7]1.6 | Personal lines: Transportation policy         |
| [1.8]1.7 | Personal lines: Short-term reinsurance policy |

(b) the substitution for the definition “Long-term Investment policy” of the following definition:

““[Long-term] Life Investment policy” means a life policy as defined in section 1(1) of the Long-term Insurance Act other than a life risk policy;”.

**Short title and commencement**

9. This Notice is called the Amendment of the Determination of Fit and Proper Requirements, 2020, and comes into operation on date of publication.

## DEPARTMENT OF MINERAL RESOURCES AND ENERGY

NO. 708

26 JUNE 2020



MINISTER  
ENERGY  
REPUBLIC OF SOUTH AFRICA

Private Bag X96, Pretoria, 0001. 7th Floor, 192 Visagie Street, C/o Visagie & Paul Kruger Street, Pretoria 0001. Tel: 012 406 7612, Fax: 012 323 5651  
Private Bag X9111, Cape Town, 8000. Parliamentary Building, 17th Floor, 120 Plein Street, Cape Town 8000. Tel: 021 469 6425, Fax: 021 469 5980

**Electricity Act, 1987 (Act no.41 of 1987)**  
**License fees payable by licensed generators of electricity**

I, Samson Gwede Mantashe, Minister of Mineral Resources and Energy, acting under section 5(b) of the Electricity Act, 1987 (Act No. 41 of 1987), hereby prescribe that a levy of 0.08924 cents per kWh, in respect of electricity generated for supply by licensed generators shall be payable to National Energy Regulator of South Africa, for the period 01 April 2020 to 31 March 2021, by the licensed holders concerned.



MR GWEDE MANTASHE, MP  
MINISTER OF MINERAL RESOURCES AND ENERGY

DATE:

## NATIONAL TREASURY

NO. 709

26 JUNE 2020

PUBLIC FINANCE MANAGEMENT ACT, 1999  
(ACT NO 1 OF 1999 AS AMENDED)BORROWING POWERS OF WATER BOARDS LISTED UNDER SCHEDULE 3 PART B  
OF THE ACT

I, TITO TITUS MBOWENI, MINISTER OF FINANCE, acting in terms of Section 66(3)(b) of the Public Finance Management Act, 1999 (Act No 1 of 1999), hereby authorise the accounting authority of Mhlathuze Water to borrow money up to the limits as stipulated below:

| MHLATHUZE WATER     |                              |
|---------------------|------------------------------|
| FINANCIAL YEAR      | INTEREST-BEARING DEBT AMOUNT |
| Ending 30 June 2020 | R184 million                 |
| Ending 30 June 2021 | R223 million                 |

These amounts reflect the maximum balance of interest-bearing debt the entity may have at any point in time during the relevant financial year and takes into account Mhlathuze Water's existing outstanding interest-bearing debt. This means that for as long as Mhlathuze Water has interest-bearing debt on its statement of financial position (or balance sheet), it is not allowed to exceed these limits. The authorisation expires on 30 June 2021 and a new authorisation will be considered upon expiry, provided Mhlathuze Water has borrowings recorded in its statement of financial position.

The borrowing authority is subject to the following conditions that have to be adhered to by Mhlathuze Water:

- A gearing limit of fifty per cent (50%) calculated as follows: interest-bearing debt relative to total equity;
- A minimum cash interest cover (CIC) ratio of three (3) times, calculated as follows: cash generated from operations (before changes in working capital) relative to finance costs;
- A minimum debt service cover ratio (DSCR) of one (1) time, calculated as follows: cash generated from operations (before changes in working capital) relative to the sum of finance costs and debt/capital repayments;
- Mhlathuze Water submits quarterly progress reports to the Asset and Liability Management division of the National Treasury on the Borrowing Programme and Funding Plan, including utilisation of the borrowing authority; and
- Mhlathuze Water submits quarterly reports to the Asset and Liability Management division of the National Treasury on the progress of major capital expenditure projects and the project plans for the upcoming 12 months. If there are any delays in the projects, the entity should provide reasons for such delays.



