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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 707

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No. 50608

PART 1 OF 2

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

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

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

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

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

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** **2024** **GOVERNMENT GAZETTE**

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

- **28 December 2023**, Thursday for the issue of Friday **05 January 2024**
- **05 January**, Friday for the issue of Friday **12 January 2024**
- **12 January**, Friday for the issue of Friday **19 January 2024**
- **19 January**, Friday for the issue of Friday **26 January 2024**
- **26 January**, Friday for the issue of Friday **02 February 2024**
- **02 February**, Friday for the issue of Friday **09 February 2024**
- **09 February**, Friday for the issue of Friday **16 February 2024**
- **16 February**, Friday for the issue of Friday **23 February 2024**
- **23 February**, Friday for the issue of Friday **01 March 2024**
- **01 March**, Friday for the issue of Friday **08 March 2024**
- **08 March**, Friday for the issue of Friday **15 March 2024**
- **14 March**, Thursday for the issue of Friday **22 March 2024**
- **20 March**, Wednesday for the issue of Thursday **28 March 2024**
- **27 March**, Wednesday for the issue of Friday **05 April 2024**
- **05 April**, Friday for the issue of Friday **12 April 2024**
- **12 April**, Friday for the issue of Friday **19 April 2024**
- **19 April**, Friday for the issue of Friday **26 April 2024**
- **25 April**, Thursday for the issue of Friday **03 May 2024**
- **03 May**, Friday for the issue of Friday **10 May 2024**
- **10 May**, Friday for the issue of Friday **17 May 2024**
- **17 May**, Friday for the issue of Friday **24 May 2024**
- **24 May**, Friday for the issue of Friday **31 May 2024**
- **31 May**, Friday for the issue of Friday **07 June 2024**
- **07 June**, Friday for the issue of Friday **14 June 2024**
- **13 June**, Thursday for the issue of Friday **21 June 2024**
- **21 June**, Friday for the issue of Friday **28 June 2024**
- **28 June**, Friday for the issue of Friday **05 July 2024**
- **05 July**, Friday for the issue of Friday **12 July 2024**
- **12 July**, Friday for the issue of Friday **19 July 2024**
- **19 July**, Friday for the issue of Friday **26 July 2024**
- **26 July**, Friday for the issue of Friday **02 August 2024**
- **01 August**, Thursday for the issue of Thursday **08 August 2024**
- **08 August**, Thursday for the issue of Friday **16 August 2024**
- **16 August**, Friday for the issue of Friday **23 August 2024**
- **23 August**, Friday for the issue of Friday **30 August 2024**
- **30 August**, Friday for the issue of Friday **06 September 2024**
- **06 September**, Friday for the issue of Friday **13 September 2024**
- **13 September**, Friday for the issue of Friday **20 September 2024**
- **19 September**, Thursday for the issue of Friday **27 September 2024**
- **27 September**, Friday for the issue of Friday **04 October 2024**
- **04 October**, Friday for the issue of Friday **11 October 2024**
- **11 October**, Friday for the issue of Friday **18 October 2024**
- **18 October**, Friday for the issue of Friday **25 October 2024**
- **25 October**, Friday for the issue of Friday **01 November 2024**
- **01 November**, Friday for the issue of Friday **08 November 2024**
- **08 November**, Friday for the issue of Friday **15 November 2024**
- **15 November**, Friday for the issue of Friday **22 November 2024**
- **22 November**, Friday for the issue of Friday **29 November 2024**
- **29 November**, Friday for the issue of Friday **06 December 2024**
- **06 December**, Friday for the issue of Friday **13 December 2024**
- **12 December**, Thursday for the issue of Friday **20 December 2024**
- **18 December**, Wednesday for the issue of Friday **27 December 2024**

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

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

All notices received after the closing time will be rejected.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

EXTRAORDINARY GAZETTES

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

NOTICE SUBMISSION PROCESS

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

QUOTATIONS

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

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

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

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:
Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:
Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za
E-mail: info.egazette@gpw.gov.za
Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za
Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 4773

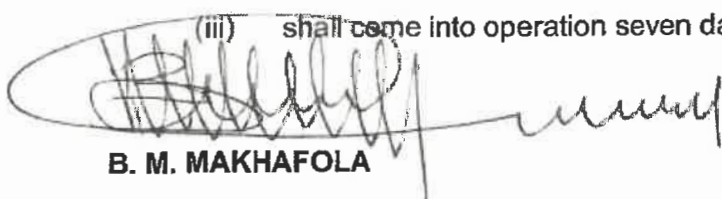
3 May 2024

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

STANDARDS AND REQUIREMENTS REGARDING CONTROL OF THE EXPORT OF CITRUS FRUITS: AMENDMENT

I, Billy Malose Makhafola, appointed as Executive Officer in terms of section 2(1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), hereby give notice under section 4(3) (c) of the said Act, that –

- (a) the standards and requirements regarding control of the export of Citrus fruits as stipulated in Government Notice No. R. 1983 of 23 August 1991 and promulgated in Government Notice No. 1209 of 5 May 2000; No. 774 of 24 May 2002; No. 859 of 28 March 2003; No. 271 of 27 February 2004; No. 260 of 24 March 2005; No. 338 of 3 March 2006; No. 193 of 23 February 2007; No. 153 of 1 February 2008; No. 173 of 20 February 2009; No. 199 of 19 March 2010; No. 265 of 29 April 2011; No. 52 of 7 February 2014; No. 132 of 20 February 2015; No. 424 of 15 April 2016; No. 468 of 04 May 2018; No. 416 of 14 May 2021 are hereby further amended; and
- (b) the standards and requirements mentioned in paragraph (a) –
- (i) shall be available for inspection at the office of the Executive Officer: Agricultural Product Standards, Harvest house, 30 Hamilton Street, Arcadia, Pretoria;
- (ii) may be obtained from the Executive Officer: Agricultural Product Standards, Department of Agriculture, Land Reform and Rural Development, Private Bag x343, Pretoria, 0001, Tel. (012) 319 – 6051 or Fax (012) 319 – 6055 or email: Madibaw@Dalrrd.gov.za on payment of the prescribed fees or from <http://www.Dalrrd.gov.za> and
- (iii) shall come into operation seven days after publication of this notice.

**B. M. MAKHAFOLA****Executive Officer: Agricultural Product Standards**

DEPARTMENT OF HOME AFFAIRS

NO. 4774

3 May 2024

BORDER MANAGEMENT AUTHORITY ACT, 2020**DRAFT BORDER MANAGEMENT AUTHORITY REGULATIONS, 2023**

The Minister of Home Affairs intends, in terms of section 36(1), read with section 36(3) to (6), of the Border Management Authority Act, 2002 (Act No. 2 of 2002), and after consultation with the Commissioner and, where necessary, with the recognised trade unions, to make the regulations in the Schedule.

Any person who wishes to submit written comments on the draft Regulations is hereby invited to do so within 30 days from the date of publication hereof by—

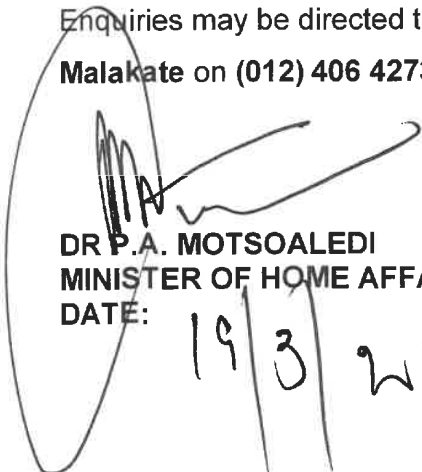
- (a) posting such comments to the following address:
Private Bag X114
PRETORIA
0001;
- (b) delivering such comments by hand at the following address:
The Department of Home Affairs
230 Johannes Ramokhoase Street,
Hallmark Building (c/o old Proes and Andries Streets),
Pretoria,
0001;
- (c) faxing such comments to the following number: 0865 769 025; or

(d) e-mailing such comments to the following address:

Edward.Mamadise@bma.org.za or Moses.Malakate@dha.gov.za.

Comments must be addressed to the Executive: Legal Services, and marked for the attention of **Mr Edward Mamadise** or **Adv Moses Malakate**. Comments received after the closing date will not be considered.

Enquiries may be directed to **Mr Edward Mamadise** on **082 336 8223** or to **Adv Moses Malakate** on **(012) 406 4273** or **076 481 4716**.



DR P.A. MOTSOLEDI
MINISTER OF HOME AFFAIRS

DATE:

19/3/2024

Definitions

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

“**the Act**” means the Border Management Authority Act, 2020 (Act No. 2 of 2020); and

“**the Centre**” means the National Targeting Centre contemplated in section 11(2)(f) of the Act, and referred to in regulation 17(1).

Structure and functioning of border guard

2. (1) The border guard must have the following structure:

- (a) commissioned officers:
 - (i) Commissioner;
 - (ii) Deputy Commissioners;
 - (iii) Assistant Commissioners;
 - (iv) Deputy Assistant Commissioners;
 - (v) Commandants;
 - (vi) Deputy Commandants;
 - (vii) Assistant Commandants; and
 - (viii) Chief border guards; and
- (b) non-commissioned officers:
 - (i) senior border guards;
 - (ii) border guards; and
 - (iii) junior border guards.

(2) Subject to sections 5, 15 and Chapter 6 of the Act, the border guard must function in accordance with standing orders, instructions, directives, guidelines and policies in relation to the operational functioning of the border guard, as may be issued by the Commissioner for the purpose of subregulation (3).

(3) The border guard must function in such a manner so as to—

- (a) physically secure and patrol the border law enforcement areas and ports of entry effectively;
- (b) act as a first line of defence to protect the Republic against health, sanitary, phytosanitary and bio-security risks associated with the cross-border movement of persons and goods;
- (c) prevent illegal migration into and out of the Republic;
- (d) prevent drug and human trafficking;
- (e) prevent cross-border smuggling of goods;
- (f) report suspected subversive activities to the relevant law enforcement agencies;
- (g) supervise and manage compliance by foreigners of visa and residence legislation;
- (h) act as the first line of response on border law enforcement; and
- (i) where necessary, cooperate and coordinate their border law enforcement functions with the relevant law enforcement, security and intelligence organs of state.

Conducting business with Authority or state

3. Officials may not—

- (a) directly or indirectly, conduct business with the Authority or the state; or
- (b) be a director of a public or private company which conducts business with the Authority or the state.

Deed of Commission

4. (1) A Deed of Commission contemplated in section 14(2) of the Act must—

- (a) be in a form that is substantially similar to Form 1 in Schedule A; and
- (b) constitute proof of the appointment as a commissioned officer.

(2) A Deed of Commission for a temporary commission contemplated in section 14(3)(c) of the Act must—

- (a) be in a form substantially similar to Form 2 in Schedule A; and
- (b) constitute proof of the appointment as a temporary commissioned officer.

(3) The probation period contemplated in section 14(3)(c) of the Act is six months.

Swearing or declaring allegiance by commissioned officers

5. (1) An oath or a declaration of allegiance contemplated in section 14(3)(a) of the Act must be made in a form that is substantially similar to Form 3 in Schedule A.

(2) The oath or declaration of allegiance must be made before the Commissioner or any person authorised by the Commissioner for that purpose.

Training of officers

6. (1) The Commissioner must develop a training and development plan for officers, which plan must include training on—

- (a) anti-corruption and ethical conduct required of officers;
- (b) all legislation relating to the border law enforcement functions of the Authority;
- (c) the bill of rights enshrined in the Constitution;
- (d) diplomatic and foreign affairs matters relating to international relations and the interests of the Republic in respect of foreign states;
- (e) the Firearms Control Act, 2000 (Act No. 60 of 2000);
- (f) relevant public international law;
- (g) relevant agriculture and environment matters;
- (h) the use of small firearms that must include training in—
 - (i) the use of firearms;
 - (ii) weapon handling, including the stripping and assembling of a firearm;
 - (iii) tactical movement; and
 - (iv) making safe of the firearm;
- (i) regimental rules and application of correct drill and saluting procedures; and
- (j) occupational health and safety within the border law enforcement area and at ports of entry.

(2) Officers must complete a physical training programme and must pass the required fitness level test.

Arming of officers

7. (1) The Commissioner may issue arms, ammunition, vehicles, uniforms and any other equipment to officers to enable officers to execute their functions, powers and duties effectively.

(2) An officer must—

- (a) when not on duty, keep his or her official firearm in a locked safe that is mounted on a wall;
- (b) undergo psychological assessments annually in order to determine suitability for continued employment as an officer; and
- (c) ensure, while on duty, that his or her official firearm is on his or her person at all times and is not left unattended or left in vehicles.

Ranks of officers

8. The ranks of officers, in order of superiority, are as follows:

- (a) Commissioner;
- (b) Deputy Commissioners;
- (c) Assistant Commissioners;
- (d) Deputy Assistant Commissioners;
- (e) Commandants;
- (f) Deputy Commandants
- (g) Assistant Commandants;
- (h) Chief border officers;
- (i) Senior border officers;
- (j) Border officers; and
- (k) Junior border officers.

Security Grading for Officers

9.(1) The following security grading requirements must apply to the officers:

- (a) Top secret;
- (b) secret; and
- (c) confidential.

Qualifications and competency standards for officials

10. The qualification and competency standards for officials are as set out in Schedule B and must, where relevant, include registration with the relevant professional body.

Identification card

11. (1) The identification card contemplated in section 13(6) of the Act must be in a form that is substantially similar to Form 4 in Schedule A.

(2) The identity card contemplated in subregulation (1) must contain the following information:

- (a) The logo of the Authority;
- (b) a photograph of the officer;
- (c) the name, surname, identity and staff number of the officer;
- (d) the rank of the officer;
- (e) the date of issuing of identification card;
- (f) the signature of the Commissioner; and
- (g) the powers of a peace officer that may be conferred on him or her in a declaration as a peace officer, referred to in section 334(1)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

Outside remunerative work by officials

12. (1) An official appointed in terms of section 13(1) of the Act may not conduct remunerative work outside of the Authority unless authorised thereto by the Commissioner.

(2) Authorisation to conduct remunerative work outside of the Authority may not be granted where—

- (a) the work to be performed will be conducted during official work hours;
- (b) the official equipment or resources of the Authority will be used for that work; or
- (c) the work to be conducted is in conflict with the work of the Authority or has the potential to cause reputational damage to the Authority.

Code of conduct

13. (1) The code of conduct applicable to officers is as set out in Schedule C.

(2) All officers must adhere to the code of conduct referred to in subregulation (1).

Disciplinary code and procedure

14. The disciplinary code of conduct and related procedures applicable to officers are as set out in Schedule D.

Sanctions for misconduct

15. Depending on the seriousness of the misconduct, the officer's previous record and any mitigating or aggravating factors, the sanctions for misconduct are—

- (a) a verbal warning;
- (b) a written warning valid for six months;
- (c) a final written warning valid for six months;
- (d) suspension without pay for no longer than three months;
- (e) demotion as an alternative to dismissal, if the officer consents thereto; or
- (f) dismissal.

Rules and procedures for meetings of advisory committees

16. (1) An advisory committee must—

- (a) at its first meeting, appoint a chairperson and deputy chairperson from amongst members appointed in terms of section 26(2)(b) of the Act;
- (b) determine its own working arrangements; and
- (c) be supported by a secretariat, the members of which are to be drawn from the support staff.

(2) Decisions of an advisory committee must be adopted by majority consensus where each member of the advisory committee has one vote.

(3) In the event of equal votes, the Chairperson of that advisory committee shall have the deciding vote.

Border risk management and targeting centre

17. (1) The border risk management and targeting centre contemplated in section 11(2)(f) of the Act must—

- (a) be established as a separate unit within the Authority; and

- (b) be called the National Targeting Centre.
- (2) The Centre shall consist of—
- (a) the head of the Centre;
 - (b) such number of officials of the Authority as may be appointed by the Commissioner;
 - (c) competent representatives, with the minimum security clearance level as determined by the Commissioner, of the following organs of state:
 - (i) State Security Agency;
 - (ii) SAPS Crime Intelligence;
 - (iii) Defence Intelligence;
 - (iv) Customs Unit of the South African Revenue Service; and
 - (v) Financial Intelligence Centre.
 - (d) a representative of any other organ of state as the Commissioner may consider necessary.
- (3) The Commissioner must appoint the head of the Centre.
- (4) The head of the Centre must—
- (a) be a South African citizen;
 - (b) be suitably qualified to be appointed as the head of the Centre;
 - (c) be a commissioned officer; and
 - (c) have the required knowledge of or experience in public administration and finance.
- (5) The head of the Centre may not perform remunerative work outside of his or her official duties unless authorised thereto as contemplated in regulation 11.
- (6) The primary purpose of the Centre is to identify, analyse and make recommendations to mitigate risks which affect the border law enforcement areas and ports of entry.
- (7) The Centre must, in order to achieve its purpose, —
- (a) collect, collate and analyse data and information to identify risks;
 - (b) develop intelligence on identified risks;
 - (c) analyse, interpret and prioritise risks and engage in scenario development and analysis;
 - (d) recommend measures to mitigate, neutralise or resolve identified risks; and

- (e) recommend appropriate expertise and adequate support capability, procedures and systems.
- (8) The Commissioner must, after consultation with the Deputy Commissioners and head of the Centre, determine the—
- (a) detailed functions, operating model and organisational structure; and
 - (b) capabilities and system requirements of the Centre.
- (9) The Commissioner must ensure that the Centre is adequately secured and capacitated for its effective and efficient functioning.
- (10) The head of the Centre must provide reports to—
- (a) the Commissioner and relevant Deputy Commissioner, as and when required;
 - (b) the Border Technical Committee, at least on a quarterly basis; and
 - (c) the Inter-Ministerial Consultative Committee, at least on a quarterly basis.
- (11) The Centre must, in carrying out its functions, co-ordinate with the relevant organs of state or any other relevant foreign government entities or international organisations.

Review or appeal of decisions

18. (1) Any decision contemplated in section 29(1) of the Act must be communicated to that person in a form that is substantially similar to Form 5 in Schedule A.

(2) A person aggrieved by a decision referred to in subregulation (1) may,—

- (a) within 10 working days from receipt of such decision; and
- (b) on a form that is substantially similar to Form 6 in Schedule A,

make an application to the Commissioner for the review or appeal of that decision.

(3) The Commissioner must—

- (a) within 10 working days of receipt of an application contemplated in subregulation (2); and
- (b) on a form that is substantially similar to Form 7 in Schedule A,

communicate his or her decision to the aggrieved person.

(4) A person aggrieved by a decision of the Commissioner as contemplated in subsection (3) may—

- (a) within 10 working days of receipt of that decision; and
- (b) on a form that is substantially similar to Form 8 in Schedule A,

make an application for the review or appeal of that decision as contemplated in section 29(4) of the Act.

(5) A decision by the Minister must be made—

- (a) within 10 working days from receipt of an application contemplated in subregulation (4); and
- (b) on a form that is substantially similar to Form 9 in Schedule A.

(6) The Commissioner must compile and maintain a register of decisions where the Forms contemplated in this regulation are recorded.

Complaints and grievances affecting work of Authority

19. (1) The Commissioner must keep a register of complaints and grievances received affecting the work of the Authority for a period of five years.

(2) A complaint or grievance affecting the work of the Authority must be submitted to the Commissioner in a form that is substantially similar to Form 10 in Schedule A.

(3) The Commissioner must, after receipt of a complaint or grievance, acknowledge receipt and investigate the complaint or grievance within a reasonable period.

(4) On conclusion of the investigation, the Commissioner must, in writing, inform the complainant of the outcome of the investigation and any steps taken to remedy the grievance or complaint.

(5) The Commissioner may, where appropriate, refer the complaint or grievance to the relevant law enforcement agency.

Short title and commencement

20. These Regulations are called the Border Management Authority Regulations, 2024 and come into operation on the date of publication hereof.

SCHEDULE A**FORMS**

No.	Description	
1	Form 1	Deed of Commission
2	Form 2	Temporary Deed of Commission
3	Form 3	Oath oreclaration of allegiance
4	Form 4	Identification Card
5	Form 5	Officer's decision that materially and adversely affecting a person's rights
6	Form 6	Application to the Commissioner to review or appeal officer's decision
7	Form 7	Commissioner's review or appeal decision
8	Form 8	Application to the Minister to review or appeal Commissioner's review or appeal decision
9	Form 9	Minister's review or appeal appeal decision
10	Form 10	Complaints or grievances against Authority

FORM 1**DEED OF COMMISSION**

To: [insert name and rank of officer]

Whereas a commissioned rank in the Border Management Authority was conferred upon you on _____.

I hereby commission you to serve the Republic of South Africa as an officer, with loyalty, courage, dignity and honour, in discharge of your duties and responsibilities with zeal, diligence and to set a good example to those placed under your control.

Given under my hand and the seal of the Republic of South Africa on this _____ day of _____.

Minister of Home Affairs

FORM 2**TEMPORARY DEED OF COMMISSION**

To: [insert name and rank of officer]

I, _____, in terms of section 14(1) of the Border Management Authority Act, 2020 (Act No. 2 of 2020), hereby confer on you a temporary commission in the Border Management Authority during your period of probation, from _____ to _____, to serve the Republic of South Africa as an officer, with loyalty, courage, dignity and honour, in discharge of your duties and responsibilities with zeal, diligence and to set a good example to those placed under your control.

Given under my hand and the seal of the Republic of South Africa on this _____ day of _____.

Minister of Home Affairs

FORM 3**OATH OR DECLARATION OF ALLEGIANCE**

[Regulation 5(1)]

I, **[insert name and rank of officer]**, hereby swear/solemnly declare* that I—

- (a) will obey, observe, uphold and maintain the Constitution and all other law of the Republic;
- (b) will perform my duties as a commissioned officer of the Border Management Authority conscientiously and to the best of my ability; and
- (c) commit myself to abide by the provisions of the Border Management Authority Act, 2020 (Act No. 2 of 2020), regulations made thereunder and the legislation referred to in Proclamation 89 of 6 September 2022 and to obey any orders or instructions issued in pursuance of the said Act and regulations.

Signature of deponent

I certify that the deponent has acknowledged that he/she* knows and understands the contents of this oath of office, which was sworn /declare* before me on this ____ day of _____ 20__ and signed in my presence.

Date: _____

Place: _____

Signature of Commissioner

**Delete that which is not applicable.*

**FORM 4****IDENTIFICATION CARD**

[Regulation 10(1)]

1. Identification card issued in terms of section 13(6) of the Border Management Authority Act, 2020 (Act No. 2 of 2020).
2. [name and surname]
3. [photo]
4. [identity number]
5. [staff number]
6. [rank]
7. [date of issuing of identification card]

[signature]

Commissioner

FORM 5**OFFICER'S DECISION THAT MATERIALLY AND ADVERSELY AFFECTS A
PERSON'S RIGHTS**

[Regulation 17(1)]

1. Name and contact details of the person affected:
2. Description of decision:
3. Authorising provision¹:
4. Reasons for the decision:
5. Date and place of the decision:
6. Name and rank of the officer:

Signature of officer

Take notice that you may apply to the Commissioner to review or appeal this decision by completing the attached Form 6 and submitting it to the Commissioner within 10 days of receipt of this decision at the addresses contained in that Form.

¹ This includes the relevant provision of the Act and any of the provisions in the legislation listed in the Proclamation 89 of 6 September 2022.

FORM 6**APPLICATION TO COMMISSIONER TO REVIEW OR APPEAL OFFICER'S
DECISION**

[Regulation 17(2)(b)]

1. Name and surname of appellant:
2. Contact details of appellant:
3. Grounds of review or appeal
4. Relief sought:
5. Date of application:

Signature of appellant

This application must be—

- (a) submitted to the Commissioner within 10 days of receipt of the decision to be reviewed or appealed;
- (b) accompanied by the corresponding Form 5'
- (c) submitted to the Commissioner by—
 - (i) emailing it to: [dedicated email address]; or
 - (ii) registered post to: [dedicated postal address].

FORM 7**COMMISSIONER'S DECISION ON REVIEW OR APPEAL**

[Regulation 17(3)(b)]

1. Name and surname of the appellant:
2. Contact details of appellant:
3. Description of the review or appeal decision:
4. The reasons for the decision:
5. Date of the decision:

Signature of Commissioner

Take notice that you may apply to the Minister to review or appeal this decision by completing the attached Form 8, with the corresponding Forms 6 and 7 attached, and submitting all the said Forms to the Minister within 10 days of receipt of this decision at the addresses contained in Form 8.

FORM 8**APPLICATION TO MINISTER FOR REVIEW OR APPEAL OF COMMISSIONER'S
REVIEW OR APPEAL DECISION**

[Regulation 17(4)(b)]

1. Name and Surname of appellant:
2. Contact details of appellant:
3. Grounds of appeal or review:
4. Relief sought:
5. Date of application:

Signature of appellant

This application must be—

- (a) submitted to the Minister within 10 days of receipt of the decision to be reviewed or appealed;
- (b) accompanied with the corresponding Forms 6 and 7;
- (c) submitted to the Minister by—
 - (i) emailing it to: [dedicated email address]; or
 - (ii) registered post to: [dedicated postal address].

FORM 9

MINISTER'S DECISION ON REVIEW OR APPEAL

[Regulation 17(5)(b)]

1. Name and surname of appellant:
2. Contact details of appellant:
3. Description of the review or appeal decision:
4. The reasons for the decision:
5. Date of decision:

Signature of Minister

FORM 10**COMPLAINTS OR GRIEVANCES AFFECTING WORK OF AUTHORITY**

[Regulation 18(2)]

1. Name and surname of complainant:
2. Contact details of complainant:
3. Details of complaint or grievance:
4. Proposed remedy:
5. Date of complaint or grievance:

The complaint or grievance must be submitted to the Commissioner by—

- (a) emailing this completed form to: [dedicated email address]
- (b) posting this completed form through registered mail to: [dedicated postal address].

SCHEDULE B**QUALIFICATIONS AND COMPETENCY REQUIREMENTS FOR OFFICIALS**

Rank	Academic Requirements	Work Experience
Commissioner	Master's Qualification in Commerce, Law or Business Administration or any similar and relevant qualification	Minimum 10 years senior management experience in an executive role.
Deputy Commissioners, Chief Officer, Executive Managers, Manager and VIP officers		
Deputy Commissioner: Operations	Postgraduate qualification in Business Administration (Management), Public Management (Administration) or any similar and relevant qualification at NQF level 8 as recognized by SAQA.	Minimum of 10 years senior management work experience in a similar role.
Deputy Commissioner: Corporate Services	Postgraduate qualification in Business Administration (Management), Public Management (Administration) or any similar and relevant qualification at NQF level 8 as recognized by SAQA.	Minimum of 10 years senior management work experience in a similar role.
Chief Officer: Counter Corruption	Bachelor's Degree (NQF 7) in Law, Criminology or a similar and related field. Honours Degree (NQF 8) would be an Advantage	Minimum of 8-10 years experience at senior managerial level Anti Corruption environment; and minimum of 3 – 5 years management experience
Executive Manager: Counter Corruption	Bachelor's Degree (NQF 7) in Law, Criminology or a similar and related field. Honours Degree (NQF 8) would be an Advantage	Minimum of 5 years experience at senior managerial level Anti Corruption environment; and minimum of 5 years management experience
Executive Manager: Office of the Commissioner	Bachelor Degree in any relevant qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience in office administration
Executive Manager: Special Response	Honours in Social Sciences or Law or an equivalent qualification at NQF level 8 as recognized by SAQA	Minimum of 8 years experience in border law Special Response or related environment.
Manager: VIP Protection Services	Degree in Security Management or an Equivalent degree.	Minimum of 4-6 years experience of Security or related environment.

Special Projects Manager	Undergraduate qualification in Project management, Management Science or an equivalent qualification at NQF level 7 as recognized by SAQA.	Minimum of 4-6 years experience at managerial level; and minimum of 5 years' experience in border law enforcement or related environment.
VIP Protection Services Officers	Grade 12 Certificate NQF Level 4	Minimum of 2-3 years Security experience
Specialists		
Chief Officer: Operations & Law Enforcement	Undergraduate qualification in Social Science, Law or a similar and related qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience at senior managerial level; and minimum of 8 years' experience in border law enforcement or related environment.
Executive Manager: Regional Commander	Undergraduate qualification in Social Sciences, Law or equivalent qualification at NQF level 7 as recognized by SAQA. An NQF level 8 and above qualification will be an added advantage. Completion of the Senior Management Services Pre-entry Certificate upon appointment.	Minimum of 5 years experience at senior managerial level; and minimum of 8 years experience in border law enforcement or related environment.
Manager: Regional Risk & Targeting Management	Undergraduate qualification in Social Sciences Business Administration or Risk Management at NQF level 7 as recognized by SAQA	Minimum of 5 years experience at managerial level; and minimum of 5 years experience within Risk Management or related environment
Port Commander	Undergraduate qualification in Social Sciences, Law or equivalent qualification at NQF level 7 as recognized by SAQA. An NQF level 8 and above qualification will be an added advantage.	Minimum of 5 years experience at managerial level, and minimum of 5 years experience in border law enforcement or related environment.
RTC Specialist: Information and Risk Analysis	Undergraduate qualification (NQF level 7) as recognized by SAQA in Data Analytics or Risk Management	Minimum of 5 years experience in Risk Management or Intelligence environment.
RTC Senior Specialist: Information and Risk Analysis	Undergraduate qualification (NQF level 7) as recognized by SAQA in Data Analytics or Risk Management	Minimum of 4 years experience in Risk Management or Intelligence environment.
RTC Analyst: Information and Risk Analysis	Undergraduate qualification (NQF level 7) as recognized by SAQA in Data Analytics or Risk Management	Minimum of 2-3 years experience in Risk Management or Intelligence environment.

Manager: Border Control Coordination	Undergraduate qualification in Social Sciences, Law or equivalent qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience at managerial level; and minimum of 5 years' experience in border law enforcement or related environment.
Immigration Specialist	Undergraduate qualification in Social Sciences, Law or equivalent qualification at NQF level 7 as recognized by SAQA.	Minimum of 2-3 years experience in Immigration or related environment.
Agriculture Specialist	Qualification in Agricultural Management, Natural Sciences or related qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience in Agriculture or related environment.
Environmental Specialist	Undergraduate qualification in Environmental Science or equivalent qualification at NQF level 7 as recognized by SAQA	Minimum of 5 years experience in a relevant field. Environmental Management Inspector certificate/training/experience will be an added advantage.
Health Specialist	Undergraduate qualification in Social Sciences, Environmental Health or equivalent qualification at NQF level 7 as recognized by SAQA. NQF level 8 and above qualification will be an added advantage.	Minimum of 5 years experience in Health Environment related environment.
Specialist Border Law Enforcement	Undergraduate qualification in Social Sciences, Law or equivalent qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience in border law enforcement or related environment.
State Veterinarian	Undergraduate qualification in BVSc Degree or relevant Qualification recognised by the South African Qualification Authority and the South African Veterinary Council	Minimum of 5 years experience in a relevant field.
Veterinarian Officer	National Diploma in Environmental Health, Animal Health, Veterinary Public Health or any relevant qualification at NQF level 6 as recognized by SAQA.	Minimum of 4 years experience.
Medical Doctors	Degree of Bachelor of Medicine and Surgery.	Minimum of 5 years experience in healthcare.

Manager: Corporate Support	Undergraduate qualification in Social Sciences Business Administration or Human Resources Management at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience at managerial level, and minimum of 5 years experience within Corporate Support or related environment.
ICT Officer	Diploma (NQF 6) in Information Technology, Computer/Engineering Science or any related qualification. IT Service management Certification advantage.	Minimum of 4 years experience in Information Technology Support.
Financial Accountant	B.Com Accounting degree or equivalent post graduate qualification in Finance or equivalent. CA(SA) or CIMA (Adv. Dip in MA or higher) will be advantageous. B.Com Honors or Completed Articles will be advantageous.	Minimum of 3 years experience in accounting, analysis and budget management. Completed Articles, financial prescripts experience (GAAP and GRAP) and Public Finance Management Act, 1999 (Act No. 1 of 1999).
Asset and Fleet Management	A Grade 12 (Matric). Undergraduate qualification would be an advantage.	Minimum of 2-3 years experience.
HR Business Partner	National Diploma (NQF 6) in Human Resources or Equivalent.	Minimum of 3 years experience in payroll, IR, and HR management.
Facilities Management Officer	Diploma or Advanced Certificate in Occupational Health and Safety Certificate/Facilities Management	Minimum of 3-4 years experience in a relevant field.
Communications & Stakeholder Management Officer	Bachelor's degree in communications, journalism or related field.	Minimum of 3 years prior working experience in communications.
Facilities Management Assistants	Matriculation or NQF Level 4.	No experience required.
RTC Specialist: Field Information Operations	Undergraduate qualification (NQF level 7) as recognized by SAQA in Data Analytics or Risk Management.	Minimum of 5 years experience in Communications and International Relations
RTC Senior Specialist: Field Information Operations	Undergraduate qualification (NQF level 7) as recognized by SAQA in Data Analytics or Risk Management.	Minimum of 4 years experience in Risk Management or Intelligence environment
RTC Analyst: Filed Information Operations	Undergraduate qualification (NQF level 7) as recognized by SAQA in Data Analytics or Risk Management	Minimum of 2-3 years experience in Risk Management or Intelligence environment

Border Law Enforcement		
Manager: Specialised Services	Bachelor's Degree in Business Administration, Engineering, Sciences or equivalent qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience in the Field of Specialised Services.
Manager Border Law Enforcement	Undergraduate qualification in Social Sciences, Law or equivalent qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience at managerial level; and minimum of 5 years experience in border law enforcement or related environment.
Chief Border Law Enforcement Officer	Undergraduate qualification in a Security related field at NQF level 6 as recognized by SAQA.	Minimum of 4 years experience in command within a Security related field in public security law enforcement. Extensive experience in commanding, planning and executing security operations.
Senior Border Law Enforcement Officer	Undergraduate qualification in a Security related field at NQF level 6 as recognized by SAQA.	Minimum of 3 years experience in command, planning and execution in public security environment.
Border Law Enforcement Officer	Grade 12 Certificate NQF Level 4 and training in public security environment.	Minimum of 2 years experience in command, planning and execution in public security environment.
Junior Border Law Enforcement Officer	Grade 12 Certificate NQF Level 4 and training in public security environment.	Minimum of 1 year experience in command, planning and execution in public security environment.
Immigration		
Assistant Manager: Immigration	Undergraduate qualification in Social Sciences or equivalent qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience at managerial level; and minimum of 5 years experience in immigration management or related environment.

Chief Immigration: Officer	Grade 12 Certificate, an NQF level 4, or completion of the DHA Qualification: Home Affairs Services (NQF level 5) all recognised by SAQA. A relevant NQF level 6 as recognised by SAQA will serve as an added advantage. Completion of the Cadet or Internship Programme within the Department of Home Affairs and currently employed by DHA will be an added advantage.	Minimum of 4-5 years relevant experience.
Senior Immigration: Officer	Grade 12 Certificate, an NQF level 4, or completion of the DHA Qualification: Home Affairs Services (NQF level 5) all recognised by SAQA. A relevant NQF level 6 as recognised by SAQA will serve as an added advantage. Completion of the Cadet or Internship Programme within the Department of Home Affairs and currently employed by DHA will be an added advantage.	Minimum of 3 years relevant experience.
Immigration: Officer	Grade 12 Certificate, an NQF level 4, or completion of the DHA Qualification: Home Affairs Services (NQF level 5) all recognised by SAQA. A relevant NQF level 6 as recognised by SAQA will serve as an added advantage. Completion of the Cadet or Internship Programme within the Department of Home Affairs and currently employed by DHA will be an added advantage.	Minimum of 2-3 years relevant experience.
Assistant Immigration: Officer	Grade 12 Certificate, an NQF level 4, or completion of the DHA Qualification: Home Affairs Services (NQF level 5) all recognised by SAQA. A relevant NQF level 6 as recognised by SAQA will serve as an added advantage. Completion of the Cadet or Internship Programme within the Department of Home Affairs and	Minimum of 1-2 years relevant experience.

	currently employed by DHA will be an added advantage.	
Biodiversity		
Head: Bio Security/Biodiversity	Four year degree (NQF 8) in Natural or Environmental Sciences or equivalent qualification..	Minimum of 5 years experience at managerial level; and minimum of 5 years experience in Environmental Management or related environment.
Officer: Biodiversity (Production)	Four years degree (NQF 8) in Natural or Environmental Sciences or equivalent qualification.	Minimum of 6 years experience in a relevant field. Environmental Management Inspector certificate/training/experience will be an added advantage. Appropriate experience in biosafety, Genetics, Plant Pathology, Plant Physiology and Biochemistry Microbiology, Biotechnology, Management and research entailing alien and invasive species
Officer: Biodiversity (Specialised Production)	Four year degree (NQF 8) in Natural or Environmental Sciences or equivalent qualification.	Minimum of 6 years experience in a relevant field. Environmental Management Inspector certificate/training/experience will be an added advantage. Appropriate experience in biosafety, Genetics, Plant Pathology, Plant Physiology and Biochemistry Microbiology, Biotechnology, Management and research entailing alien and invasive species

Inspector: Biodiversity	Degree (NQF Level 7), National Diploma (NQF Level 6) in Environmental Management/Science, Natural Science, Animal Health or equivalent qualification.	Minimum of 2-3 years experience in related field.
Medical and environmental health		
Medical Officer	Degree of Bachelor of Medicine and Surgery.	Minimum of 5 years experience in healthcare.
Chief Environmental Health Practitioners	Bachelor's degree, National Diploma or equivalent NQF 6 qualification in Environmental Health.	Minimum of 4 years experience in environmental health.
PNA 5 Operational Manager Nursing	Diploma in Nursing (NQF Level 6) qualification or equivalent qualification.	Minimum of 7 year appropriate or recognisable experience in nursing after registration as a professional nurse.
PNA 4 Professional Nurse Grade 3	Diploma in Nursing (NQF Level 6) qualification or equivalent qualification.	Minimum of 20 years appropriate or recognisable experience in nursing after registration as Professional Nurse with the SANC in General Nursing.
PNA 3 Professional Nurse Grade 2	Diploma in Nursing (NQF Level 6) qualification or equivalent qualification.	Minimum of 10 years appropriate or recognisable experience in nursing after registration as Professional Nurse with the SANC in General Nursing.
PNA 2 Professional Nurse Grade 1	Diploma in Nursing (NQF Level 6) qualification or equivalent qualification.	Minimum of 5 years appropriate or recognisable experience in nursing after registration as Professional Nurse with the SANC in General Nursing.
Senior Officer: Environmental Health	Bachelor's Degree/B tech NQF level 7 in Environmental or Safety Management or Equivalent.	Minimum of 3 years experience working performing a similar role.
Environmental Health Practitioner	Bachelor's degree, National Diploma or equivalent NQF 6 qualification in Environmental Health.	Minimum of 2 years experience in environmental health.
Environmental Health Assistant Practitioner	Bachelor's degree, National Diploma or equivalent NQF 6 qualification in Environmental Health.	Minimum of 1 year experience in environmental health.