**TT MBOWENI, MP**  
**MINISTER OF FINANCE**  
**DATE: 28/05/2020**

## NATIONAL TREASURY

NO. 710

26 JUNE 2020

**PUBLIC FINANCE MANAGEMENT ACT, 1999  
(ACT NO 1 OF 1999 AS AMENDED)****BORROWING POWERS OF WATER BOARDS LISTED UNDER SCHEDULE 3 PART B  
OF THE ACT**

I, TITO TITUS MBOWENI, MINISTER OF FINANCE, acting in terms of Section 66(3)(b) of the Public Finance Management Act, 1999 (Act No 1 of 1999), hereby authorise the accounting authority of Rand Water to issue bank guarantees up to the limits as stipulated below:

| RAND WATER          |                       |
|---------------------|-----------------------|
| FINANCIAL YEAR      | BANK GUARANTEE AMOUNT |
| Ending 30 June 2020 | R91.2 million         |
| Ending 30 June 2021 | R91.2 million         |

The bank guarantee amount above reflects the maximum bank guarantees Rand Water may source in favour of Eskom in relation to the Electricity Supply Agreement between the two parties. The cumulative amount of the bank guarantee should not in any of the 2 financial years exceed R91.2 million.



**TT MBOWENI, MP**  
**MINISTER OF FINANCE**  
Date: 28/05/2020

## DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 711

26 JUNE 2020

**CO-OPERATIVES THAT HAS BEEN REMOVED FROM THE REGISTER**

1. SIREKELA PHAMBILI MULTI-PURPOSE PRIMARY CO-OP LTD (2016/000368/24)
2. EMMANUEL 203 PRIMARY CO-OP LTD (2014/006190/24)
3. CHAMSEN BRANDING CO-OP LTD (2015/001436/24)
4. GENADENDAL GEMEENSKAP SAAIBOERE SECONDARY CO-OP LTD (2016/008222/25)
5. PHAPHAMANI WOMEN'S CO-OP LTD (K6/3/9/13984)
6. N AND Z CO-OP LTD (K6/3/9/14310)
7. DIE DIERE HOSPITALITY (2019/000765/24)
8. QHAMANI CLEANING CO-OP LTD (2012/009582/24)
9. SABIE HOXANE DINGLEDALE NEW FOREST AGRICULTURAL CO-OP LTD (2011/010792/24)
10. GENESIS ENTERPRISE DEVELOPMENT PRIMARY CO-OP LTD (2014/007348/24)
11. SICHONGWE TRADING PRIMARY CO-O LTD (2010/007557/24)
12. TIRHANI HULELA PRIMARY LTD (2014/006281/24)
13. SAKHISIZWE PRIMARY AGRICULTURAL CO-OP LTD (2016/005811/24)
14. MOJI AGRICULTURAL CO-OP LTD (K6/3/894)
15. VOORUIT BOEDERY CO-OP LTD (2012/020432/24)
16. NONKOSINATHI CO-OP LTD (K6/3/9/14525)
17. NANDE CO-OP LTD (K6/3/9/14564)
18. GOEDE HOOP SITRUSKOOPERASIE BEPERK (K6/3/3/0038)
19. KNYSNA CITRUS CO-OP LTD (K6/3/3/0415)
20. BODY SCULPT CO-OP LTD (2013/013339/24)

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of thirty days from the date of this notice, be struck off the register in terms of the provisions of section 71A of the Co-operatives Amendment Act, No 6 of 2013.

Any objections to this procedure, which interested persons may wish to raise, must together with the reasons therefore, be lodged with this office before the expiration of the period of thirty days.