Agriculture and animals		
Assistant Manager Agriculture	Undergraduate qualification in Agriculture or related qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience at managerial level; and minimum of 5 years experience in Agriculture or related environment.
Control Agricultural Product & Quarantine Technician	Qualification in Agriculture or related qualification at NQF level 7 or NQF level 6 as recognized by SAQA.	Minimum of 5 years relevant experience.
Control Animal Health Technician	Qualification in Agriculture or related qualification at NQF level 7 or NQF level 6 as recognized by SAQA.	Minimum of 5 years relevant experience.
Chief Agricultural Food & Quarantine Technician	Qualification in Agriculture or related qualification at NQF level 7 or NQF level 6 as recognized by SAQA.	Minimum of 5 years relevant experience.
Senior Agricultural Food & Quarantine Technician	Qualification in Agriculture or related qualification at NQF level 7 or NQF level 6 as recognized by SAQA.	Minimum of 5 years relevant experience.
Assistant Inspector	Qualification in Agriculture or related qualification at NQF level 7 or NQF level 6 as recognized by SAQA.	Minimum of 2-3 years relevant experience.
Animal Health Technician	National Diploma (NQF Level 6) in Animal Health.	Minimum of 2 years of relevant experience.
Veterinary Public Health Officer	National Diploma in Environmental Health, Animal Health, Veterinary Public Health or any relevant qualification at NQF level 6 as recognized by SAQA.	Minimum of 4 years experience.
Finance and HR		
Finance Officer	Degree in Finance or Accounting (NQF 6).	Minimum of 2-3 years relevant experience.
HR Officer	Grade 12 Certificate; and (3) Year National Diploma (NQF 6) in Human Resources or Equivalent	Minimum of 3 years HR administration experience.

Special Response		
Executive Manager: Special Response	Undergraduate qualification in Social Sciences, Law or equivalent qualification at NQF level 7 as recognized by SAQA.	Minimum of 8 years experience in border law Special Response or related environment.
Manager: Special Response	Undergraduate qualification in Social Sciences, Law or equivalent qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience in border law Special Response or related environment.
Chief Border Law Special Response Officer	Undergraduate qualification in a Security related field at NQF level 6 as recognized by SAQA.	Minimum of 4 years experience in command within a Security related field in public security law enforcement.
Senior Border Law Special Response Officer	Undergraduate qualification in a Security related field at NQF level 6 as recognized by SAQA.	Minimum of 2-3 years experience in command, planning and execution in public security environment.
Border Law Special Response Officer	Grade 12 Certificate NQF Level 4 and training in public security environment.	Minimum of 2 years experience in command, planning and execution in public security environment.
Special Response Coordinating Manager	Undergraduate qualification in Social Sciences, Law or equivalent qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience in border law Special Response or related environment.
Special Response Coordinating Officer	Undergraduate qualification in a Security related field at NQF level 6 as recognized by SAQA.	Minimum of 3 years experience in command, planning and execution in public security environment.
Movement		
Chief Officer: National Risk & Targeting Management	Undergraduate qualification in Security & Risk Intelligence, Strategic Intelligence or related qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience at senior managerial level; and minimum of 8 years experience in the intelligence or related environment.
Executive Manager: Passengers/ Human Movement	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 5 years experience at senior managerial level; and minimum of 5 years experience in Risk Management or Intelligence environment.

Executive Manager: Regulated Goods	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 5 years experience at senior managerial level; and minimum of 5 years experience in Risk Management or Intelligence environment.
Executive Manager: Cross Border Smuggling	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 5 years experience at senior managerial level; and minimum of 5 years experience in Risk Management or Intelligence environment.
Manager: Passengers/ Human Movement	Bachelor Degree in any relevant qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience.
Senior Specialist: Passengers/ Human Movement	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 5 years experience in Risk Management or Intelligence environment.t
Specialist: Passengers/ Human Movement	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 4 years experience in Risk Management or Intelligence environment.
Analyst: Passengers/ Human Movement	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 2-3 years experience in Risk Management or Intelligence environment.
Manager: Regulated Goods	Bachelor Degree in any relevant qualification at NQF level 7 as recognized by SAQA	Minimum of 5 years' experience
Senior Specialist: Regulated Goods	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 5 years experience in Risk Management or Intelligence environment.

Specialist: Regulated Goods	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 4 years experience in Risk Management or Intelligence environment.
Analyst: Regulated Goods	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 2-3 years experience in Risk Management or Intelligence environment.
Manager: Cross Border Smuggling	Bachelor Degree in any relevant qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience.
Senior Specialist: Cross Border Smuggling	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 5 years experience in Risk Management or Intelligence environment.
Specialist: Cross Border Smuggling	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 4 years experience in Risk Management or Intelligence environment.
Analyst: Cross Border Smuggling	Undergraduate qualification (NQF level 7) as recognized by SAQA in Police Science, Health Sciences, Data Science, Urban Planning, Data Analytics, Business Management or Risk Management.	Minimum of 2-3 years experience in Risk Management or Intelligence environment.
Specialised functions		
Chief Officer: Specialised Functions	Postgraduate qualification in Security & Risk Intelligence, Strategic Intelligence or related qualification at NQF level 8 as recognized by SAQA. Master's Degree NGF 9 would be an advantage.	Minimum of 10-15 years experience in Executive or Senior Management level; and minimum of 5-6 years experience at senior managerial level.

Executive Manager: Agriculture	Qualification in Agricultural Management or related qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience at senior managerial level.
Executive Manager: Health	Undergraduate qualification in Social Sciences, Environmental Health or equivalent qualification at NQF level 7 as recognized by SAQA. NQF level 8 and above qualification will be an added advantage.	Minimum of 5 years experience at senior managerial level; and minimum of 8 years experience in border law enforcement or related environment.
Executive Manager: Immigration	Undergraduate qualification in Social Sciences, Law or equivalent qualification at NQF level 7 as recognized by SAQA. NQF level 8 and above qualification will be an added advantage.	Minimum of 5 years experience at senior managerial level; and minimum of 8 years experience in border law enforcement or related environment.
Executive Manager: Environment	Undergraduate qualification in Social Sciences, Law or equivalent qualification at NQF level 7 as recognized by SAQA. NQF level 8 and above qualification will be an added advantage.	Minimum of 5 years experience at senior managerial level; and minimum of 8 years experience in border law enforcement or related environment.
Executive Manager: Monitoring & Compliance	Undergraduate qualification in Social Sciences or related qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years experience at senior managerial level.
Agriculture Senior Specialist	Qualification in Agricultural Management, Natural Science or related qualification at NQF level 8 as recognized by SAQA.	Minimum of 8 years experience in Agriculture or related environment.
Health Senior Specialist	Qualification in Social Sciences, Environmental Health or equivalent qualification at NQF level 7 as recognized by SAQA.	Minimum of 5 years relevant experience.
Immigration Senior Specialist	Post graduate qualification at NQF level 8 as recognized by SAQA.	Minimum of 8 years experience.
Environmental Senior Specialist	Post graduate qualification at NQF level 8 as recognized by SAQA.	Minimum of 8 years experience.
Compliance Coordinator	Undergraduate Degree, Qualification (NQF 7) in Risk Management, Law or Audit.	Minimum of 2 years experience in compliance or risk management.

Compliance Officer	Degree or Qualification Risk Management, Law or Audit.	Minimum of 3 years experience in compliance or risk management.
Corporate Affairs		
Chief Officer: Corporate Affairs	Qualification in Human Resource Management, Business Administration(Management), Public Management (Administration) or any relevant qualification at NQF level 7 as recognized by SAQA.	Minimum of 6-8 years experience at managerial level in Corporate Services or Support environment.
Executive Manager: Organisational Strategy and Planning	Master's Degree or equivalent in Public Administration, Social Sciences, Education and Training. A PhD or equivalent in the relevant field of study will be an added advantage.	Minimum of 6-8 years experience working within a research and monitoring environment or similar, of which 3 years should be at a management level and experience in education, training, and quality assurance.
Manager: Strategy and Management	NQF Level 8 or equivalent qualification.	Minimum of 6 years working experience.
Specialist: Strategic Planning	NQF Level 7 or equivalent qualification in the field of business administration, strategic management, or a related field.	Minimum of 5 years working experience.
Specialist: Monitoring and Reporting	NQF Level 7 or equivalent qualification in the field of Information Management/Statistics/ Business Administration / Public Administration / M&E	Minimum of 5 years working experience.
Research Analyst	NQF Level 8 or equivalent qualification in the field Mathematics, engineering, economics, statistics / Equivalent.	Minimum of 5 years working experience.
Manager: Project Management	NQF Level 8 or equivalent qualification in the field of Project Management.	Minimum of 7-10 years working experience in the field of Project Management, Proven experience in project management, overseeing multiple projects simultaneously.
Specialist: Improvement and Project Management	NQF Level 7 or equivalent qualification in the field of Project Management.	Minimum of 5 years working experience in the field of Project Management, Proven experience in project management and process improvement initiatives.

Legal and compliance		
Executive Manager: Legal and Compliance	Post Graduate Degree LLM Degree(NQF 8); and Admission as Advocate or Attorney is mandatory.	Minimum of 10 years experience as legal advisor in public sector regulatory environment; and minimum 3-5 years experience in a management role.
Senior Legal Advisor	LLB Degree (NQF Level &) or any related law qualification.	Minimum of 5 years legal experience as a legal advisor, counsel, or in house legal counsel with a strong focus on business law, risk management, and compliance.
Legal Advisor	LLB Degree (NQF Level &) or any related law qualification.	Minimum of 2-3 years post-admission legal experience.
Specialist: Ethics and Compliance	Bachelor's degree or Advanced Diploma (NQF 7) in Risk Management, Compliance or Management. Bachelor of Law (LLB) Certified Ethics Officer would be an advantage.	Minimum of 5 years experience in business ethics management, corporate governance, law, public policy or administration or a relevant discipline such as enterprise risk management and internal control, accounting or audit.
Communications and stakeholder management		
Executive Manager: Communications and Stakeholder Management	Honors Degree (NQF 7) in Social Sciences, Social Development, Communication or Public Relations. Postgraduate qualification in Communications will be an added advantage.	Minimum of 5-8 years experience in Stakeholder relations, Stakeholder Management and Corporate Communication related fields; and minimum 3-5 years experience in management or at a supervisory level, experience in developing successful communication, stakeholder engagement plans and working with CRM systems.
Senior Manager: Customer Relations	Bachelor or masters degree in business; and an undergraduate qualification in Public Relations Management, Communications or Marketing Management at NQF level 7 as recognized by SAQA.	Minimum of 8-10 years experience in communications services related environment.

Manager: Call Centre Operations	No formal qualification is required. Degree can be an added advantage.	Minimum of 4-6 years experience with a minimum of 2 years experience within a contact centre environment.
Supervisor: Switch Board	Matric or National Diploma qualification	2-3years relevant experience in switchboard operations or customer service
Senior Manager: International Stakeholder Management	Bachelor of Business Degree in International Management, Business Administration, Communication or comparable is required.	Minimum of 8-10 years experience in Stakeholder relations, Stakeholder Management and Corporate Communication related fields; and minimum 3-5 years experience in management or at a supervisory level.
Specialist International Affairs	Bachelor's degree (NQF Level 7) in international relations, political science, economics, or a related field. Advanced degrees or certifications in international affairs are advantageous.	Minimum of 4-6 years experience.
Senior Manager: Domestic Stakeholder Management	Degree in Communications, Journalism, Stakeholder Management.	Minimum of 8-10 years experience in Stakeholder relations, Stakeholder Management and Corporate Communication related fields; and minimum of 3-5 years experience in management or at a supervisory level.
Specialist : Domestic Stakeholder Management	Degree (NQF 7) in Social Sciences, Social Development or Communication or Public Relations.	Minimum of 4-6 years experience in Stakeholder relations, Stakeholder Management and Corporate Communication related fields.
Officer: Domestic Stakeholder Management	Relevant degree in Communication, Public Relations Management.	Minimum of 2-3 years experience.
Senior Manager: Communications	Undergraduate qualification in Public Relations Management, Communications or Marketing Management at NQF level 7 as recognized by SAQA.	Minimum of 8-10 years experience at middle or senior managerial level in communications services related environment.
Specialist: Communications	Qualification in Bachelor's degree in communications, journalism or related field.	Minimum of 4-6 years relevant experience.

Communications Officer	Bachelor's degree in communications, journalism or related field, or equivalent experience.	Minimum of 3 years prior working experience in communications.
Senior Manager: Public Relations and Branding	Undergraduate qualification in Public Relations Management, Communications or Marketing Management at NQF level 7 as recognized by SAQA.	Minimum of 8-10 years experience in communications services related environment.
Specialist: Public Relations	Bachelor's degree in public relations, communications, journalism, or a related field.	Minimum of 4-6 years relevant experience.
Specialist: Branding	Bachelor's degree in Marketing, Branding, Communications, or a Related Field.	Minimum of 2-3 years experience in Branding, Brand Management, or Marketing roles.
Officer: Events	Diploma in Marketing, Communications or a related field	Minimum of 2-3 years relevant experience.
Human capital management		
Executive Manager: Human Capital Management	Honours B Degree (NQF8) in Human Resources or related qualification. An MBA would be an added advantage and IPM/SABPP Registration will be advantageous.	Minimum of 5 years senior management experience operating at a strategic level in human resources management, Human resources management policy development and implementation. Proven experience in benefits administration, recruitment and selection, transfer and placement of local government employees. Proven experience in developing a human resources management infrastructure from scratch, Transformation, Change management.
Senior Manager: HR Service Support and Administration	Bachelor's Degree in Human Resource Management, Organizational Psychology, Business Administration, or any relevant qualification at NQF level 7 as recognized by SAQA. An NQF level 8 and above qualification will be an added advantage	Minimum of 8-10 years experience in HR service delivery or HR operations, preferably in a managerial or leadership role.
Manager: HR Service Partners	Degree (NQF level 7) in Human Resources or equivalent.	Minimum of 5 years in payroll, IR, and HR management.

		Demonstrable experience working as an HR Business Partner.
HR Business Partners	National Diploma (NQF level 6) in Human Resources or Equivalent.	Minimum of 3 years in payroll, IR, and HR management. Demonstrable experience working as an HR Business Partner.
Manager: HR Administration & Systems	Degree (NQF level 7) in Information Technology, Computer/Engineering Science or any related qualification.	Minimum of 5 years relevant experience.
Specialist: HRMIS	Bachelor's Degree (NQF level 7) in Human Resources, Information Technology, Computer Science or closely related field.	Minimum of 3–5 years experience working in a fast-paced organisation within or in close collaboration with the human resource department. Experience in designing, and supporting /facilitating implementation (including change management), and maintaining business management system.
Manager: Remuneration and Benefits	NQF level 6 or 7 qualification in Business Management, Commerce or Human Resources or Equivalent. Honours degree (NQF level 8) or equivalent in Business Management, Commerce or Human Resources would be advantageous.	Minimum of 5 year proven experience as a Remuneration and Benefits Specialist.
Specialist: Remuneration and Benefits	NQF level 6 or 7 qualification in Business Management, Commerce or Human Resources or Equivalent. Honours degree (NQF level 8) or equivalent in Business Management, Commerce or Human Resources would be advantageous.	Minimum of 4-6 year proven experience as a Remuneration and Benefits Specialist.
Senior Manager: Employee Relations, Health & Wellness	Bachelor's Degree in Human Resource Management, Organizational Psychology, Business Administration, or any relevant qualification at NQF level 7 as recognized by SAQA. An NQF level 8 and above qualification will be an added advantage.	Minimum of 8-10 years experience in employee relations, preferably in a managerial or leadership role. Proven experience in developing and implementing health and wellness programs.
Manager: Health and Wellness	A National Degree (NQF level 7) in psychology or social work or equivalent qualification.	Minimum of 5 years experience in Employee Health & Wellness field.

Specialist: Employee and Labour Relations	Bachelor's Degree (NQF level 7) in LLB, BA Law, Labour Law, Labour Relations Degree, Advanced HR or equivalent.	Minimum of 4-6 years experience within the HR Operations in an Employee Relations position.
HR Officer: Employee Health and Wellness	National Diploma or Degree (NQF level 6 or 7) in psychology or social work or equivalent qualification.	Minimum of 2-3 years experience in Employee Health & Wellness field.
Senior Manager: Talent Management & Organisational Development	Undergraduate qualification in Human Resource Management, Organizational Psychology, Business Administration, or any relevant qualification at NQF level 7 as recognized by SAQA. An NQF level 8 and above qualification will be an added advantage.	Minimum of 8-10 years experience in talent management, organizational development, and leadership development, preferably in a managerial or leadership role. Proven experience in designing and implementing talent management and organizational development strategies and programs.
Specialist: Performance Management	Undergraduate qualification in Human Resource Management, Business Administration (Management), Public Management (Administration) or any relevant qualification at NQF level 7 as recognized by SAQA.	Minimum of 4-6 years in a HR Management generalist environment is essential.
Specialist: Organisational Development and Change Management	Undergraduate qualification in Human Resource Management, Industrial Psychology or any relevant qualification at NQF level 7. Postgraduate Degree in Human Resource Management, or Industrial Psychology will be advantageous.	Minimum 4-6 years experience as an OD/CM Specialist.
HR Officer: Performance & Talent Management	Undergraduate qualification in Human Resource Management, Business Administration (Management), Public Management (Administration) or any relevant qualification at NQF level 7 as recognized by SAQA.	Minimum of 2-3 years in a HR Management generalist environment is essential.
HR Office: Organisational Design	Three Year National Diploma (NQF level 6) in Human Resources or Industrial Psychology or equivalent.	Minimum of 2-3 years Work Study/Organisational Design/Effectiveness experience
Training and development		

Executive Manager: Training and Development	Undergraduate qualification in Human Resource Management, Business Administration (Management), Public Management (Administration) or any relevant qualification at NQF level 7 as recognized by SAQA. An NQF level 8 and above qualification will be an added advantage.	Minimum of 5 years experience at managerial level in Learning environment.
Senior Manager: Curriculum & Material Development and Assurance	Undergraduate qualification in Education, Social or Behavioural Science at NQF level 7 as recognized by SAQA.	Minimum of 8-10 years experience at managerial level in Learning environment.
Specialist: Curriculum & Materials Development	NQF level 6 or 7 qualification in Education or equivalent with Curriculum Development specialisation. Honours degree (NQF 8) would be an added advantage.	Minimum of 4-6 years teaching experience with a minimum of 3 years experience at supervisory or management level. Experience in Education, Training and Development (ETD) environment.
Specialist: Quality Assurance	NQF level 6 or 7 qualification in Education or equivalent with Curriculum Quality Assurance specialisation. Honours degree (NQF level 8) would be an added advantage.	Minimum of 4-6 years teaching experience with a minimum of 3 years experience at supervisory or management level. Experience in Education, Training and Development
Senior Manager: Training and Delivery	Undergraduate qualification in Human Resource, Management, Education or Organisational Development or any relevant qualification at NQF level 7 as recognized by SAQA. NQF level 8 and above qualification will be an added advantage.	Minimum of 8-10 years experience at managerial level in Learning environment.
Training Facilitators	Bachelor's degree or equivalent in a relevant field such as education, organizational development, human resources, or a related discipline.	Minimum of 4-6 years experience as a training Facilitator.