**REGISTRAR OF CO-OPERATIVES**

Office of the Registrar of Co-operatives

Dti Campus

77 Meintjies Street

**Pretoria**

0002

Private Bag X237

**Pretoria**

0001

## DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 712

26 JUNE 2020

**CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER**

1. LINDUKUKHANYA CO-OP LTD (K6/3/9/13613)
2. MASIQHAME CO-OP LTD (K6/3/9/13967)
3. SOUTHERN KASI CO-OP LTD (K6/3/3/13468)
4. BASHOMI CO-OP LTD (K6/3/3/13461)
5. REGOROGILE BALEMI CO-OP LTD (K6/3/9/13619)
6. TRIPPLE (PS) COMMUNITY BUSINESS AND DEVELOPMENT CO-OP LTD (K6/3/9/13434)
7. SITHENGWE NGEGAZI CO-OP LTD (K6/3/3/13437)
8. NTINGANI CONSTRUCTION CO-OP LTD (K6/3/9/14231)
9. QEDIDLALA CO-OP LTD (K6/3/9/13681)
10. LUSIZO CO-OP LTD (K6/3/9/13964)
11. TSWARISANANG FRUIT AND VEGETABLES CO-OP LTD (K6/3/9/13438)
12. FRIENDNOR CONSUMER CO-OP LTD (K6/3/3/13465)
13. NCEDULUNTU MULTI-PURPOSE AND DEVELOPMENT CO-OP LTD (K6/3/9/13433)
14. FOUR SEASONS CENTRAL AGRICULTURAL CO-OP LTD (K6/3/2/13670)
15. NCUTHU CO-OP LTD (K6/3/9/13965)
16. BAMBANANI FOOD AND HERB CO-OP LTD (K6/3/9/13435)
17. HOB0-HOB0 CO-OP LTD (K6/3/9/13467)
18. ELIJAH PROPERTY CO-OP LTD (K6/3/9/13149)
19. MBATHA CO-OP LTD (K6/3/3/13142)
20. V & K TOURS CO-OP LTD (K6/3/9/13232)
21. ISIDINGO HARDWARE CO-OP LTD (K6/3/9/13138)
22. ABANQOBI BAFENYI CO-OP LTD (K6/3/9/13141)
23. KHETHIWE'S HUESTHOUSE CO-OP LTD (K6/3/9/13144)
24. SIMAMISA CO-OP LTD (K6/3/9/13151)
25. MOSENGO CO-OP LTD (K6/3/9/13146)
26. ALUHLAZA AMASIMI CO-OP LTD (K6/3/9/13137)
27. VUYISANANI CO-OP LTD (K6/3/9/13143)
28. SKHONA CO-OP LTD (K6/3/9/13136)
29. KARISA CO-OP LTD (K6/3/3/13139)
30. HAMBISANANI SCHOOL CHILDREN TRANSPORT CO-OP LTD (K6/3/9/13152)
31. HOUSE OF ISSUES CO-OP LTD (K6/3/9/13154)
32. MEADOWLANDS SECONDARY CO-OP LTD (K6/3/8/13153)

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of thirty days from the date of this notice, be struck off the register in terms of the provisions of section 71A of the Co-operatives Amendment Act, No 6 of 2013.

Any objections to this procedure, which interested persons may wish to raise, must together with the reasons therefore, be lodged with this office before the expiration of the period of thirty days.

**REGISTRAR OF CO-OPERATIVES**

Office of the Registrar of Co-operatives

Dti Campus

77 Meintjies Street

**Pretoria**

0002

Private Bag X237

**Pretoria**

0001



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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT****NOTICE 347 OF 2020****FRUIT INDUSTRY****REQUEST FOR A PER HECTARE STATUTORY LEVY TO FUND THE AREA WIDE  
MEDITERRANEAN FRUIT FLY CONTROL (MEDFLY) PROGRAMME**

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**NAMC REQUESTING COMMENTS / INPUTS FROM INDUSTRY ROLE PLAYERS**

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On 8 June 2020, the Minister of Agriculture, Land Reform and Rural Development received a request from FruitFly Africa (Pty) Ltd (FFA) for the implementation, of a per hectare statutory levy to continue the funding of the area wide Mediterranean fruit fly (*Ceratitis capitata*) (Medfly) control programme, in selected production regions, for a new four year period, namely 2020/21 - 2023/24. The current statutory levy will expire on 22 September 2020.

If approved this will be a separate and differentiated levy, meaning that the existing statutory levies in the fruit industry (to finance research, information, transformation etc) will remain unchanged. **It is proposed that the differentiated levy be introduced, in the respective production regions based on the needs and unique requirements in terms of international best practice and tailor-made strategies for such areas.**

The Medfly programme, is managed in conjunction with the Department of Agriculture, Land Reform & Rural Development (DALRRD) which co-fund the operational expenses via a Public Private Partnership arrangement between the Department and the participating producers for the past 12 years. Producers are represented by area coordinating committees and the various national deciduous fruit industry commodity organisations.

Internationally, fruit flies are proclaimed quarantine pests and their presence in a country can hinder free trade in terms of fruit exports. Some of South Africa's main deciduous fruit and table grape production areas are in the Western, Eastern and Northern Cape Provinces. Medfly is the most prevalent economically important fruit fly species. FFA is also monitoring for another prevalent threat, namely the Oriental fruit fly (*Bactrocera dorsalis*), which is not yet present in these areas. Commercial and small-scale farmers, as well as informal communities are affected by these species and supported via FFA.