Learning and Support Officer	National Diploma, an appropriate Bachelor's Degree or qualification specifically in Education, Social, Behavioural Science or Accredited student counselling courses.	Minimum of 2-3 years working experience in Support or counselling environment.
Senior Manager: Learning and Development	Undergraduate qualification in Education, Social, Behavioural or any relevant qualification at NQF level 7 as recognized by SAQA. An NQF level 8 and above qualification will be an added advantage.	Minimum of 8-10 years experience at managerial level in Learning environment.
Specialist: Learning and Development	NQF level 6 or 7 qualification in Industrial Psychology or Equivalent with Learning and Development specialisation. An Honours degree(NQF level 8) or equivalent would be an added advantage.	Minimum of 4-6 years proven experience as a Learning and Development Specialist.
Skills Development Facilitator	Degree or Diploma NQF Level 6 or 7 in HRD or Education or equivalent	Minimum of 4-6 years experience in skills development related environment Experience in working with multiple stakeholders. Exposure to skills development related projects.
Finance and Facilities Management		
Chief Officer: Finance and Facilities Management	BCom Accounting Degree, Registered Chartered Accountant	Minimum of 10-15 years in Finance & Accounting – Executive/ Senior Management level.
Executive Manager: Property & facilities Management	Registered Chartered Accountant	Minimum of 3-5 years operational experience in Facilities Management, and minimum of 5 years of project management or similar related experience.
Senior Manager: Estates & property Management	Advanced Diploma or B-Degree in Estate management or business management or an equivalent.	Minimum of 8-10 years experience working at an Estate Environment.

Senior Manager: Facilities	Advanced Diploma / B-Degree in Facilities Management, Property Management, Project Management, Operations Management or related FM formal qualification/ Equivalent	Minimum of 8-10 years experience in Facilities Management.
Senior Manager: Protection Services	Bachelor's degree or B Tech Security Management or equivalent related to Protection Services.	Minimum of 8-10 years experience in Security in smelting or refinery environments with exposure in investigation, crime information analysis, intelligence and surveillance; and minimum of 3-5 years experience in security management especially as a Protection Services Manager.
Senior Manager: Fleet Management	Undergraduate qualification.	Minimum of 8-10 years experience.
Manager: Fleet Management	Undergraduate qualification.	Minimum of 4-6 years experience.
Officer: Fleet Management	Grade 12 Certificate. Undergraduate qualification would be an advantage.	Minimum of 2-3 years experience as a driver.
Project Manager	NQF Level 8 or equivalent qualification in the field of Project Management and IT qualification at NQF Level 8 or equivalent.	Minimum of 7-10 years working experience in the field of Project Management within Estates environment and business environment.
Manager: Technical Services	Advanced Diploma, B-Degree in Engineering, Architecture, Quantity Surveying, Construction Management or an equivalent qualification.	Minimum of 4-6 years experience.
Handy Man	Senior Certificate or Grade 12 certificate (NQF level 4).	No experience necessary. 0-1 Year\ in Similar Role
Manager: Help Desk	Advanced Diploma or B-Degree.	Minimum of 4 – 6 years experience in similar environment; and minimum of 3 years at a supervisory level.
Help Desk Consultant	Higher Certificate or National Certificate.	Minimum of 1-2 years of relevant work experience.
Manager: Soft Services	Advanced Diploma, B-Degree in Engineering, Architecture, Quantity Surveying, Construction Management or an equivalent qualification.	Minimum of 4-6 years experience in Facilities Maintenance Management.
General Workers	Senior Certificate or Grade 12 certificate (NQF level 4).	0-1 Year\ in Similar Role

Manager: Safety Health & Environment	Advanced Diploma, B-Degree in Safety Management or an equivalent qualification.	Minimum of 4-6 years experience in Safety Management.t
SHEQ Officer	Advanced Diploma, B-Degree in Safety Management or an equivalent qualification.	Minimum of 2-3 years experience in occupational health and safety or environmental management.
Manager: Vetting & Screening	Bachelor's Degree (NQF Level 7).	Minimum of 4-6 years experience.
Officer: Vetting & Screening	National Diploma (NQF Level 6).	Minimum of 2-3 years experience.
Manager: Integrated Electronic Security	Bachelor's degree (NQF Level 7) in a relevant field in computer science, electrical engineering, or security management.	Minimum of 4-6 years experience in managing electronic security systems, including access control, video surveillance, intrusion detection, and alarm systems.
Officer: Integrated Electronic Security	Bachelor's degree (NQF Level 7) in a relevant field in computer science, electrical engineering, or security management.	Minimum of 2-3 years experience in managing electronic security systems, including access control, video surveillance, intrusion detection, and alarm systems.
Manager: Physical Security	Bachelor's degree/ B Tech Security Management or equivalent qualification.	Minimum of 4-6 years experience in Security environments.
Team Leader: Physical Security	Grade 12 Certificate.	Minimum of 3 years experience.
Security Officer	Grade 12 Certificate.	Minimum of 1-2 years experience.
Manager Records	Advanced Diploma or B-Degree in Records and Document Management Practices, or an equivalent qualification.	Minimum of 4-6 years experience in Records and Document management practices.
Registry Clerk	Higher Certificate or National Certificate.	Minimum of 1-2 years experience.
Manager: Logistics & Stores	Advanced Diploma or B-Degree in Supply Chain Management or Logistics or an equivalent qualification.	Minimum of 4-6 years working experience in Logistics.
Officer: Travel Management	National Diploma (NQF Level 6) in hospitality management, business administration, or a related discipline.	Minimum of 2-3 years experience.
Officer: Stores	Grade 12 Certificate.	Minimum of 2-3 years experience in storekeeping, inventory management, or a related field.

Supply chain and asset management		
Executive Manager: Supply Chain & Asset Management	Supply Chain Management or logistics related Degree at NQF level 7.	Minimum of 5-8 years in Supply Chain Management – Operational.
Senior Manager: Assets management	B.Com Accounting degree or equivalent. CA(SA).	Minimum of 8 years experience.
Accountant: Assets	B.Com Accounting degree or equivalent. CA(SA) or CIMA (Adv. Dip in MA or higher) will be advantageous	Minimum of 3 years experience in accounting role Extensive Fixed Assets.
Senior Manager: Demand & Contract Management	Bachelor's degree in Procurement, Supply Chain Management, Logistics or Purchasing (NQF Level 7).	Minimum of 8 years experience in Procurement or Strategic sourcing.
Specialist: Contract Management	Bachelor's degree in Procurement / Supply Chain Management, Logistics or Purchasing (NQF Level 7).	Minimum of 4-6 years experience in Procurement or Strategic sourcing.
Specialist: Demand Management	Bachelor's degree in Procurement, Supply Chain Management, Logistics or Purchasing (NQF Level 7).	Minimum of 4-6 years experience in Procurement or Strategic sourcing.
Officer: Demand & Contracts Management	National Diploma or Degree in Supply Chain Management, Procurement, / Logistics or Public Administration or equivalent qualification.	Minimum of 2-3 years working experience in Supply Chain Management. Experience in the public sector will be an added advantage.
BID Administrator	National Diploma or Degree in Supply Chain Management, Procurement, Logistics or Public Administration or equivalent qualification.	Minimum of 2-3 years working experience in Supply Chain Management. Experience in the public sector will be an added advantage.
Senior Manager: Acquisitions	Bachelor's degree in Procurement or Supply Chain Management (NQF Level 7).	Minimum of 8 years experience.
Officer: Acquisition Management	Diploma in Procurement or Supply Chain Management (NQF Level 7).	Minimum of 3 years experience.
Administrator Acquisitions	Diploma in Administration or an equivalent qualification.	Minimum of 2 years experience.
Executive Manager: Financial Management & Accounting	Post Graduate qualification in Finance, Accounting or equivalent (NQF Level 8).	Minimum of 5 years in Accounting and Financial management.

Senior Manager: Planning and Budgeting	B.Com Accounting degree or equivalent qualification. A post graduate qualification in Finance or equivalent. CA(SA) or CIMA (Adv. Dip in MA or higher) will be advantageous. B.Com Honors or Completed Articles will be advantageous	Border Management Authority Act, 2020 SARS Income Tax Act Basic Conditions of Employment Act Employment Equity Act Skills Development Levy Act
Manager: Cost Accounting	B.Com Accounting degree or equivalent qualification. A post graduate qualification in Finance or equivalent. CA(SA) or CIMA (Adv. Dip in MA or higher) will be advantageous. B.Com Honors or Completed Articles will be advantageous	Minimum of 4-6 years experience in accounting, analysis and budget management.
Manager: Budgeting	B.Com Accounting degree or equivalent. Postgraduate qualification in Finance or equivalent. CA(SA) or CIMA (Adv. Dip in MA or higher) will be advantageous. B.Com Honors or Completed Articles will be advantageous.	Minimum of 5 years experience in accounting, analysis and budget management.
Cost Accountant	B.Com Accounting degree or equivalent. Post graduate qualification in Finance or equivalent. CA(SA) or CIMA (Adv. Dip in MA or higher) will be advantageous. B.Com Honors or Completed Articles will be advantageous	Minimum of 3 years experience in accounting, analysis and budget management. Completed Articles, financial prescripts experience (GAAP and GRAP) and knowledge of the Public Finance Management Act, 1999 (Act No. 1 of 1999).
Accountant: Budgeting	B.Com Accounting degree or equivalent. Post graduate qualification in Finance or equivalent. CA(SA) or CIMA (Adv. Dip in MA or higher) will be advantageous. B.Com Honors or Completed Articles will be advantageous	Minimum of 3 years experience in accounting, analysis and budget management. Completed Articles, financial prescripts experience (GAAP and GRAP) and knowledge of the Public Finance Management Act, 1999 (Act No. 1 of 1999).
Manager: Payroll	B-Degree in Finance, Accounting or Auditing (NQF Level 7).	Minimum of 5 years experience in Financial Environment.

Senior Manager: Finance and Treasury	B.Com Accounting degree or equivalent. A post graduate qualification in Finance or equivalent. CA(SA),CFA or CIMA (Adv. Dip in MA or higher) will be advantageous. B.Com Honors or Completed Articles will be advantageous	Minimum of 8 years experience in Treasury, Financial Risk and Banking.
Manager: Treasury and Reporting	B.Com Accounting degree or equivalent. A post graduate qualification in Finance or equivalent. CA(SA),CFA or CIMA (Adv. Dip in MA or higher) will be advantageous. B.Com Honors or Completed Articles will be advantageous	Minimum of 5 years experience in Treasury, Financial Risk and Banking in a listed environment.
Accountant: Accounts Payables/Receivables	B.Com Accounting degree or equivalent. A post graduate qualification in Finance or equivalent. CA(SA) or CIMA (Adv. Dip in MA or higher) will be advantageous. B.Com Honors or Completed Articles will be advantageous	Minimum of 3 years experience in accounting, analysis and budget management. Completed Articles, financial prescripts experience (GAAP and GRAP) and knowledge of the Public Finance Management Act, 1999 (Act No. 1 of 1999).
Support & Maintenance Management		
Executive Manager: Support & Maintenance Management	Bachelor's degree (NQF level 7) in any of the following: Information Technology, Computer Engineering, Computer Science.	Minimum of 5 years experience at senior managerial level; and Minimum 8 years experience in IT Management, IT Engineering, ICT Infrastructure.
Senior Manager: ICT Service Support	Advanced Diploma or B-Degree (NQF Level 7) in Computer Science, Information Technology or an equivalent qualification.	Minimum of 8-10 years relevant work experience in ICT; and minimum of 5 years managerial experience.
Manager: ICT Service Desk	Advanced Diploma or B-Degree in Computer Science, or related field.	Minimum of 4-6 years relevant work experience in ICT; and minimum of 3 years managerial experience.
Manager: ICT Technical Support	Advanced Diploma or B-Degree in Computer Science, or related field.	Minimum of 4-6 years relevant work experience in ICT; and minimum of 3 years managerial experience.
ICT Service Desk Agents	Grade 12 Certificate or NQF Level 4.	Minimum of 1-3 years experience in an IT service desk environment.

Engineer ICT Technical Support-Network	Bachelor's degree (NQF level 7) in any of the following: Information Technology, Computer Engineering, Computer Science or any related.	Minimum of 8 years experience in IT Management, IT Engineering, ICT Network and Security, Cyber Security.
Engineer: ICT Technical Support-Hardware	Bachelor's degree (NQF level 7) in any of the following: Electronic Engineering, Computer Engineering, Computer Science or any related.	Minimum of 6 years hardware development or ICT hardware support experience.
Engineer ICT Applications Support	Bachelor's degree (NQF level 7) in any of the following: Electronic Engineering, Computer Engineering, Computer Science or any related.	Minimum of 5 years experience in ICT Operations, IT Engineering, ICT Application.
Application & System Management		
Executive Manager: Application & System Management	Bachelor's degree (NQF level 7) in any of the following: Information Technology, Computer Engineering, Computer Science or any related.	Minimum of 5 years experience in IT Management, IT Engineering, ICT Application.
Senior Manager: ICT Infrastructure	Bachelor's degree in computer science, information technology, or a related field. Master's degree is an added advantage.	Minimum of 10 years experience in ICT infrastructure; and minimum of 3-5 years experience in managing Infrastructure.
Specialist Infrastructure	Bachelor's degree in Computer Science, Information Technology or equivalent qualification.	Minimum of 5 years working experience within IT Infrastructure.
Specialist: Network Security	Bachelor's degree (NQF level 7) in any of the following: Information Technology, Computer Engineering, Computer Science or any related.	Minimum of 5 years experience in IT Management, IT Engineering, ICT Network and Security, Cyber Security.
Telecommunications Engineer	Bachelor's degree in Electrical Engineering, Computer Science, Software Engineering, Systems engineering, or information systems.	Minimum of 4 to 6 years of experience.
Specialist: Applications Support	Degree (NQF level 7) in any of the following: Information Technology, Computer Engineering, Computer Science or any related.	Minimum 5 years experience in ICT Operations, IT Engineering, ICT Application.
Operational Database Administrator	Bachelor's degree in Computer Science, Information Technology or equivalent qualification.	Minimum of 4-6 years experience as a Database Administrator.

Specialist: System Demand	Bachelor's degree (NQF Level 7) in computer science, information technology, business administration, or a related field.	Minimum of 4 – 6 years experience in demand management or business analysis within an IT environment.
Specialist: System Integration	Bachelor's degree in Computer Science, Information Technology or equivalent qualification.	Minimum of 5 years experience in Integration processes.
Development Database Administrator	Bachelor's degree in Computer Science, Information Technology or equivalent.	Minimum of 4-6 years experience as a Database Administrator.
ICT Project Manager/Scrum Master	NQF Level 7 or equivalent qualification in the field of Project Management.	Minimum of 4 – 6 years experience in similar environment (of which 3 years at a supervisory level) in the field of Project Management within a complex IT environment and business environment.
Project Coordinator	Diploma in Project Management or Certified Associate in Project Management, or equivalent Project Management Qualification.	Minimum of 2-3 years experience as a Project Coordinator.
Other		
Training Coordinator	Diploma in Education, Training and Development, HR, or related.	Minimum of 2-3 years experience in training coordination/ administration.
Executive Manager: ICT Strategy & Governance	Bachelor's degree (NQF level 7) in any of the following: Information Technology, Computer Engineering, Computer Science or any related. relevant Postgraduate degree will serve as an advantage.	Minimum of 5 years experience in IT Management, IT Engineering, ICT Network and Security, Cyber Security.
Senior Manager: ICT Strategy & Architecture	Bachelor's degree (NQF Level 7) in computer science, information technology, or a related field.	Minimum of 8 - 10 years experience in strategic ICT role (of which 3 - 5 years must be at management or senior management level).
Senior Manager: Governance & Security	Bachelor's degree in Information Systems and Management or an equivalent qualification.	Minimum of 8 to 10 years experience.
Enterprise Architecture	Bachelor's degree in Computer Science, Information Technology, or equivalent qualification.	Minimum of 8 years work experience required as an Enterprise Architect.

Specialist: Business Intelligence & Analytics	Bachelor's degree in Computer Science, Information Technology Mathematics, Statistics, Engineering, Actuarial Science, Economics, Finance, Business Analytics or equivalent qualification.	Minimum of 5 years working experience within Data Analytics or Business Intelligence.
Business Analyst	Bachelor's degree in Computer Science, Information Technology, or equivalent qualification.	Minimum of 5 years experience as a business analyst
Specialist: Cyber Security	Bachelor's degree in Computer Science, Information Technology, or equivalent qualification.	Minimum of 3 - 5 years working experience within a Cyber/IT Security role.
Specialist: ICT Risk & Compliance	Bachelor's degree in Computer Science, Information Technology, or equivalent qualification.	Minimum of 8 years relevant work experience in ICT Governance Risk and Compliance
Business Support Assistant	National Diploma in Information Technology/Business Management/ Office Management and Technology, or equivalent qualification.	Minimum of 3 years experience in a similar role.

SCHEDULE C

CODE OF CONDUCT

1. Conduct in general

An officer must—

- (a) honour and abide by the Constitution in the execution of their duties;
- (b) be faithful to the Republic and put the public interest first in the execution of their duties;
- (c) abide by the legislation that applies to the border law enforcement;
- (d) loyally execute the policies of the government and the lawful instructions of their superiors; and
- (e) co-operate with relevant law enforcement, security and intelligence organs of state.

2. Relationship with public

An officer must—

- (a) promote the unity and well-being of the South African nation in performing their duties;
- (b) respect and protect the dignity of every person and their rights as contained in the Constitution;
- (c) serve the public in an unbiased and impartial manner;
- (d) act in such a manner as to instil and maintain public confidence in the Authority;
- (e) be polite, helpful and reasonably accessible in his or her dealings with the public;
- (f) take into account the circumstances and concerns of the public in performing their duties and in the making of decisions affecting them;
- (g) be committed through timely service to the development and upliftment of all South Africans; and
- (h) recognise the right of the public to access to information, excluding information that is specifically protected by law.

3. Ethical conduct

An officer—

- (a) may not receive, solicit or accept any gratification, as defined in section 1 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), from any official or any person in return for performing or not performing their duties;
- (b) may not engage in any transaction or action that is in conflict with or infringes on the execution of his or her duties;
- (c) may not conduct business with any organ of state or be a director of a public or private company conducting business with an organ of state;
- (d) may not use or disclose any official information for personal gain or the gain of others;
- (e) may not receive or accept any gift from any person in the course and scope of his or her employment,;
- (f) must recuse themselves from any official action or decision-making process which may result in improper personal gain and properly and immediately declare it to their superior;
- (g) must immediately report to the relevant authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes a contravention of any law (including, but not limited to, a criminal offence) or which is prejudicial to the interest of the public, which comes to their attention during the course of his or her employment in the Authority;
- (h) must refrain from favouring relatives and friends in work-related activities and not abuse their authority or influence another official, nor be influenced to abuse their authority;
- (i) must deal fairly, professionally and equitably with all other officials or members of the public, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language; and
- (j) must refrain from party political activities in the workplace.