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**Council Members:** Mr. H. Prinsloo (Acting Chairperson), Ms. F. Mkile,  
Mr. H. Mohane, Mr. B. Mokgatle, Ms. N. Mokose, Prof. D. Rangaka and Mr. G. Schutte

It is proposed that the differentiated levy be introduced in the respective production regions based on the needs and unique requirements in terms of international best practice and tailor-made strategies for such areas. The proposed strategy includes the Sterile Insect Technique at various stages of implementation as agreed with the producers in such areas.

| The areas that agreed to be included during this levy cycle, of the envisaged ultimate industry-wide roll of the programme, are: | 2020/21  | 2021/22  | 2022/23  | 2023/24  |
|--|----------|----------|----------|----------|
| Langkloof<br>(Noll, Avontuur, Misgund, Louterwater) R p/ha   | 1 071,00 | 1 135,00 | 1 203,00 | 1 276,00 |
| Lower Orange River R p/ha  | 1 005,00 | 1 065,00 | 1 129,00 | 1 197,00 |
| Elgin-Grabouw R p/ha   | 1 317,00 | 1 396,00 | 1 480,00 | 1 569,00 |
| Vyeboom<br>(including Eersteheop) R p/ha   | 1 133,00 | 1 201,00 | 1 273,00 | 1 349,00 |
| Hemel & Aarde R p/ha   | 1 157,00 | 1 226,00 | 1 300,00 | 1 378,00 |
| Warm Bokkeveld R p/ha  | 1 292,00 | 1 370,00 | 1 452,00 | 1 539,00 |
| Wolseley R p/ha  | 1 308,00 | 1 386,00 | 1 470,00 | 1 558,00 |
| Tulbagh R p/ha   | 1 550,00 | 1 643,00 | 1 742,00 | 1 846,00 |
| Hex River Valley<br>(Including De Wet & Brandwacht) R p/ha   | 1 502,00 | 1 592,00 | 1 688,00 | 1 789,00 |
| Lower Orange River – Dried Grapes (c/kg – Dried)   | 7        | 11       | 12       | 13       |

The NAMC believes that the statutory levy requested are consistent with the objectives of the MAP Act (as set out in section 2 of the Act).

The business plan provides for a 23% and 77% split contribution from DALRRD and producers respectively according to the following proposed schedule for the new four (4) year period:

|              | DALRRD             | Producers           | Annual Sub-total    |
|--------------|--------------------|---------------------|---------------------|
| 2020/21      | R15 851 000        | R50 807 026         | R66 658 026         |
| 2021/22      | R16 802 060        | R57 112 984         | R73 915 044         |
| 2022/23      | R17 810 184        | R61 420 284         | R79 230 468         |
| 2023/24      | R19 591 202        | R66 056 464         | R85 647 666         |
| <b>Total</b> | <b>R70 054 446</b> | <b>R235 396 758</b> | <b>R305 451 204</b> |

Directly affected groups (e.g. producers, packers and exporters) in the fruit industry are kindly requested to submit any comments, in writing, regarding the proposed statutory levy, to the NAMC on or before 10 July 2020, to enable the Council to finalise its recommendation to the Minister in this regard.

#### ENQUIRIES:

National Agricultural Marketing Council  
Mathilda van der Walt  
e-mail: [mathildavdw@namc.co.za](mailto:mathildavdw@namc.co.za)

**NON-GOVERNMENTAL ORGANIZATION****NOTICE 348 OF 2020****AGENCY FOR FOOD SAFETY****INSPECTION FEES FOR POULTRY MEAT, EGGS AND PROCESSED MEAT PRODUCTS**

Agency for Food Safety has been designated as assignee in terms of section 2(3)(a) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), to apply sections 3(1)(a) and (b), 3A(1), 4A(1)(a), 7 and 8 of the said Act with respect to regulated animal products (i.e. poultry meat and eggs) and processed meat products. The designated mandate is executed by Agency for Food Safety and Quality (Pty) Ltd (AFSQ), a subsidiary and service provider of Agency for Food Safety.

In terms of section 3(1)(1A)(a) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), Agency for Food Safety hereby impose the following fees which will be valid from **1 April 2020**:

**INSPECTION FEES FOR POULTRY MEAT AND EGGS**

| Product      | Point of inspection | Fee                          |
|--------------|---------------------|------------------------------|
| Poultry Meat | Abattoir            | R0.010 per carcass per month |
| Eggs         | Producer/ Packer    | R0.0007 per egg per month    |

The above fees are applicable to inspection any facility that produces, packs or re-packs poultry meat and/or eggs.

**HOURLY AND KILOMETRE RATES:  
INSPECTION AND/OR SAMPLING OF POULTRY MEAT, EGGS,  
PROCESSED MEAT PRODUCTS AND IMPORTS**

| Description                 | Point of inspection   | Fee                 |
|-----------------------------|---|---------------------|
| Normal Time (08:00 – 16:00) | Distribution centre, retailer, outlet,<br>food store and cold storage<br>facility | R450.00 per hour    |
| Normal Overtime (Mon – Sat) |   | R500.00 per hour    |
| Sunday & Public Holidays    |   | R600.00 per hour    |
| Kilometre Rate              |   | R5.50 per kilometre |

The above rates are applicable to inspection and/or sampling at any distribution centre, retailer, outlet, food store and cold storage facility that sells, keeps and/or distributes locally produced and/or imported poultry meat, eggs and processed meat products.

- Where hourly rates are applicable, a minimum of one hour (R450.00) will be charged. Thereafter time will be charged in half hour segments of R225.00 per half hour or part thereof. The same principle will be applied to overtime and Sunday time.
- In all instances where it is found that the hourly and kilometre rates are insufficient to cover the costs of the inspections, Agency for Food Safety, at its own discretion, reserves the right to amend the rates.

**LABORATORY FEES – PROCESSED MEAT PRODUCTS**

| Type of analysis                 | Fee                         |
|----------------------------------|-----------------------------|
| Fat Content                      | R788.00 per sample/test     |
| Moisture Content                 | R170.00 per sample/test     |
| Protein Content                  | R310.00 per sample/test     |
| Calcium Determination (MRM only) | R499.00 per sample/test     |
| DNA Sampling                     | R950.00 per DNA sample/test |

**OTHER FEES**

Special Claims Protocol Verification - On a quotation basis

*All fees exclude Value Added Tax (VAT)*

**NON-GOVERNMENTAL ORGANIZATION  
NOTICE 349 OF 2020  
SOUTH AFRICAN VETERINARY COUNCIL  
ELECTION NOTICE OF FRIDAY, 26 JUNE 2020**

**CALL FOR THE NOMINATION OF A CANDIDATE FOR THE ELECTION OF A COUNCIL MEMBER FOR THE  
REMAINDER OF TERM OF OFFICE  
1 AUGUST 2019 TO 31 JULY 2022**

Notice is hereby given in terms of the Regulations relating to the Veterinary and Para-Veterinary Professions Act, 1982 published under Notice R2085 in Government Gazette 8402 of 1 October 1982, as amended, that I await the nominations of:

**One Veterinarian**

to serve on the South African Veterinary Council.

Registered veterinarians are entitled to nominate **one** veterinarian.

The nomination form/s must be lodged with me before 16:00 on Friday, 24 July 2020, at e-mail address [director.legalaffairs@savc.org.za](mailto:director.legalaffairs@savc.org.za).

Nomination forms are available on request from the South African Veterinary Council offices, Tel (012) 345 6360 or can be downloaded at [www.savc.org.za](http://www.savc.org.za).

An election manifesto must accompany the nomination form. The manifesto may not exceed **two hundred** words and must include the following:

*Academic qualifications;  
Career record and achievements;  
Special Interest;  
Public and professional service; and  
A mission statement.*

**D STOLTZ (MRS)  
SAVC: ACTING REGISTRAR**

**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT  
NOTICE 350 OF 2020**

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

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. These claims for the restitution of land rights have been submitted to the Regional Land Claims Commission: Western Cape. The particulars regarding these claims are as follows:

Project Name : Jantjies Family Claim  
 Number of Claims : 1  
 Areas : Still Bay East (Eden District, Hessequa Local Municipality)  
 Properties : Erf 99  
 The claimant : Xavier Jantjies (on behalf of direct descendants of Johannes Jantjies)  
 Date submitted : 31 December 1998  
 Current Owners : Theodor & Marguerite Sterrenberg Smit

| No. | Ref No. | Surname & Initial | Identity Number | Property Description | Area           | Extent            | Dispossessed Person |
|-----|---------|-------------------|-----------------|----------------------|----------------|-------------------|---------------------|
| 1.  | J574    | X Jantjies        | 670707 5120 083 | Erf no. 99           | Still Bay East | 714m <sup>2</sup> | Johannes Jantjies   |

The Regional Land Claims Commission: Western Cape will investigate these claims in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments/information to:

The Regional Land Claims Commission: Western Cape  
 Private Bag X9163  
 CAPE TOWN  
 8000  
 Tel: 021 – 486 7400  
 Fax: 021 – 424 5146

  
 Mr. L.H. Maphutha  
 Regional Land Claims Commissioner

APPROVED .....  
 DATE 20/06/11  
 CHECKED .....  
 DATE 2020/06/08

**SOUTH AFRICAN RESERVE BANK  
NOTICE 351 OF 2020**

**Notice and Order of Forfeiture**

Notice of Forfeiture to the State of money in terms of the provisions of Exchange Control Regulation 22B made under section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