4. Performance of duties

An officer must—

- (a) strive to achieve the objectives of the Authority cost-effectively and in the interest of the public;
- (b) be creative in thought and in the execution of their duties, seek innovative ways to solve problems and enhance effectiveness and efficiency within the context of the law;
- (c) be punctual in the execution of their official duties;
- (d) execute their duties in a professional and competent manner;
- (e) co-operate fully with other officials to advance the interest of the public;
- (f) be honest and accountable in dealing with public funds and use the State's property and other resources effectively, efficiently, and only for authorised official purposes;
- (g) use the appropriate mechanisms to deal with any grievances or to direct representations;
- (h) be committed to the optimal development, motivation and utilisation of officials reporting to them and the promotion of sound labour and interpersonal relations;
- (i) avail themselves for training and development;
- (j) promote sound, efficient, effective, transparent and accountable administration;
- (k) give honest and impartial advice, based on all available relevant information, in the execution of his or her official duties;
- (l) honour the confidentiality of official matters, documents and discussions;
- (m) when on duty, dress and behave in a manner that is befitting of an official of the Authority;
- (n) immediately report to the Commissioner any non-compliance with the Act and any other legislation that the Authority is required to implement;
- (o) not consume alcoholic beverages or any other substance with an intoxicating effect while on duty or report for duty under such influence;
- (p) not misrepresent themselves or use the name or position of any other official or person to unduly or improperly influence any decision-making process or obtain any undue benefit; and
- (q) not release official information to the public without necessary approval.

5. Obedience

- 5.1 An officer must obey any order or instruction given to him or her by a superior or a person who is competent to do so: Provided that the officer may not obey a patently unlawful order or instruction.
- 5.2 Where it is reasonable in the circumstances, an officer may demand that an order or instruction referred to in paragraph 5.1 be recorded in writing before obeying it.
- 5.3 An officer may, after having obeyed an order or instruction referred to in paragraph 5.1, demand that such an order or instruction be recorded in writing.

SCHEDULE D

Disciplinary Code and Procedure

Purpose of disciplinary code and procedure

1. The purpose of this Disciplinary Code and Procedure is to—
 - (a) promote constructive labour relations in the Authority;
 - (b) promote mutual respect among officers and members of the support staff, and the Authority;
 - (c) promote acceptable conduct;
 - (d) ensure that managers and officers share a common understanding of misconduct and discipline;
 - (e) provide officers and the employer with a quick and easy reference for the application of discipline;
 - (f) avert and correct unacceptable conduct;
 - (g) prevent arbitrary or discriminatory actions by managers toward officers; and
 - (h) act in a preventative, progressive manner with the aim to correct unacceptable behaviour.

Principles

2. The following principles must inform any decision to discipline an officer:
 - (a) Discipline is a corrective measure and not a punitive one;
 - (b) discipline must be applied in a prompt, fair, consistent, uniform, timely, impartial, confidential and progressive manner;
 - (c) a disciplinary code is necessary for the efficient delivery of service and the fair treatment of officers, and ensures that they—
 - (i) have a fair hearing in a formal or informal setting;
 - (ii) are timeously informed of allegations of misconduct made against them;
 - (iii) receive written reasons for a decision taken; and
 - (iv) have the right to appeal against any decision;
 - (d) as far as possible, disciplinary procedures must take place in the place of work and be understandable to all officials;

- (e) if an official commits misconduct that is also a criminal offence, the criminal procedure and the disciplinary procedure must continue as separate and different proceedings; and
- (f) disciplinary proceedings do not replace or seek to imitate court proceedings.

Code of good practice

3. The Code of Good Practice: Dismissal contained in Schedule 8 of the Labour Relations Act, 1995 (Act No. 66 of 1995), insofar as it relates to discipline, constitutes part of this Code and Procedure.

Less serious misconduct

4.(1) In applying any discipline in respect of misconduct that does not warrant dismissal, the manager must—

- (a) bring the misconduct to the officer's attention;
- (b) determine the reasons for the misconduct and give the official an opportunity to respond to the allegations, personally or by a union representative;
- (c) seek to get agreement on how to remedy the conduct; and
- (d) take steps to implement the agreed course of action.

Corrective counselling and coaching:

(2) If the seriousness of the misconduct does not warrant a verbal warning, the manager must counsel the officer.

Verbal warnings:

(3)(a) If the seriousness of the misconduct warrants a verbal warning, the manager must give the officer a verbal warning. The manager must inform the officer that further misconduct may result in more serious disciplinary action, and must record the verbal warning. A verbal warning is valid for 3 months.

Written warnings:

(4)(a) If the seriousness of the misconduct warrants a written warning, the manager must—

- (i) issue the officer with a written warning in a form that is substantially similar to Form A in this Schedule;
 - (ii) give a copy of the written warning to the officer, who must sign receipt thereof ; and
 - (iii) file the written warning in the officer's personal file;
- (b) A written warning remains valid for a period of six months.
- (d) At the expiry of the six-month period, the written warning must be removed from the officer's personal file and be destroyed.
- (e) If during the six-month period, the officer is subjected to disciplinary action on a same or related offence, the warning may be taken into account in deciding an appropriate disciplinary action.

Final written warning:

- (5)(a) If the seriousness of the misconduct warrants a final written warning, the manager must—
- (i) issue the officer with the final written warning in a form that is substantially similar to Form B in this Schedule;
 - (ii) give a copy of the final written warning to the officer, who must sign receipt of it; and
 - (iii) file the final written warning in the officer's personal file.
- (b) A final written warning remains valid for a period of six months.
- (c) At the expiry of the six-month period, the final written warning must be removed from the officer's personal file and destroyed.
- (d) If during the six-month period, the officer is subjected to disciplinary action on a same or related offence, the final written warning must be taken into account in deciding an appropriate sanction.

Serious misconduct

5.(1) If the alleged misconduct justifies a more serious form of disciplinary action, the Authority must initiate an investigation into the alleged misconduct.

Precautionary suspension:

(2)(a) If the officer is alleged to have committed a serious misconduct and the Authority believes that the presence of an officer at the workplace might jeopardize any investigation into the alleged misconduct, or endanger the well-being or safety of any person or state property or result in further misconduct being committed, the Authority may suspend the official on full pay.

(b) If an officer is suspended as a precautionary measure, the employer must hold a disciplinary hearing within 60 calendar days from the date of suspension.

(c) Depending on the seriousness of the alleged misconduct and the complexity of the investigation, the Authority may extend the period of the suspension for a further 30 calendar days.

(d) If after this or the extended period, the officer has not been given notice of the hearing referred to in subparagraph (3) the official must be permitted to return to work.

(e) If an officer is suspended, any firearm and ammunition issued to that officer by the Authority must immediately be returned to the Authority.

Notice of hearing

(3)(a) The officer must be given notice at least seven working days before the date of the hearing.

(b) The officer must sign receipt of the notice, and if the officer refuses to sign receipt of the notice, it must be given to the officer in the presence of an official who can sign in confirmation that the notice was conveyed to the officer.

(c) The written notice of the disciplinary hearing must be the form that is substantially similar to Form D in this Schedule.

Conducting the disciplinary hearing

(4)(a) The Authority must appoint an officer who is on a higher rank to preside over the hearing.

(b) The disciplinary hearing must be held within a reasonable period after the notice referred to in subparagraph (3)(b) is given to the officer.

- (c) The Authority and the officer charged with alleged misconduct may agree to request the Commission of Conciliation, Mediation and Arbitration to appoint an arbitrator in terms of section 188A of the Labour Relations Act, 1995 (Act No. 66 of 1995).
- (d) The Commissioner may appoint an external person to preside if no suitably qualified officer of higher rank is available.
- (e) The officer charged with the alleged misconduct may only be represented in the hearing by a fellow officer or a representative of a recognised trade union.
- (f) The presiding officer must conduct the hearing in an appropriate manner in order to determine the case fairly and quickly, but must deal with the substantial merits of the allegations against the officer with the minimum of legal formalities.
- (g) If the officer fails to attend the hearing and the presiding officer concludes that the officer does not have a valid reason, the hearing may continue in the officer's absence.
- (h) The proceedings of the disciplinary hearing must be recorded.
- (i) If the presiding officer determines that the officer committed the misconduct, the officer must be given an opportunity to make submissions in mitigation and the Authority to make submissions in aggravation before the a sanction may be determined.

FORM A

WRITTEN WARNING

WARNING ISSUED TO *[insert name of official]*

[insert date]

1. Details of misconduct or unacceptable behaviour:

2. Officer's explanation for the misconduct:

3. Explanation accepted? YES / NO

4. If the explanation is not accepted, the following corrective action is necessary to avoid future misconduct:

5. Possible consequences of future repetition of a similar offence:

6. Previous warnings (if applicable) – state type and date:

Warning issued by:

Name: _____

Signature: _____

Designation: _____

Officer's signature: _____

Representative name: _____

Representative signature: _____

Designation: _____

(The representative or officer are only to sign to acknowledge that the warning was in fact issued, not to indicate that they are in agreement with it.)

OR The officer and representative refused to sign, and my signature below acts to confirm that this warning was issued in my presence.

Name: _____

Signature: _____

NOTE: A copy of this warning must be forwarded to [.....] for filing in the officer's personnel file.

FORM B

FINAL WRITTEN WARNING

FINAL WARNING ISSUED TO *[insert name of officer]*

[insert date]

1. Details of misconduct or unacceptable behaviour:

2. Officer's explanation for the misconduct:

3. Explanation accepted? YES / NO

4. If the explanation is not accepted, the following corrective action is necessary to avoid future misconduct:

5. Possible consequences of future repetition of a similar offence:

6. Previous warnings (if applicable) – state type and date:

Warning issued by:

Name: _____

Signature: _____

Designation: _____

Officer's signature: _____

Representative name: _____

Representative signature: _____

Designation: _____

(The representative or officer are only to sign to acknowledge that the warning was in fact issued, not to indicate that they are in agreement with it.)

OR The officer and representative refused to sign, and my signature below acts to confirm that this warning was issued in my presence.

Name: _____

Signature: _____

NOTE: A copy of this warning must be forwarded to [.....] for filing in the officer's personnel file.

FORM C**NOTICE OF SUSPENSION**

[insert date]

NOTICE OF SUSPENSION

[insert name of Officer]

A number of allegations of serious misconduct against you have come to the Authority's attention. These allegations include:

[insert]

Given the seriousness of these allegations and the necessity to ensure the integrity of the investigation, to ensure the safety of the Authority's assets and its staff and to prevent further acts of misconduct, it is proposed that you are placed on precautionary suspension on full pay pending the outcome of further investigations and a possible disciplinary hearing that may follow. Your email account and access to other electronic communication will also be suspended during the period of your suspension and for the duration of any subsequent disciplinary hearing that may follow.

You are required to hand over the following immediately if you have not already done so:

- all access keys and/or access cards that belong to the Authority;
- all electronic equipment that belongs to the Authority;
- any firearm and ammunition issued to you by the Authority; and
- all documents still in your possession that belong to the Authority.

Please also note that you are still employed by the Authority and the terms and conditions of your contract of employment remain in full force and effect during the period of your suspension.

You must be contactable on a number provided by you at all times during office hours and must be available to report to the workplace in person on short notice if instructed to do so.

Should you breach the terms and conditions of your suspension or your contract of employment, this will constitute independent misconduct and in such circumstances the Authority specifically reserves the right to add this as an additional charge to any disciplinary proceedings that may be instituted against you.

You are required to co-operate in the investigation and may be required to attend the workplace for investigative interviews or disciplinary hearing.

Furthermore, you are not allowed to access any of the Authority's property or make contact with any other official, through any means, whether by email, telephone, or any other means of communication, without management's prior approval and authorisation.

[insert manager's name and job title]

I hereby acknowledge receipt of the notice:

Signature:

Officer's name & surname:

Date:

Representative name:

Representative signature:

Designation:

OR The officer and representative refused to sign, and my signature below acts to confirm that this notice was issued in my presence.

Name:

Signature:

FORM D**NOTICE TO ATTEND A DISCIPLINARY HEARING**

[insert date]

NOTICE TO ATTEND A DISCIPLINARY HEARING

[insert name of Officer]

This notice serves to inform you that a disciplinary hearing will be held on **[date and time]**, at **[place]** in order for you to answer the following allegations of misconduct:

[insert allegations]

You will be given a full opportunity to present your case and defend yourself against the allegations as set out above. In that regard, you will be afforded the opportunity to cross-examine any witnesses who give evidence against you and of examining any documentary evidence which might be used against you by the Authority. You will be entitled to call witnesses in your favour both in relation to the allegations and, in the event of you being found guilty, in mitigation of the penalty.

The proceedings will be conducted in *[insert language]*. If you wish to make use of an interpreter, you are required to notify the Authority immediately, so that one may be provided. You are also requested to inform the Authority of the identities of any witnesses you intend calling, so that arrangements may be made for their availability at the enquiry.

You are entitled to be represented at the enquiry by a shop steward if you are a trade union member or a fellow officer of your choice.

Should you wish to request a postponement of the hearing, such request with detailed reasons must be made in writing within *[insert days]* of receipt of this notice.

Should you fail to attend the enquiry without a reasonable excuse, the enquiry will proceed in your absence and a finding may be made in your absence in respect of whether you are guilty and, if applicable, in respect of sanction.

Sincerely

[Insert manager's name and designation]

I hereby acknowledge receipt of the notice:

Signature:

Officer's name & surname:

Date:

Representative name:

Representative signature:

Designation:

OR The officer and representative refused to sign, and my signature below acts to confirm that this notice was issued in my presence.

Name:

Signature:

OFFICE OF THE CHIEF OF JUSTICE

NO. 4775

3 May 2024

**EXTRACT OF THE MINUTES OF A MEETING OF THE RULES BOARD OF THE
LABOUR AND LABOUR APPEAL COURTS HELD AT
BRAAMFONTEIN ON 20 NOVEMBER 2023 AT 10:00.**

1. PRESENT

1.1. The following members (“**members**”) of the Rules Board of the Labour and Labour Appeal Courts (“**Rules Board**”) were present at the meeting:

- 1.1.1. Judge President Basheer Waglay (Chairperson);
- 1.1.2. Acting Deputy Judge President Edwin Molahlehi;
- 1.1.3. Judge Andre van Niekerk;
- 1.1.4. Ms Shamima Gaibie;
- 1.1.5. Ms Mamokaeseng Joyce Nkopane;
- 1.1.6. Adv Luvuyu Bono;
- 1.1.7. Mr Kaizer Moyane; and
- 1.1.8. Mr Maloza Lawrence Makubela

1.2. The following individuals (non-members) were present at the meeting:

- 1.2.1. Ms Francinah Ntuli;
- 1.2.2. Mr Civilous Phophi; and
- 1.2.3. Ms Khensani Hlonwane (Secretary).

2. QUORUM

The chairperson of the meeting declared that a quorum was present at the start of the meeting and for the purposes of approving each of the resolutions adopted at the meeting.

3. NOTICE

3.1. It is noted that the members of the Rules Board have received notice of the meeting.

3.2. The meeting duly proceeded and the resolutions set out below were passed by the members of the Rules Board.

4. BACKGROUND

4.1. The purpose of the Rules Board is to draft and adopt newly prepared rules for the Labour Court ("**Labour Court Rules**") and the Labour Appeal Court ("**Labour Appeal Court Rules**") (collectively "**the Rules**") which are intended to replace the existing Labour Court Rules published in GN 1665 of 1996, the Practice Manual of the Labour Court of South Africa effective 2 April 2013 and the Labour Appeal Court Rules published in GN 1666 of 1996.

4.2. In keeping with this purpose, members of the Rules Board were duly appointed in accordance with sections 159 and 176 of the Labour Relations Act, 66 of 1995 (as amended) ("**Act**").

5. GENERAL

5.1. Copies of the Labour Court Rules and the Labour Appeal Court Rules were circulated to each of the members of the Rules Board.

5.2. The members of the Rules Board now wish to approve and adopt the Labour Court Rules and the Labour Appeal Court Rules for publication and implementation.

RESOLUTIONS

IT IS RESOLVED by unanimous vote that the Labour Court Rules published in GN 1665 of 1996 are hereby repealed in terms of section 159(4) of the Act.

IT IS RESOLVED by unanimous vote that the Labour Appeal Court Rules published in GN 1666 of 1996 are repealed in terms of section 159(4) read with section 176 of the Act.

IT IS RESOLVED by unanimous vote that the Labour Court Rules as developed in terms of section 159(3) of the Act be adopted.

IT IS RESOLVED by unanimous vote that the Labour Appeal Court Rules as developed in terms of section 159(3) read with section 176 of the Act be adopted.

IT IS RESOLVED by unanimous vote that the Rules be published in the Government Gazette in accordance with sections 159(6) and 176(3) of the Act.

IT IS RESOLVED by unanimous vote that the Rules shall come into effect on the date as indicated in the Rules.



LABOUR APPEAL COURT RULES
RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE LABOUR
APPEAL COURT

The Rules Board has, in terms of section 176 of the Labour Relations Act, 1995 (Act 66 of 1995), made the following rules to regulate the conduct of proceedings in the Labour Appeal Court.

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1. Definitions

Any expression in these rules that is defined in the Labour Relations Act, 1995 (Act 66 of 1995), has the same meaning as in that Act and:

'Act' means the Labour Relations Act, 1995 (Act 66 of 1995);

'court' means the Labour Appeal Court established by section 167 of the Act;

'day' means any day other than a Saturday, Sunday, public holiday, or the period between 16 December to 15 January (both dates inclusive), and when any particular number of days is prescribed for the doing of any act, the number of days must be calculated by excluding the first day and including the last day;

'deliver' means serve on other parties and file with the registrar; **serve** has a similar meaning;

'Judge President' means the Judge President of the court and in the absence of the Judge President, the Deputy Judge President of the Court;

'party' means any party to court proceedings and includes a person representing a party in terms of section 161 of the Act;

'petition' means the petition referred to in section 166(2) of the Act;

'public holiday' means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994), or a day proclaimed as a public holiday under section 2 of that Act;

'registrar' means registrar of the Labour Appeal Court and includes any person acting as or assisting the registrar of the Court;

'serve' means to send by email or to deliver by hand subject to proof of service as required in terms of the rule.

2. **Sittings of the court**

- (1) There will be four terms each year:
 - (a) 15 February to 31 March, inclusive;
 - (b) 1 May to 30 May, inclusive;
 - (c) 15 August to 30 September, inclusive; and
 - (d) 1 November to 30 November, inclusive.
- (2) If the day fixed for the commencement of a term is a Saturday, Sunday or public holiday, the term will commence on the next succeeding day and, if the day fixed for the end of a term is a Saturday, Sunday or public holiday, the term will end on the preceding day.
- (3) Despite subrules (1) and (2), the Judge President may direct that an appeal be heard on any day that does not fall within a term.

3. Registrar's office

- (1) The office of the registrar will be the office of the registrar of the Labour Appeal Court.
- (2) The office of the registrar will be open every Monday to Friday, excluding public holidays, from 08:00 to 13:00 and from 14:00 to 15:00.
- (3) Despite subrule (2), the Judge President may direct that any document be delivered at any specific date and/or time.
- (4) Any communication directed to the Judge President, his Deputy or any judge of the Court must be done through the office of the registrar.
- (5) A case number in the Labour Appeal Court will only be allocated and issued upon presentation of a petition for leave to appeal or a notice of appeal which complies with rules 4 and 6 respectively.