**Mr Kennedy Uzoamaka Eronini  
(Identity number: 6312135245184) (the 'Respondent')**

of:

24 Charamel  
Von Willich Street  
Centurion  
0157

**Be pleased to take notice that:**

1. The Minister of Finance has, by virtue of the provisions of Exchange Control Regulation 22E delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Exchange Control Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to, the Governor or Deputy Governors of the South African Reserve Bank.
2. By virtue of the functions, powers and/or duties vested in me, in my capacity as a Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:
  - 2.1 the amount of R144 473.65, being capital standing to the credit of the Respondent in account number 4069622449, held with ABSA Bank Limited, together with any interest thereon and/or other accrual thereto.
3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice of Forfeiture is published in this Gazette.
4. The money specified in 2 above shall be disposed of by deposit thereof to the National Revenue Fund.
5. This Notice also constitutes a written order, as contemplated in Exchange Control Regulation 22B, in terms of which the money specified in 2 above is hereby forfeited to the State.
6. Signed at Pretoria on this 17th day of June 2020.



**K Naidoo  
Deputy Governor  
South African Reserve Bank**

**SOUTH AFRICAN RESERVE BANK**  
**NOTICE 352 OF 2020**  
**Notice and Order of Forfeiture**

Notice of Forfeiture to the State of money in terms of the provisions of Exchange Control Regulation 22B made under section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

**Mr Thabo Pheeha Mabetoa**  
**(Identity number: 7906085803089) (the 'Respondent')**

of:

732 Mogokojane Street  
Zone 4  
Meadowlands  
1852

**Be pleased to take notice that:**

1. The Minister of Finance has, by virtue of the provisions of Exchange Control Regulation 22E delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Exchange Control Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to, the Governor or Deputy Governors of the South African Reserve Bank.
2. By virtue of the functions, powers and/or duties vested in me, in my capacity as a Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:
  - 2.1 the amount of R325 718.85, being capital standing to the credit of the Respondent in account number 4092212241, held with ABSA Bank Limited, together with any interest thereon and/or other accrual thereto.
3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice of Forfeiture is published in this Gazette.
4. The money specified in 2 above shall be disposed of by deposit thereof to the National Revenue Fund.
5. This Notice also constitutes a written order, as contemplated in Exchange Control Regulation 22B, in terms of which the money specified in 2 above is hereby forfeited to the State.
6. Signed at Pretoria on this 17th day of June 2020.



**K Naidoo**  
**Deputy Governor**  
**South African Reserve Bank**

**SOUTH AFRICAN RESERVE BANK**  
**NOTICE 353 OF 2020**  
**Notice and Order of Forfeiture**

Notice of Forfeiture to the State of money in terms of the provisions of Exchange Control Regulation 22B made under section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

**Mr Valentine Chide Ukwuegbu**  
**(Passport number: A03813941) (the 'Respondent')**

of:

Unit 88  
238 Basden Avenue  
Lyttelton  
0157

**Be pleased to take notice that:**

1. The Minister of Finance has, by virtue of the provisions of Exchange Control Regulation 22E delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Exchange Control Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to, the Governor or Deputy Governors of the South African Reserve Bank.
2. By virtue of the functions, powers and/or duties vested in me, in my capacity as a Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:
  - 2.1 the amount of R106 716.92, being capital standing to the credit of the Respondent in account number 9286627019, held with ABSA Bank Limited, together with any interest thereon and/or other accrual thereto.
3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice of Forfeiture is published in this Gazette.
4. The money specified in 2 above shall be disposed of by deposit thereof to the National Revenue Fund.
5. This Notice also constitutes a written order, as contemplated in Exchange Control Regulation 22B, in terms of which the money specified in 2 above is hereby forfeited to the State.
6. Signed at Pretoria on this 11th day of June 2020.



**K Naidoo**  
**Deputy Governor**  
**South African Reserve Bank**



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**BOARD NOTICES • RAADSKENNISGEWINGS**

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**BOARD NOTICE 69 OF 2020****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 19 May 2020, into alleged improper conduct of the registered person.

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**Name of Person:** Johannes J. Taljaard

**Registration Number:** D0174

**Nature of the offence**

**Guilty** of contravention of Rule 4.1, Rule 5.1 and Rule 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr. Johannes J. Taljaard, is fined R7500.00 (Seven thousand five hundred rand) in terms of section 32 (3) (a) (ii) of the Act.

**BOARD NOTICE 70 OF 2020****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 29 April 2020, into alleged improper conduct of the registered person.