4. Petitions for leave to appeal

- (1) A petition for leave to appeal must be addressed to the Judge President, by way of a notice of motion and supporting affidavits.
- (2) Every petition must be accompanied by:
 - (a) a copy of the judgment of the Labour Court against which leave to appeal is sought; and
 - (b) a copy of the judgment refusing leave to appeal.
- (3) A petition must set out succinctly the grounds on which leave to appeal is sought.
- (4) A petition must not include the record of the proceedings in the Labour Court, unless the judges considering the petition direct otherwise.

- (5) A petition must be delivered within 15 days of the date on which leave to appeal is refused. The original petition plus two copies must be filed with the registrar and must be accompanied by proof of service on all other parties.
- (6) The petitioner's affidavit must not exceed 20 pages or it may not be considered.
- (7) The respondent may deliver an answering affidavit within 10 days of delivery of a copy of the petition. The original plus two copies of the answering affidavit must be filed with the registrar.
- (8) The petitioner who applied for leave to appeal shall, within 10 days after the answering affidavit referred to in subrule (7) has been received, be entitled to lodge a replying affidavit dealing strictly with any new matters raised in the answering affidavit.
- (9) A petition must be considered by three judges of the court designated by the Judge President.
- (10) The judges considering the petition may call for further information, submissions or portion of the record. A failure to provide same within the period stipulated, may result in the petition being deemed to have been withdrawn.
- (11) The decision of the majority of the judges to grant wholly, or in part, or to refuse the petition is final.
- (12) If the court grants leave to appeal it must, at the same time, make an order fixing the date by which the record must be delivered.
- (13) If the petition is refused no reason need be provided for such refusal.

5. Cross-appeal

- (1) Any respondent who wishes to cross-appeal has an automatic right to do so and must deliver a notice of cross-appeal within 15 days of the receipt of the notice of appeal.

6. Procedure on appeal

- (1) A notice of appeal must be delivered within 15 days of leave being granted.
- (2) The order granting leave to appeal must accompany the notice of appeal.
- (3) The notice of appeal must state whether the whole or only part of the judgment or order of the Labour Court is appealed against. If only part of a judgment or order is appealed against, the notice must state which part is the subject of the appeal.
- (4) The notice of cross-appeal must state the particulars in respect of which the variation of the judgment or order of the Labour Court is sought.
- (5) After an appeal has been noted, the appellant must serve a copy of the record of the proceedings in the Labour Court on each respondent and file four copies of the record with the registrar, together with an electronic version of the record in a format that will be easily accessible.
- (6) The record must be delivered within 60 days of the date of the order granting leave to appeal, unless the appeal is noted after a successful petition for leave to appeal, in which case the record must be delivered within the period fixed by the Court.
- (7) One of the copies of the record filed with the registrar must be certified as correct by the appellant, and the respondent/s must, within 5 days before the heads of argument of the appellant are due, raise any issue/s concerning the correctness of the record.
- (8) Where the appellant has a limited appeal not requiring the whole of the record and there is a cross-appeal, the respondent must file the record necessary for the cross-appeal.
- (9) Every copy of the record must:

- (a) be clearly typed or printed in double spacing on A4 standard paper;
 - (b) be paginated;
 - (c) be numbered on every tenth line;
 - (d) be securely bound in suitable covers disclosing the names of the parties and the names and contact numbers of the representatives of the parties;
 - (e) be divided into separate, conveniently-sized volumes of approximately 100 pages each: Provided that a volume may consist of a lesser number of pages if it is convenient that such volume consists in a self-contained separate portion of the record;
 - (f) include the judgment given by the Labour Court;
 - (g) contain a correct and complete index of the evidence and of all the documents and exhibits in the case, the date and nature of the exhibits being briefly stated in the index;
 - (h) contain only those documents that were referred to in any proceedings in the Labour Court.
- (10) A document must not be included in the record more than once.
- (11) The record must not contain any of the following documents, unless they affect the merits of the appeal:
- (a) copies of subpoenas;
 - (b) notices of trial;
 - (c) consents to postponements;
 - (d) schedules of documents;
 - (e) notices to produce or to permit inspection;

- (f) other documents of a formal nature;
 - (g) opening or closing addresses unless it is relevant to the appeal;
 - (h) the record of oral argument; and
 - (i) heads of argument.
- (12) The documents that were referred to in any proceedings in the Labour Court must be arranged in chronological order.
- (13) Failure to file a proper record may result in the matter being struck from the roll, with or without costs.
- (14) If the record has not been filed timeously, the registrar will nevertheless set the matter down for hearing. The Court will then decide whether it will hear the appeal, dismiss the appeal, or strike it off the roll, with or without an order for costs. If condonation or an application to reinstate the appeal is sought for the late filing of the record, it will be considered with the appeal.
- (15) If the appellant fails to lodge the record within the prescribed period or within the period as agreed to between it and the respondents, the appellant will be deemed to have withdrawn the appeal and it will, *ipso facto*, be archived.
- (16) An archived file may only be retrieved on application to be filed once the appeal record is filed and the matter is appeal ready.
- (17) Any reference in the record of evidence of any witness to any document or exhibit contained in the appeal record must reflect, in brackets in the margin opposite the reference, the page number in the appeal record of such document or exhibit.
- (18) If the parties agree that the decision of a matter on appeal is likely to turn only on a question of law, the parties must submit the question of law to the court in the form of a special case. In that event, only those parts of the record necessary for the decision of the question of law must be lodged with the registrar.

- (19) An indigent party may be excused from these rules, save that such a party may write to the Judge President who may direct how, what and to what extent must the rules herein set out must be complied with.
- (20) If an appellant delivers a notice of withdrawal of an appeal or is deemed to have done so in terms of subrule (15) any respondent who has noted a cross-appeal may, within 10 days of the date on which a notice of withdrawal is delivered by the appellant or the date on which the appellant is deemed to have withdrawn the appeal, deliver a notice of an intention to prosecute the cross-appeal.
- (21) If the respondent delivers a notice of intention to prosecute a cross-appeal, the respondent is for the purposes of subrule (6) deemed to be the appellant, and the period prescribed in subrule (6) must be calculated as from the date on which the appellant withdrew the appeal.
- (22) Acceptance by the registrar of the record does not indicate that the record complies with these rules. If the record does not comply with the rules or if the time limits prescribed herein for the filing of the record or other documents are not complied with, the court may on the date of the hearing dismiss the appeal or strike it off the roll with such orders, including an order as to costs, as it deems expedient.
- (23) Where there is an application to condone non-compliance with any provision of this rule such an application will be heard simultaneously with the appeal.
- (24) The costs of preparing copies of the record or special case form part of the costs of appeal.

7. Urgent appeals

- (1) A party may on notice to all other parties apply to the Judge President for an appeal to be heard urgently. The application must be supported by an affidavit setting out reasons for urgency.

- (2) The respondent may file an answering affidavit within 10 days of receipt of the application set out in subrule (1).
- (3) No reply from the applicant will be permitted. The Judge President, or any other appeal judge designated for the purposes of deciding the application for an urgent appeal, will decide the application in chambers.
- (4) If the application is successful, the Judge President must give directions as to the future conduct of the appeal.

8. Powers of attorney

- (1) A power of attorney authorising a representative to prosecute the appeal or the cross-appeal must be delivered within 10 days of the delivery of any notice of appeal or cross-appeal.
- (2) If there is no cross-appeal, a power of attorney to oppose an appeal must be filed with the registrar by the respondent's representative when copies of the respondent's main heads of argument are filed under rule 11.
- (3) The State Attorney or any attorney acting on behalf of the Republic of South Africa, its executive or the government of any province need not file a power of attorney.

9. Submissions by an *amicus curiae*

- (1) Any person interested in any proceedings before the court may, on notice to all parties apply to the Judge President or any judge authorised by the Judge President to be admitted to the proceedings as an *amicus curiae* on the terms and conditions and with the rights and privileges determined by the Judge President or any judge authorised by the Judge President to deal with the matter.
- (2) The terms and conditions and rights and privileges referred to in subrule (1) may be amended in accordance with directions given by the Judge President or the judge authorised by the Judge President to deal with the matter.

- (3) An application in terms of subrule (1) must be made not less than 15 days before the date of hearing.
- (4) An application to be admitted as an *amicus curiae* must:
 - (a) briefly describe the interest of the *amicus curiae* in the proceedings;
 - (b) briefly identify the position to be adopted by the *amicus curiae* in the proceedings; and
 - (c) clearly, succinctly and without unnecessary elaboration set out the submissions to be advanced by the *amicus curiae*, their relevance to the proceedings and that person's reasons for believing that the submissions will be useful to the court and different from those of the other parties.
- (5) An *amicus curiae* has the right to deliver written argument by the date fixed by the Judge President, provided that the written argument:
 - (a) is clear, succinct and without unnecessary elaboration;
 - (b) does not repeat any matter described in the argument of the other parties; and
 - (c) raises new contentions that may be useful to the court.
- (6) In the event of new matters or arguments being raised by the *amicus curiae*, any other party will have the right to file written argument within 5 days from the date on which the argument of the *amicus curiae* was served on those parties.
- (7) An order of court dealing with costs may make provision for the payment of the intervention of the *amicus curiae*.

10. Date of hearing

- (1) Once the record on appeal has been delivered, and subject to the directions of the Judge President, the registrar must notify the parties of the date, time and place of the hearing.
- (2) The notice required by subrule (1) must be given by electronic means or by messaging app if details are provided to give notice by such means.

11. Heads of argument

- (1) The appellant must deliver a copy of the heads of argument not less than 30 days after the record has been filed or not later than any earlier date determined by the Judge President. The original plus three copies of the heads of argument must be filed with the registrar.
- (2) The respondent must deliver a copy of its heads of argument not later than 15 days after the date on which the appellant's heads of argument are filed or were due, or not later than any earlier date that may be determined by the Judge President. The original plus three copies must be filed with the registrar.
- (3) The heads of argument of the appellant and the respondent must:
 - (a) include a chronology of the material facts;
 - (b) in its first reference to a factual allegation contain a page and paragraph or line reference to the record or bundle of documents;
 - (c) include a list of the authorities referred to in the heads of argument;
 - (d) not exceed 20 pages excluding the chronology referred to in subrule (a) and the list of authorities referred to in subrule (c) above;
 - (e) in its first reference to a textbook specify the author, title, edition and page number (in that order, for example: Smith *Labour Law*, 2nd ed, 44);

- (f) in its first reference to a reported case contain the full name of the case, the year, volume, commencement page, division of the court, and page and margin reference to which specific reference is made (for example: *National Union of Hotel Workers a.o. v Smith (Pty) Ltd* 1990 1 SA 127 (A) 130D; *Jones v Clark (Pty) Ltd a.o.* (1990) 15 ILJ 1010 (LAC) 1013D); and
- (g) have as an attachment, the practice note.

12. Practice note

- (1) The heads of argument for each party must be accompanied by:
 - (a) A brief typed practice note indicating:
 - (i) the name and case number of the matter;
 - (ii) the names and contact numbers of each party's representative;
 - (iii) the nature of the appeal;
 - (iv) the issues on appeal succinctly stated;
 - (v) an estimate of the duration of the argument;
 - (vi) which portions or pages of the record are in a language other than English;
 - (vii) a list reflecting those parts of the record that, in the opinion of counsel, are necessary for the determination of the appeal;
 - (viii) a summary of the argument, not exceeding 100 words.

13. Powers of the Judge President

- (1) The Judge President, may on request or application, or on the Judge President's own initiative:

- (a) extend or reduce any time period prescribed in these rules and may condone non-compliance with these rules;
 - (b) give such directions in matters of practice, procedure and the disposal of any appeal, application or interlocutory matter as the Judge President or the Court may consider just and expedient.
- (2) Any power or authority vesting in the Judge President in terms of these rules may be exercised by a judge or judges designated by the Judge President for that purpose.

14. Failure to appear at an appeal hearing

If the appellant fails to appear in person or through a representative at a hearing, the Court may dismiss the appeal for non-prosecution, or make any other appropriate order.

15. Labour Appeal Court sitting as a court of first instance in terms of section 175 of the Act

- (1) If a matter is of national importance or affects all or a majority of employers and/or employees within a single or multiple industries, a party may request the Judge President for a direction that a matter before the Labour Court be heard by the Labour Appeal Court, sitting as a court of first instance.
- (2) Notice of a request in terms of subrule (1) must be given to all other parties.
- (3) The request must be made in writing but need not be supported by an affidavit.
- (4) If the request is opposed, the Judge President must hear the parties in chambers before giving a direction.
- (5) If the request is successful, the Judge President must give directions as to the future conduct of the matter.

- (6) The decision of the Judge President is final and reasons for the decision need not be provided.

16. General

- (1) The Court may, for sufficient cause shown, excuse the parties from compliance with any of these rules.
- (2) The Judge President, or any judge authorised by the Judge President, may give any directions that are considered just and expedient in matters of practice and procedure.

17. Appeals from Defence Special Tribunal

These rules, as amended from time to time, are, with the changes required by the context, applicable to appeals from the Defence Special Tribunal, established by section 3 of the Defence Special Tribunal Act, 81 of 1998.

18. Costs and fees

- (1) Rules 9, 10 and 11 (as amended from time to time) of the Rules of the Supreme Court of Appeal of South Africa regarding taxation and attorneys' fees apply, with the changes required by the context.
- (2) In the event of oral and written argument, a fee for written argument may in appropriate circumstances be allowed as a separate item.
- (3) When the Labour Appeal Court sits as a court of first instance, the provisions of rule 56 of the Labour Court Rules apply.

19. Media access to proceedings

Representatives of the media shall have access to proceedings of the Labour Appeal Court subject to the provisions of rule 72 of the Labour Court Rules.

20. Commencement of rules

These rules replace all previously applicable rules and will come into operation on a day announced in the Government Gazette.

RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE LABOUR COURT

The Rules Board has, in terms of section 159(3) of the Labour Relations Act, 1995 (Act 66 of 1995), made the following rules to regulate the conduct of proceedings in the Labour Court.

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1. Definitions

Any expression in these rules that is defined in the Labour Relations Act, 1995 (Act 66 of 1995) has the same meaning as in that Act and:

‘Act’ means the Labour Relations Act, 1995 (Act 66 of 1995), and includes any regulation made in terms of that Act;

‘association’ means any unincorporated body of persons;

‘court’ means the Labour Court established by section 151 of the Act and includes any judge of the court;

‘day’ means any day other than a Saturday, Sunday, public holiday, or any day within the period between 16 December and 15 January (both dates inclusive), and when any particular number of days is prescribed for the doing of any act, the number of days must be calculated by excluding the first day and including the last day;

‘deliver’ means serve on other parties and file with the registrar;

'Deputy Judge President' means the Deputy Judge President of the court;

'file' in relation to any document means to lodge that document with the registrar;

'firm' means a business carried on by a sole or multiple owners or body corporate under a separate name;

'issue' in relation to a document means the allocation of a case number by the registrar;

'Judge President' means the Judge President of the court;

'notice' means a written notice, and 'notify' means to notify in writing;

'party' means any party to court proceedings and includes a person representing a party in terms of section 161 of the Act;

'public holiday' means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994);

'registrar' means the registrar of the court appointed in terms of section 155(1) of the Act and includes any deputy registrar or other person authorised to act in the place of the registrar or deputy registrar;

'representative' means a person referred to in section 161(1) of the Act;

'rules' means these rules and includes any footnote to a rule; and

'serve' means to serve in accordance with rule 9, and 'service' has a corresponding meaning.

THE COURT, SERVICE AND FILING OF PROCESS, SITTINGS, DRESS AND MODES OF ADDRESS

2. Office hours of registrar

- (1) The offices of the registrar will be open to the public every Monday to Friday excluding public holidays, from 08h00 – 13h00 and 14h00 – 15h00.

- (2) Despite subrule (1), the court or the registrar may direct that any document be issued or filed on any day and at any time.

3. Seat where proceedings must be initiated and court sittings

- (1) Unless the Judge President directs otherwise, proceedings must be initiated at the seat of the court nearest the place where the dispute which is the subject matter of the proceedings arose.
- (2) The court calendar year is divided into four court terms. The duration of each court term will be determined by the Judge President, in advance, subject to the provisions of sections 8 and 9 of the Superior Courts Act, 2013 (Act 10 of 2013).
- (3) Only urgent applications will be heard during recess, except that by directive of the Judge President or the Deputy Judge President, in exceptional circumstances, other matters may be allocated for hearing during recess.
- (4) The court will commence sitting at 10h00. The court adjourns at 11h15 and resumes sitting at 11h30. The court adjourns at 13h00 and resumes sitting at 14h00. The court adjourns for the day at 16h00. The presiding judge may deviate from these times if the judge considers it necessary.

4. Labour Court as court of record

- (1) A record must be kept of:
 - (a) all judgments and rulings given by the court;
 - (b) any evidence given in court;
 - (c) any objection made to any evidence received or tendered;
 - (d) any on-the-spot inspection and any matter recorded as a result of that inspection; and
 - (e) the proceedings of the court generally.

- (2) The record referred to in subrule (1), including electronic recordings of proceedings, must be kept in a form that the court deems expedient.
- (3) Transcripts of electronic recordings or a portion of the transcript or recording may be made on request of the court or any of the parties on payment of the fee prescribed from time to time.
- (4) Any transcript of electronic recordings must be certified as correct by the person making such notes or transcript and must be filed with the registrar, together with one copy of the transcript.
- (5) Any transcript of electronic recordings certified as correct, is deemed to be correct unless the contrary is proved.
- (6) Any person may make copies of any document filed in a particular matter after obtaining permission from the registrar to do so and on payment of the fee prescribed from time to time, and in the presence of the registrar unless a judge directs otherwise.

5. Dress code

- (1) The dress code for legal practitioners is that which applies in the High Court.¹
- (2) Representatives who are not legal representatives and who enjoy right of appearance in terms of section 161(b) to (e) of the Act, and persons who represent themselves, must be formally dressed.

6. Modes of address and introduction

- (1) The mode of address in the court is that which applies in the High Court.²

¹ Proper dress for attorneys comprises a black stuff attorney's gown, a white shirt, a white lace jabot, dark pants or skirt, and black or dark closed shoes. For junior counsel, proper dress comprises a black stuff gown, a plain black long-sleeved jacket, a white shirt or blouse closed at the neck, a white lace jabot or white bands, dark pants or skirt, and black or dark closed shoes. Proper dress for senior counsel comprises a silk gown, a silk waistcoat, a white shirt or blouse closed at the neck, a white lace jabot or white bands, dark pants or skirt, and her black or dark closed shoes.

² A judge must be addressed and referred to as 'My Lord' or 'My Lady'.

- (2) It is not necessary for representatives and unrepresented parties to introduce themselves to the presiding judge each time they appear; representatives appearing before a particular judge for the first time should present themselves at chambers 15 minutes prior to the hearing to introduce themselves. Representatives whose opponents are unrepresented need not introduce themselves. Otherwise, representatives and unrepresented parties should attend at a judge's chambers only when directed to do so or when there is a specific issue that the representatives wish to draw to the judge's attention, for example, the fact of a settlement or a request that a matter be stood down.
- (3) In all proceedings, all representatives and those parties who are not represented must complete an attendance form recording their names and contact numbers, including any telephone and messaging app number and email address. The form must be handed to the presiding judge's secretary in court before the matter is called.