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**Name of Person: Andrew F. Shephard**

**Registration Number: PSAT20561**

**Nature of the offence**

**Guilty** of contravention of Rule 2.4 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr. Andrew F. Shephard, is fined R2500.00 (Two thousand five hundred rand) in terms of section 32 (3) (a) (ii) of the Act.

**BOARD NOTICE 71 OF 2020****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 19 May 2020, into alleged improper conduct of the registered person.

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**Name of Person:** Hayden Thumbasamy

**Registration Number:** CAD30436186

**Nature of the offence**

**Guilty** of contravention of Rule 3.1 and Rule 5.9 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr. Hayden Thumbasamy, is fined R5000.00 (Five Thousand Rand) in terms of section 32 (3) (a) (ii) of the Act.

**BOARD NOTICE 72 OF 2020****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 25 May 2020, into alleged improper conduct of the registered person.

---

**Name of Person: Quinton C. Fisher**

**Registration Number: T1200**

**Nature of the offence**

**Guilty** of contravention of Rule 2.4, Rule 5.1 and Rule 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr. Quinton C. Fisher, is fined R4000.00 (Four thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

**BOARD NOTICE 73 OF 2020****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 04 May 2020, into alleged improper conduct of the registered person.

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**Name of Person:** Vera-ann M. Platt

**Registration Number:** CAT55491975

**Nature of the offence**

**Guilty** of contravention of Rule 3.1 and of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Ms. Vera-ann M. Platt, is fined R2500.00 (Two thousand five hundred rand) in terms of section 32 (3) (a) (ii) of the Act.

**BOARD NOTICE 74 OF 2020**

Building 2 Greenstone Hill Office Park Emerald Boulevard Modderfontein  
PO Box 8237 Greenstone 1616 Johannesburg South Africa  
Tel 087 940 8800 Fax 087 940 8873 E-mail [board@irba.co.za](mailto:board@irba.co.za)  
Internet [www.irba.co.za](http://www.irba.co.za)

**INSPECTIONS COMMITTEE (INSCOM) OF THE IRBA****CALL FOR NOMINATIONS**

The objective of the IRBA is to endeavor to protect the financial interests of the South African public and international investors in South Africa through the effective and appropriate regulation of audits conducted by registered auditors, in accordance with internationally recognised standards and processes.

The statutory functions of the IRBA include:

- Take steps to promote the integrity of the auditing profession, which includes conducting inspections
- Take steps it considers necessary to protect the public in their dealings with registered auditors.
- Prescribe the standards of professional competence, ethics and conduct of registered auditors.
- Encourage education in connection with, and research into, any other matter affecting the auditing profession.
- Prescribe auditing standards.

**Inspections Committee (INSCOM)**

In terms of Section 20(2)(d) of the Auditing Profession Act, Act 26 of 2005 (the Act), the IRBA Board must establish an Inspections Committee (INSCOM) and appoint its members. The Committee is responsible for monitoring the process and outcomes of IRBA inspections of registered auditors in South Africa.

A member of the INSCOM will hold office for a period not exceeding three years, and may be reappointed, but may not serve more than two consecutive terms of office.

Currently, two vacancies are required to be filled.

**Required Qualifications and Experience**

Applications must include a curriculum vitae detailing the applicant's knowledge and experience in an executive role or higher and 7 (seven) years post CA(SA) qualification experience in external auditing (including as an academic). Specific experience and expertise in Financial Reporting (IFRS) is required for one of the two vacancies.

This person would be required to not be directly or indirectly involved in public practice or a member of the IRBA Investigating Committee or Disciplinary Committee.

Eligible persons who wish to be considered for appointment are invited to submit applications to the Board Secretary, Ms J Levendal at [board@irba.co.za](mailto:board@irba.co.za).

In appointing suitable persons, the IRBA will take into account the current demographic composition of the committees and will seek to achieve a more representative committee in accordance with the demographics of the country.

Each application must include a Curriculum Vitae (and relevant certificates) detailing the applicant's knowledge, experience and suitability as a committee member and a completed nominations form which can be downloaded from the IRBA's website at [www.irba.co.za](http://www.irba.co.za).

The closing date for this application is **10 July 2020**.