7. Issue of documents and registrar's duties

- (1) Any party initiating any proceedings must have the document commencing the proceedings ("initiating document") issued by the registrar in the following manner:
 - (a) The initiating document must be sent to the registrar's office by email, with a request for a case number.
 - (b) The registrar will issue a case number.
 - (c) The case number must be inserted on the initiating document before it is served and filed.
- (2) If in a period of 3 months from the date on which the initiating document is filed, no further documentation is filed or other action taken by the initiating party, the file will automatically be closed and archived, provided that the registrar has afforded the initiator 15 days' notice in writing of the closure and archiving. Any file that is archived may be retrieved only in terms of an order of court, on good cause shown.

- (3) The parties must ensure that every document subsequently filed in respect of the same proceedings, including any interlocutory and related applications, are marked with the same case number.
- (4) The registrar may refuse to accept any document that is not properly marked with the correct case number.
- (5) The registrar may request a party to correct any patent defect or error in any document that is filed.
- (6) If a party refuses to correct any document after a request by the registrar in terms of subrule (5), the registrar must send the document to a judge in chambers for direction.
- (7) The registrar must keep the court's records and must not allow them to leave the court building without the registrar's prior written authorisation.

8. Form of documents

- (1) All legal processes filed with the court must be typed or printed on one side only, on standard A4 paper; in font size 12 point; with theme fonts either Arial or Times New Roman; line spacing set at 1.5; and with margins of at least 2 cm on all sides of the page.
- (2) The registrar may refuse to accept any legal process that does not comply with subrule (1) except that in the case of a lay person, the registrar may accept legal process that in the opinion of the registrar demonstrates sufficient compliance.

9. Service of documents

- (1) A document that must be served on any party may be served in any one of the following ways:
 - (a) (i) by handing a copy of the document to the party or a representative of that party who is authorised to accept service on behalf of the party;

- (ii) by leaving a copy of the document at the party's place of residence or business with any other person who is apparently at least 16 years old and apparently in charge of the premises at the time;
 - (iii) by leaving a copy of the document at the party's place of employment or with any person who is apparently at least 16 years old and apparently in authority;
 - (iv) by emailing the document to the other party, if the other party has an email address;
 - (v) by handing a copy of the document to any representative authorised in writing to accept service on behalf of the person;
 - (vi) if the person has chosen an address or email address for service, by leaving a copy of the document at that address or by emailing it to that email address;
- (b)
- (i) if the party is a company or other body corporate, by serving a copy of the document on a responsible employee of the company or body corporate at its registered office or its principal place of business within the Republic, or its main place of business within the magisterial district in which the dispute first arose or, if there is no employee willing to accept service, by affixing a copy of the document to the main door of the office or place of business;
 - (ii) if the party is a trade union or employers' organisation, by serving a copy of the document on a responsible employee who at the time of service is apparently in charge of the main office of the union or employers' organisation or the union's or employers' organisation's office within the magisterial district in which the dispute first arose, or, if there is no person willing to accept service, by affixing a copy of the document to the main door of that office;
 - (iii) if the party is a partnership, firm or association, by serving a copy of the document on a person who at the time of service is

apparently in charge of the premises and apparently at least 16 years of age, at the place of business of such partnership, firm or association or, if such partnership, firm or association has no place of business, serving a copy of the document on a partner, the owner of the firm or the chairman or secretary of the managing or other controlling body of such association, as the case may be;

- (iv) if the party is a municipality, by serving a copy of the document on the municipal manager, or any person acting on behalf of that person;
 - (v) if the party is a statutory body, by serving a copy on the secretary or similar officer or member of the board or committee of that body or any person acting on behalf of that body; or
 - (vi) if the party is the State or any organ of state defined in terms of section 239 of the Constitution, or any department of national or provincial government (collectively referred to as an “organ of State”), by serving a copy both on a responsible employee in the office of the state attorney situated in the area or province in which the process is initiated, and the responsible office of the organ of State against which the claim is brought;
- (c) by any other means authorised by the court.

(2) Service is proved in court in any one of the following ways:

- (a) by an affidavit deposed to by the person who effected service;
- (b) if service was effected by email, by an affidavit of the person who effected service. The deponent must provide proof of the correct email address, confirm that the whole of the email was sent, and confirm that a named person telephonically acknowledged receipt of the whole of the email;

- (c) if the person on whom the document has been served is already on record as a party, by a signed acknowledgement of receipt by the person on whom the document was served; or
 - (d) by return of the sheriff.
- (3) Service of all subsequent documents and notices, not being a document commencing proceedings, may be effected in one of the following ways:
- (a) by hand at the physical address provided; or
 - (b) by email to the address provided.
- (4) An address for service or email address may be changed by delivery of notice of a new address after which service may be effected as provided at the new address.
- (5) Chapter III, Part 2 of the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002) is applicable to service by electronic mail.
- (6) If the court is not satisfied that service has taken place in accordance with this rule, it may make any order as to service that it deems appropriate

10. Filing of documents

- (1) Documents may be filed with the registrar in any one of the following ways:
- (a) by handing the document to the registrar; or
 - (b) by sending the document by email.
- (2) A document is filed with the registrar:
- (a) on the date on which the document is handed to the registrar; or
 - (b) on the date on which the email is received by the registrar.
- (3) In the case of filing by email, the original document must be lodged with the registrar within 10 days of it being emailed.

REFERRALS FOR ADJUDICATION

11. Statement of claim

- (1) A document initiating proceedings, known as a statement of claim, may be filed by a plaintiff following the form set out in Form 1 and must:
- (a) contain a heading with the following information:
 - (i) the title of the matter;
 - (ii) the case number assigned by the registrar to the matter;
 - (iii) an address of the person delivering the document at which that person will accept notices and service of all documents in the proceedings: and
 - (iv) a notice advising the other party that if that party intends defending the matter, a notice of intention to defend must be delivered in terms of subrule (1) within 10 days of service of the statement of claim, failing which the matter may be placed before a judge in chambers for default judgment, and an order for costs may be granted against that party;
 - (b) contain a substantive part with the following information:
 - (i) the names, descriptions and addresses of the parties;
 - (ii) a clear and concise statement of the material facts, in chronological order, on which the party relies, in sufficiently particular terms to enable any opposing party to plead to the statement of claim;
 - (iii) a clear and concise statement of the legal issues that arise from the material facts, in sufficiently particular terms to enable any opposing party to plead to the statement of claim; and
 - (iv) the relief sought;

- (c) be signed by the party or the parties to the proceedings where there is more than one party, or the representative of the party or parties, as the case may be;
 - (d) express all dates, sums and numbers contained in the document in figures;
 - (e) be accompanied by a schedule listing the documents that are material and relevant to the claim; and
 - (f) be delivered.
- (2) In the case of a referral by the director of the Commission for Conciliation, Mediation and Arbitration in terms of section 191(6) of the Act:
- (a) the party who initially referred the dispute to the Commission must deliver the statement of claim within 10 days of the date on which the director notified the party of the referral of the dispute to the court; and
 - (b) the statement of claim must include a copy of the director's decision.

12. Notice of intention to defend

- (1) Every party on whom a statement of claim is served (the defendant) is allowed 10 days after service of the statement of claim to deliver a notice of intention to defend.
- (2) In any action against any minister, deputy minister, or officer of the State in his or her official capacity, the period allowed for delivery of a notice of intention to defend must be not less than 20 days after service of the statement of claim, unless the court has authorised a different period.
- (3) When a defendant delivers the notice of intention to defend, the defendant must provide a full residential or business address, postal address, and email address (where available) and state which address has been nominated for service of all subsequent documents and notices in the action.

- (4) A notice of intention to defend may be delivered after the expiry of the period referred to in subrules (1) and (2) but before default judgment has been granted: provided that the plaintiff is entitled to seek costs if the notice of intention to defend was delivered after the plaintiff had lodged the application for judgment by default.

13. Statement of response

- (1) If a defendant has delivered a notice of intention to defend, the defendant must deliver a statement of response in response to the statement of claim.
- (2) The statement of response must, with the changes required by the context, contain the same information required by rule 11(1) and in addition, either admit or deny or confess and avoid all the material facts stated in the statement of claim, or state which of those facts are not admitted and to what extent.
- (3) A statement of response must be delivered within 15 days of the date on which the notice of intention to defend is delivered.
- (4) If a defendant counterclaims, the counterclaim must be delivered with the statement of response.
- (5) The defendant's statement of response must avoid reference to 'points *in limine*'. Preliminary issues must be raised by way of exception in terms of rule 14 or a special plea, or other appropriate pleading.

14. Exceptions and applications to strike out

- (1) If a statement of claim is vague and embarrassing or lacks averments which are necessary to sustain an action or defence, any defendant may, within the period allowed for the filing of any subsequent pleading, deliver an exception and request the registrar to set it down for hearing, except that when a party intends to take an exception that a statement of claim is vague and embarrassing, that party must afford the plaintiff an opportunity to remove the cause of complaint within 15 days.

- (2) Any exception must be delivered within 10 days of the date on which the reply to the notice referred to in subrule (1) is received or from the date on which the reply is due.
- (3) The exception must clearly and concisely set out the grounds on which it is founded.
- (4) If any pleading contains averments which are scandalous, vexatious or irrelevant, the opposing party may, within the period allowed for filing any subsequent pleading, apply for the striking out of that matter and may request the registrar to set the application down for hearing on the interlocutory roll.

15. Replication and plea in reconvention

- (1) Within 15 days of the service of the statement of response and subject to subrule (2), the plaintiff where necessary must deliver a replication to the statement of response, and a statement of response to any counterclaim. The statement of replication must comply with rule 13.
- (2) No replication or subsequent pleading which would be a mere joinder of issue or a denial of allegations in the previous pleading is necessary.
- (3) Where a replication or subsequent pleading is necessary, a party may join issue on the allegations in the previous pleading. To the extent that the party has not dealt specifically with the allegations in the statement of response or such other pleading, the joinder of issue shall operate as a denial of every material allegation affecting the pleading on which issue is joined.
- (4) The plaintiff in reconvention may, subject to subrule (2), within 10 days after delivery of the statement of response in reconvention, deliver a replication in reconvention.
- (5) Further pleadings may, subject to the provisions of subrule (2), be delivered by the respective parties within 10 days after the previous pleading delivered by the opposite party. Any further pleadings must be designated by the names by which they are customarily known.

16. Failure to deliver pleadings - barring

- (1) If any party fails to deliver any pleading within the time limit established by these rules or within any extended period allowed in terms of the rules, any other party may by notice require the party in default to deliver the pleading within 5 days of the day on which the notice is delivered. Any party failing to deliver the pleading referred to in the notice within the time stipulated, or any further period agreed by the parties, shall be in default of filing the pleading and *ipso facto* barred.

17. Extension of time and removal of bar

- (1) The court may on application and on good cause shown make any order extending or abridging any time prescribed in relation to any referral for adjudication, or extending or abridging any time for doing any act or taking any step in connection with any such proceedings, or removing any bar, on any terms that the court considers just.
- (2) Any extension in terms of subrule (1) may be ordered even though the application is not made until after expiry of the time prescribed, and the court ordering any extension may make any order it deems appropriate.

18. Close of pleadings

- (1) Pleadings in matters referred for adjudication shall be considered closed:
 - (a) if either party has joined issue without alleging any new matter, and without adding any further pleading;
 - (b) if the last day allowed for filing a statement of response or any subsequent pleading has elapsed and it has not been filed;
 - (c) if the parties agree in writing that the pleadings are closed and such agreement is filed with the registrar; or

- (d) if the parties are unable to agree as to the close of pleadings, the registrar will refer the matter to a judge in chambers to declare them closed.

19. Special cases and adjudication on points of law

- (1) The parties to a dispute may, after proceedings have been instituted, agree on a written statement of facts and/or law in the form of a special case to be adjudicated by the court. This must be done under oath so as to constitute evidence before court.
- (2) The written statement must set out the facts agreed on, the questions of law in dispute between the parties and their respective contentions. The statement must be divided into consecutively numbered paragraphs and any copies of documents necessary to enable the court to decide on the questions must be annexed.
- (3) The special case must be set down for hearing in a manner provided for trials and opposed applications, whichever is the more convenient.
- (4) At the hearing, the court and the parties may refer to the whole of the contents of any documents. The court may draw any inference of fact or of law from the facts and documents as if proved at trial.
- (5) If, in any pending action, it appears to the court *mero motu* that there is a question of law or fact which may conveniently be decided either before any evidence is led separately from any other question, the court may make an order directing the disposal of that question in any manner that it deems fit and order that further proceedings be stayed until the question has been disposed of.
- (6) The court may on application of any party make an order contemplated in subrule (5), unless it appears that the questions cannot conveniently be decided separately.

- (7) When giving its decision on any question in terms of subrule (5), the court may give judgment as may be appropriate and may give any direction with regard to the hearing of any other issues in the proceeding which may be necessary for the final disposal of the proceedings.
- (8) In any referral to the court for adjudication, if the question in dispute is one of law and the parties are agreed on the facts, the facts may be placed before court on affidavit at the trial and the court may give judgment without hearing any *viva voce* evidence.

20. Amendments to pleadings

- (1) Any party that wishes to amend any pleading or a document other than a sworn statement that has been filed in connection with any referral for adjudication, that party must notify all other parties of the intention to amend and furnish particulars of the amendment.
- (2) The notice referred to in subrule (1) must state that unless an objection to the proposed amendments is delivered within 10 days of delivery of the notice, the amendment will be effected.
- (3) An objection to any proposed amendment must clearly and concisely state the grounds on which the objection is founded.
- (4) If a valid objection is delivered within the period referred to in subrule (2), the party wishing to amend may, within 10 days, make an application for leave to amend.
- (5) If no objection is delivered, every party that received notice of the proposed amendment will be deemed to have consented to the amendment and the party who gave notice of the proposed amendment must, within 10 days of the expiration of the period referred to in subrule (2), effect the amendment as contemplated in subrule (6).
- (6) Unless the court otherwise directs, a party entitled to amend a pleading must effect the amendment by delivering each relevant page in its amended form.

- (7) Any party affected by the amendment may, within 15 days after the amendment has been effected or within any other period that the court may determine, make any consequential adjustment to the documents filed by that party.
- (8) A party giving notice of amendment in terms of subrule (1) is, unless the court otherwise directs, liable for the costs occasioned to any other party.
- (9) Despite anything to the contrary in this rule, the court may at any stage before judgment and upon application, grant leave to amend any pleading or document on such other terms as to costs or other matters as it deems fit.

21. Default judgments

- (1) An application for default judgment must be made after the expiry of the *dies* for the filing of a statement of response in terms of rule 13 and in accordance with Form 2. The application must be served on all defendants and filed with the registrar.
- (2) The application must be accompanied by an affidavit deposed to by the plaintiff in which the plaintiff:
 - (a) confirms the correctness of the facts averred in the statement of claim and the relief sought;
 - (b) confirms that service of the statement of claim has been effected in terms of the provisions of the rules and attaches the service affidavit;
 - (c) if the claim is one of compensation, records the plaintiff's remuneration at the time that the claim arose and any details of employment subsequent to that date; and
 - (d) deposes to any other facts that the plaintiff considers relevant.
- (3) Default judgments will ordinarily be dealt with by a judge in chambers. If the judge is satisfied that the requirements for default judgment have been met, the judge may grant judgment by default in favour of the plaintiff.

- (4) If the judge is not satisfied that the above requirements for default judgment have been met or considers that it is not appropriate to grant default judgment in chambers, the judge may issue a directive as to any further requirements that the plaintiff must meet, and may require the plaintiff to appear in court on a designated day to give or lead evidence or provide any document the judge may require in support of the plaintiff's claim.

22. Pre-trial conference by parties

- (1) The parties must convene and attend a pre-trial conference within 15 days of the close of pleadings. In a pre-trial conference, the parties must attempt to reach consensus on the following:
- (i) any means by which the dispute may be settled;
 - (ii) facts that are common cause;
 - (iii) facts that are in dispute;
 - (iv) the issues that the court is required to decide;
 - (v) the precise relief claimed, and if compensation is claimed the amount of the compensation and how it is calculated;
 - (vi) discovery and the exchange of documents, and the preparation of a paginated bundle of documentation in chronological order;
 - (vii) the manner in which documentary evidence is to be dealt with, including any agreement on the status of documents and whether documents, or parts of documents, will serve as evidence of what they purport to be;
 - (viii) whether evidence on affidavit will be admitted with or without the right of any party to cross-examine the deponent;
 - (ix) which party must begin;
 - (x) the necessity for any on-the-spot inspection;

- (xi) securing the presence at court of any witness;
 - (xii) the resolution of any preliminary points that are intended to be taken;
 - (xiii) the exchange of witness statements;
 - (xiv) expert evidence;
 - (xv) any other means by which the proceedings may be shortened;
 - (xvi) an estimate of the number of days required for the hearing; and
 - (xvii) whether an interpreter is required and if so for which languages.
- (2) The estimate of the number of days required for the hearing must include an estimate of the number of witnesses to be called by each party, and a separate motivation should the estimate exceed 3 days. If the duration of a hearing is expected to exceed 5 days, a prior directive must have been obtained from the Judge President, which must be attached to the pre-trial minute.
- (3) Subject to rule 23, the parties must draw up and sign a minute dealing with the matters set out in subrule (1).
- (4) The plaintiff must file the minute of the pre-trial conference within 5 days of the conclusion of the conference, but in any event no later than 30 days after the close of pleadings.

23. Additional requirements for pre-trial conferences: specific disputes

- (1) In addition to dealing with all the issues prescribed by rule 22 the parties must specifically deal with and address and record in the minute their responses to the questions recorded in subrule (2) below.
- (2) When the issue in dispute is that of an alleged unfair dismissal for operational requirements, the following questions must be answered:
- (a) Does the plaintiff admit that in general there was a need to retrench?

- (b) If the plaintiff does not admit that there was in general a need to retrench, the plaintiff must state the factual basis for the failure to admit this. The defendant must provide a response.
 - (c) If the plaintiff contends there were alternatives to the retrenchment, the plaintiff must state what these alternatives were and the defendant must provide a response.
 - (d) If the fairness or otherwise of the selection criteria is in dispute, the plaintiff must state the basis for contending that the selection criteria was unfair. The defendant must respond.
 - (e) If the plaintiff contends that someone else should have been selected for retrenchment, the plaintiff must provide the name of that person and why that person should have been selected. The defendant must respond.
 - (f) The plaintiff must set out in sufficient particularity in what respect it is alleged that the termination of employment was procedurally unfair. The defendant must respond.
 - (g) If meetings took place between the parties, the parties must each set out when the meetings took place, whether the meetings constituted consultations in the retrenchment process and whether minutes exist for the meetings. If minutes exist, the parties must record the status of the minutes. If the plaintiff's case is that the meetings did not constitute consultation(s), the plaintiff must indicate the basis thereof. The defendant must respond.
- (3) When the issue in dispute is that of an alleged unfair dismissal for participation in unprotected strike action, the following questions must be answered:
- (a) Does the plaintiff admit that there was a strike?
 - (b) If the plaintiff admits that there was a strike, the plaintiff must indicate whether the strike action was protected or unprotected.