Bernard Peter Agulhas  
Chief Executive Officer

**BOARD NOTICE 75 OF 2020**



Engineering Council of South Africa

1/4/2020

|  |
|--|
| <b>Application and Annual Fees</b><br><b>1 April 2020 to 31 March 2021</b><br>(Vat included) |
|--|

**Application Fees (VAT included) - see Note 3**

**1. Candidate Categories - See Note 3:**

|   |  |
|---|--|
| <b>Within one</b> calendar year from the date of obtaining a qualification recognised for purposes of registration. | <b>Later than one</b> calendar year after the date of obtaining a qualification recognised for purposes of registration. |
| <b>R870.00</b>  | <b>R2180.00</b>  |

**2. Education Qualification Evaluation - See note 3:**

|   |                 |
|---|-----------------|
| All applicants with foreign educational qualifications are required to have their qualifications evaluated. | <b>R2180.00</b> |
|---|-----------------|

**3. Professional & Registered Categories - See note 3:**

|  |   |
|--|---|
| For Applicants with uninterrupted registration as a <b>Candidate</b> . | For Applicants not registered in any of the Candidate categories. |
| <b>R4355.00</b>  | <b>R8710.00</b>   |

**4. International Register:**

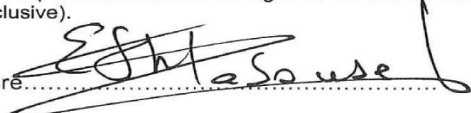
|  |                 |
|--|-----------------|
| Applicable only to persons already registered with ECOSA who are applying for registration on the ECOSA portions of the International Registers. This is a once-off fee. No annual fees are payable. | <b>R4355.00</b> |
|--|-----------------|

**Annual Fees (VAT included) – see Note 1**

| Candidates <sup>(4)</sup> |                 | Professional & Registered Categories |                 |
|---------------------------|-----------------|--------------------------------------|-----------------|
| Partial Exemption         | No Exemption    | Partial Exemption                    | No Exemption    |
| <b>R1570.00</b>           | <b>R1810.00</b> | <b>R3800.00</b>                      | <b>R4480.00</b> |

**Notes:**

- (1) Annual fees are payable by all persons registered for as long as they are registered with ECOSA, annual fees are raised every year for the period April to March.
- (2) Payment details:
  - a. **Persons in foreign countries who are experiencing difficulties making payment by credit card are advised to use the Online Portal to make payment on Sage Pay.**
  - b. **Banking details: Standard Bank Eastgate Branch, Branch Code 018505, Account No. 221285938. Swift code SBZAZAJJ.**
  - c. The accepted methods of payment are cheque, EFT or deposit made at any Standard Bank branch into ECOSA's bank account. No cash will be accepted at ECOSA's Offices.
  - d. **Please do not send cheques by post.** ECOSA will take no responsibility for cheques lost in the post or intercepted.
- (3) No Applications will be considered until payment for the full application fee has been received.
- (4) Persons registered in the Candidate category for more than six (6) years pay the same annual fees as persons registered in the Professional category.
- (5) Appeals. When a person wishes to appeal, a fee of R8000.00 is to be paid by all.
- (6) An Early bird discount is granted to Registered persons if their annual fees for April to March are paid on or before 30 June. The discount is R50 for Candidates and R100 for Professionals, VAT inclusive.
- (7) In addition to the annual fees in arrear, an admin fee of R500 is payable when reinstating a registration within one year of cancellation. After one year of being cancelled persons will need to re-apply for registration.
- (8) Persons who will be residing outside the RSA borders for a year or longer should advise Accounts of their overseas postal address in order for VAT to be removed from their invoice.
- (9) The fee for persons between the ages of 55 and 70 who have been granted the retired dispensation will be R290.00 (VAT inclusive).

Signature: 

Date: 26/03/2020

**BOARD NOTICE 76 OF 2020****DEFINING OF PRODUCTION AREA: PAARDEBERG**

The Wine and Spirit Board, acting under section 6 of the Wine of Origin Scheme published by Government Notice No. R. 1434 of 29 June 1990-

- (a) repeals Board Notice No. 56 of 15 May 2020; and
- (b) Perdeberg only be permitted as a descriptor in the wording of Wine of Origin Paardeberg wines.



**OLIVIA POONAH**  
**SECRETARY: WINE AND SPIRIT BOARD**

**RAADSKENNISGEWING 76 VAN 2020****OMSKRYWING VAN PRODUKSIEGEBIED: PAARDEBERG**

Die Wyn- en Spiritusraad, handelende kragtens artikel 6 van die Wyn van Oorsprong-skema gepubliseer by Goewermentskennisgewing No. R.1434 van 29 Junie 1990-

- (a) herroep Raadskenningewing No. 56 van 15 Mei 2020; en
- (b) Perdeberg slegs beskrywend in bewoordings toegelaat sal word met Wyn van Oorsprong Paardeberg wyne.



**OLIVIA POONAH**  
**SEKRETARIS: WYN- EN SPIRITUSRAAD**









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