- (c) If the plaintiff contends that a strike did not occur or if the plaintiff admits that any strike that did occur was unprotected, the plaintiff must state the factual basis for any such contention. The defendant must provide a response.
 - (d) If ultimatums were issued by the defendant, the defendant must set out when and at what time the ultimatums were issued, how the ultimatums were conveyed to employee parties/unions, and whether the ultimatums were in any way adhered to. The plaintiff must provide a response.
 - (e) Does the plaintiff allege any provocation on the part of the defendant? If so, the plaintiff must set out the factual basis for so contending. The defendant must provide a response.
 - (f) If the plaintiff disputes that the sanction of dismissal was inappropriate, the plaintiff is required to set out the factual basis for so contending. The defendant must provide a response.
 - (g) The plaintiff must set out with sufficient particularity in what respect it is alleged that the termination of employment was procedurally unfair. The defendant must provide a response.
- (4) When the issue in dispute is that of an alleged automatically unfair dismissal, the following must be addressed:
- (a) The plaintiff is required to set out the basis on which it is contended that the dismissal is automatically unfair.
 - (b) If the plaintiff contends that the dismissal is based on discrimination, the plaintiff must set out the factual basis for so contending and the defendant must provide a response.
 - (c) If the defendant concedes that there is discrimination, but contends that the discrimination is fair, the defendant must set out the factual basis for so contending and the plaintiff must provide a response.

- (5) When the issue in dispute is that of an allegation of unfair discrimination, the following questions must be addressed:
- (a) Does the plaintiff allege direct discrimination, and, if so, on what ground or grounds? The facts upon which such alleged discrimination is alleged must be recorded and the basis of the unfairness of such alleged discrimination must be recorded.
 - (b) Does the defendant admit having committed the act of direct discrimination, but wishes to justify it? If so, the defendant must, with reference to the facts and the grounds upon which it relies, record the basis of its justification.
 - (c) Alternatively, if the defendant denies the allegations, the facts and grounds of such denial must be recorded.
 - (d) Does the plaintiff allege indirect discrimination on the part of the defendant?
 - (e) If so, the facts upon which this allegation is based must be recorded, as well as why such discrimination is alleged to be unfair.
 - (f) Does the defendant admit the alleged act of indirect discrimination but wishes to justify it? If so, the defendant must, with reference to the facts and the grounds upon which it relies, record the basis of its justification.
 - (g) If the defendant denies indirect discrimination, the facts and grounds of such denial must be recorded.
 - (h) Is there agreement on the overall onus to prove? The parties must record such agreement or alternatively their respective averments in relation to thereto.
 - (i) Insofar as the plaintiff claims compensation for the alleged act(s) of discrimination, it must state how the amount of compensation is

calculated and how it is connected to the alleged act of discrimination.
The defendant must provide a response.

24. Fast tracking

- (1) When the issue in dispute concerns the dismissal of 10 or more employees whose reinstatement is sought, the plaintiff must on receipt of a notice of intention to defend deliver a letter to the registrar marked for the attention of the Judge President, setting out:
 - (a) the names of the parties to the trial and the case number;
 - (b) the nature of the dispute; and
 - (c) an estimate of the duration of the trial.
- (2) The Judge President may appoint a judge immediately to undertake the case management of the file in terms of this rule and ensure an expeditious hearing.
- (3) Matters that have been designated for fast tracking will be set down for trial on an expedited basis by the judge appointed to manage the file. The judge may follow the provisions of rule 25 relating to case management but may dispense with or otherwise depart from that rule whenever the interests of justice and expeditious dispute resolution so require.

25. Case management

- (1) Once a pre-trial minute has been filed, or the time period for the filing of the pre-trial minute has expired, whichever occurs first, the registrar must forward the file to a judge in chambers.
- (2) The judge may certify that the case is trial-ready, and issue directives as to the further conduct of the matter, including but not limited to a directive that the registrar allocate a trial date and issue a notice of set down on notice to all parties.
- (3) If the parties have not filed a pre-trial minute as required by rule 22, or the judge decides that the pre-trial minute is inadequate, the judge must direct that

- a supplementary pre-trial minute be filed within 10 days of the date of the directive. If the parties are unable to file a pre-trial minute on account of any disagreement between them, the plaintiff must file an explanation of why agreement on the content has not been obtained, and the judge must then issue an appropriate directive.
- (4) The judge may decide to convene a formal case management conference. Should the judge decide to do so, the registrar must:
- (a) notify the parties of the date, time and place of the case management conference; and
 - (b) notify the plaintiff that at least 48 hours before the time appointed for the case management conference, the court file must be suitably ordered, secured, paginated and indexed;
- (5) At the case management conference, the case management judge must require the parties to address:
- (a) the soliciting of admissions and the making of enquiries from and by the parties with a view to narrowing the issues in dispute and curtailing the need for oral evidence;
 - (b) the time periods within which the parties propose that any matters outstanding be addressed to bring the case to trial readiness; and
 - (c) the identity of the witnesses that the parties intend to call and, in broad terms, the nature of the evidence that they will give, and any other matter germane to expediting the trial readiness of the case.
- (6) The case management judge must engage the parties or their legal representatives with a view to proactively expedite the further conduct of the case towards trial readiness and trial-efficiency. Parties and their representatives must be adequately prepared and sufficiently instructed to address meaningfully and constructively issues that arise at the case management conference.

CONTINUES ON PAGE 130 OF BOOK 2

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- (7) Without limiting the scope of judicial management at a case management conference, the case management judge may:
- (a) explore the prospect of settlement on some or all of the issues in dispute;
 - (b) propose voluntary mediation;
 - (c) deal with the granting or refusal of any amendments to the pleadings, summarily, if appropriate;
 - (d) determine any matters concerning the discovery of documents and the holding of any inspection *in loco*; summarily if appropriate;
 - (e) endeavour to promote agreement on limiting the number of witnesses that will be called at the trial, eliminating pointless repetition or evidence covering facts already admitted; and
 - (f) identify and record the issues to be tried.
- (8) At the conclusion of the case management process, the judge may:
- (a) certify the case as trial ready;
 - (b) refuse certification and put the parties on terms to achieve trial readiness, and direct them to report to the court at a further case management conference on a fixed date;
 - (c) make any order in respect of any interlocutory issue, or refer any interlocutory issue to the motion court for determination;
 - (d) make any appropriate order or directive to expedite trial readiness;
 - (e) direct a separation of issues in appropriate cases;
 - (f) direct the plaintiff to file a minute of the case management conference;
 - (g) make any order as to costs consistent with section 162 of the Act, including an order for costs *de bonis propriis* against any

representative whose conduct has frustrated the objectives of the case management process;

- (h) in instances of flagrant or repeated neglect to comply with the rules or case management directives or procedures, strike out claims or defences with any appropriate order as to costs.
- (9) If a case management judge strikes out a claim or defence in terms of this rule, the judge must formally record the reasons for making the order and include those reasons in the record for the purposes of any application for leave to appeal.
- (10) A case management judge exercising powers in terms of these rules is deemed to have been sitting for the purpose in a court duly constituted in terms of section 152 of the Act.
- (11) The record of the case management conference including the minutes submitted by the parties to the case management judge and any directives issued by the judge must be included in the court file placed before the trial judge, who is entitled to have regard to the record and directives in relation to the conduct of the trial for any purpose, including any application for postponement and issues of costs.
- (12) Judicial case management in terms of these rules must be construed and applied according to the principle that the primary responsibility to prepare for trial, comply with the rules and act professionally in expediting the case towards trial and adjudication, remains the primary responsibility of the parties and their legal representatives.
- (13) The Judge President may, by directive, declare that the whole or any part of this rule shall not apply to any seat of the court.

26. Enrolment for hearing

- (1) When the registrar receives a certificate of trial-readiness issued by a judge, the registrar must enrol the matter and notify the parties of the time, date and place that has been allocated for the hearing.
- (2) Once a trial has been set down for hearing, it may be removed from the trial roll only with the consent of the Judge President, or in the case of matters subject to case management, by the appointed judge.

27. Discovery of documents

- (1) A document or recording not disclosed may not, except with the leave of the court being granted on whatever terms the court deems fit, be used for any purpose at the hearing by the person who was obliged to disclose it, except that the document or recording may be used by a person other than the person who was obliged to disclose it.
- (2) If the parties cannot reach an agreement regarding the discovery of documents and recordings, either party may apply to the court for an appropriate order, including an order as to costs.
- (3) For the purpose of this rule, a recording includes a soundtrack, film, magnetic tape, record or any other materials on which visual images, sound or other information can be recorded.

28. Expert witnesses

- (1) Any party intending to call an expert witness must deliver a notice to that effect, together with a summary of the evidence and opinion of the expert witness, at least 20 days before the date of the hearing. If the parties agree on calling a single expert, that expert's summary and opinion must be delivered within the same period.
- (2) If a party fails to comply with subrule (1), the court may decline to admit the evidence, or admit it only on good cause shown and may make any appropriate order as to costs.

29. Pagination, indexing, binding and general preparation of papers in trials

- (1) Within 10 days of close of pleadings, the plaintiff must do the following:
 - (a) collate, number consecutively and suitably bind all the pleadings relating to the trial as a separate bundle and ensure that they are in the court file;
 - (b) collate, number consecutively and suitably bind all the notices relating to the trial as a separate bundle and ensure that they are in the court file;
 - (c) collate, number consecutively and suitably bind the pre-trial minute and all documents relating thereto; and
 - (d) prepare and attach an index to the pleadings bundle, the notices bundle and any pre-amendment pleadings bundle and the pre-trial bundle respectively. The index must briefly describe each pleading or notice as a separate item.
- (2) When binding the pleadings and notices, care must be taken to ensure that the method of binding does not hinder the turning of pages.
- (3) The pleadings and notices must be bound in volumes of not more than 120 pages, unless the papers are collated and bound in a lever arch file which in any event, may not exceed 200 pages per file.
- (4) The pleadings bundle must only contain the original pleadings (as amended, if applicable). If the original pleadings are lost or misplaced copies may be filed; in this event, the documents must be clearly marked as copies.
- (5) If a document or documents attached to the pleadings or contained in the bundles as referred to above are not readily legible, the plaintiff must ensure that legible typed copies of the document or documents are provided.
- (6) If the plaintiff has not complied with these subrules, this is not an automatic basis for any other party obtaining a postponement of the matter. The

presiding judge, on the day on which the matter is heard, may make any order the judge deems appropriate which may include any order as to costs, including an order of costs *de bonis propriis*.

30. Bundles of documents prepared for trial

- (1) If a party or the parties to a trial intend utilising documents in the trial, the documents must be collated chronologically, numbered consecutively and suitably bound.
- (2) Each bundle must be indexed. The index must briefly describe each document in the bundle as a separate item.
- (3) The documents should be bound in volumes of not more than 120 pages, unless the papers are collated and bound in a lever arch file which in any event, may not exceed 200 pages per file.
- (4) The parties must agree prior to the commencement of the trial upon the evidential status of the documents contained in the bundle.
- (5) The presiding judge may at any time during a trial direct that the bundle of documents be reconstituted.
- (6) If unnecessary documents are included in the bundle, the court may on the application of any party to the trial or *mero motu* and in the absence of good cause shown, make a punitive cost order.

31. Practice note for trials

- (1) The plaintiff's representative must file a practice note by email in respect of the trial enrolled for hearing, marked for the attention of the registrar of the seat where the trial is to be heard. In:
 - (a) Johannesburg: johannesburglabourcourt@judiciary.org.za;
 - (b) Cape Town: capetownlabourcourt@judiciary.org.za;
 - (c) Gqeberha: gqeberhalabourcourt@judiciary.org.za; and

- (d) Durban: durbanlabourcourt@judiciary.org.za.
- (2) The practice note must be filed at least 10 court days before the date on which the trial is enrolled for hearing.
- (3) The practice note must set out:
- (a) the names of the parties to the trial and the case number;
 - (b) the date of the hearing;
 - (c) the name of each party's representative, and their cell phone and landline numbers;
 - (d) the relief sought at the trial by the party on whose behalf the representative completing the practice note appears;
 - (e) the nature of the dispute;
 - (f) an estimate of the probable duration of the trial;
 - (g) the prospect of any settlement;
 - (h) whether any preference is sought for the hearing of the trial and if so the motivation therefore (e.g. whether a witness or representative from out of town will be testifying or appearing); and
 - (i) any issue or consideration that would interfere with the immediate commencement and the continuous running of the trial to its conclusion, including the preparation of bundles and the indexing and pagination of the papers.
- (4) If the practice note is not provided timeously, the plaintiff runs the risk of the matter not being allocated a judge or the matter being removed from the roll with an appropriate order for costs.
- (5) If one of the parties is unrepresented, the other (represented) party must file the practice note required in terms of this rule.

32. Roll call

- (1) In Johannesburg, a roll call will ordinarily be held at 09h45 on each Monday and Thursday during the court term, of all trials enrolled for hearing on that day.
- (2) If a trial cannot be allocated for hearing on the day for which it is enrolled for hearing, the parties' representatives must attend at the chambers of the judge holding roll call on the next and subsequent days until the trial is allocated for hearing, or the matter otherwise dealt with.

33. Postponement of trials

- (1) If it becomes apparent to the judge calling the roll that the parties have unreasonably underestimated the number of days for which a hearing is sought and which were allocated for the hearing, the judge may strike the matter from the roll, with any appropriate order for costs.
- (2) No trial should be commenced where any issue or consideration exists, to the knowledge of any party's representative, which would interfere with the completion of the trial.
- (3) Representatives must ensure that they are available for the entire duration of the trial. A postponement of a trial will not ordinarily be granted because a representative is not available for the trial or the entire duration of the trial.
- (4) A judge hearing a trial will generally not postpone a trial so that the trial becomes part-heard, and a trial will ordinarily continue for no longer than the allocated number of days.

34. Part-heard trials

- (1) If a trial is part-heard, unless otherwise arranged with the presiding judge in consultation with the registrar, the plaintiff must apply for a date for the continuation of the trial by delivering a letter to the registrar. The letter must set out:

- (a) the names of the parties to the action and the case number;
 - (b) the name of the judge before whom the trial became part-heard;
 - (c) the date when the trial became part-heard;
 - (d) an estimate of the probable duration for the completion of the trial; and
 - (e) whether a copy of the record of the part-heard portion of the trial is necessary and available.
- (2) The registrar must inform the parties in writing of the date allocated for the completion of the trial.

MOTION PROCEEDINGS

35. Applications generally

- (1) An application must be brought on notice of motion to all persons who have an interest in the application.
- (2) In any application in which the applicant considers that the proceedings ought appropriately to be case-managed by a judge, the applicant may, when the application is filed, deliver a letter to the Judge President setting out the nature of the dispute and the reasons why the application ought to be case-managed.
- (3) The Judge President or a judge designated for the purpose may approve the case management of the application, in which case the provisions of rule 25 will apply, with the necessary changes.
- (4) The notice of application must be signed by the party bringing the application. The application must be delivered and must contain the following information:
 - (a) the title of the matter;
 - (b) the case number assigned to the matter by the registrar;
 - (c) the relief sought;

- (d) the address of the party delivering the document at which that party will accept notices and service of all documents in the proceedings;
 - (e) a notice advising the other party that if it intends opposing the matter, that party must deliver an answering affidavit within 10 days after the application has been served, failing which the matter may be heard in the party's absence and an order of costs may be made; and
 - (f) a schedule listing the documents that are material and relevant to the application.
- (5) The application must be supported by affidavit. The affidavit must clearly and concisely set out:
- (a) the names, description and addresses of the parties;
 - (b) a statement of the material facts, in chronological order, on which the application is based, which statement must be sufficiently particular to enable any person opposing the application to reply to the document;
 - (c) a statement of the legal issues that arise from the material facts, which statement must be sufficiently particular to enable any party to reply to the document; and
 - (d) the relief sought.
- (6) A notice of opposition and an answering affidavit may be delivered by any party opposing the application.
- (7) A notice of opposition and an answering affidavit must be delivered within 10 days from the day on which the application is served on the party opposing the application.
- (8) An answering affidavit must respectively contain, with the changes required by the context, the same information required by subrules (2) and (3).

- (9) The party initiating the proceedings may deliver a replying affidavit within 5 days from the day on which any notice of opposition and answering affidavit are delivered.
- (10) The replying affidavit must address only those issues raised in the answering affidavit and may not introduce new issues of fact or of law.
- (11) The registrar must notify the parties of the date, time and place for the hearing of the application.

36. Filing of answering and replying affidavits

- (1) If the respondent has delivered a notice of intention to oppose but fails to deliver an answering affidavit within the prescribed time limit, the registrar must at the applicant's request enrol the application on the unopposed motion roll and serve a notice of set down to all parties.
- (2) If the respondent or the applicant has filed its opposing or replying affidavits respectively outside the time period set out in the rules, there is no need to apply for condonation for the late filing of such affidavits unless the party upon whom the affidavits are served delivers a notice of objection to the late filing of the affidavits.
- (3) The notice of objection must be served and filed within 10 days of the receipt of the affidavits after which time the right to object shall lapse.

37. Review applications

- (1) In any application in which a party seeks to review a decision or proceedings of a body or person in terms of section 145 or section 158(1)(g) or (h) of the Act, rules 35 and 36 apply, subject to the following requirements.
- (2) The notice of motion must:
 - (a) call upon the person or body to show cause why the decision or proceedings should not be reviewed and corrected or set aside;

- (b) call upon the person or body to dispatch to the registrar, within 10 days after receipt of the notice of motion, the complete record of the proceedings sought to be reviewed, and to notify the parties that this has been done; and
 - (c) subject to subrules (3) and (4), be supported by an affidavit setting out the grounds on which the applicant relies to have the decision or proceedings reviewed and corrected or set aside.
- (3) The affidavit filed by an applicant seeking to have an award or ruling corrected or set aside must contain no more than a concise statement of the grounds of review.
- (4) The statement of the grounds for review must do no more than:
 - (a) state whether the whole or part of the award or ruling is sought to be reviewed;
 - (b) record, with reference to the award or ruling and/or the conduct of the decision-maker concerned, each error and/or misdirection that he/she is alleged to have committed and which is alleged to constitute a defect in the proceedings, in point form;
 - (c) where relevant, state concisely why these errors and/or misdirections caused the result of the award or ruling to be unreasonable, and/or why the award is irrational in relation to the evidence led during the proceedings under review, without making abstract statements of principle lacking in necessary detail.
- (5) In exceptional circumstances, where it is necessary to incorporate factual averments in the relevant affidavits, the factual averments must be concisely stated. Any party that abuses this exception by filing affidavits containing irrelevant factual averments will be penalised by an appropriate order for costs.

- (6) The award or ruling that is sought to be reviewed must be annexed to the affidavit.
- (7) The person or body upon whom a notice of motion is served must comply timeously with the direction in the notice of motion in terms of subrule (2).
- (8) If the person or body fails to comply with subrule (7), or fails within the required period to apply for an extension of time to do so, any interested party may apply, on notice, for an order compelling compliance with the direction.
- (9) The registrar must notify the parties when a record has been received and may be uplifted by the applicant.
- (10) The applicant must collect the record within 5 days of the date of the notice.
- (11) The registrar must make available to the applicant the record which is received on such terms as the registrar deems appropriate to ensure its safety.
- (12) The applicant must transcribe and make copies of the record and file only those portions of the record as may be necessary for the purposes of the review, and certify each copy as true and correct. If the applicant contends that the decision under review should be set aside because it is unreasonable or irrational in relation to the evidence that served before the decision-maker, the complete record must be transcribed.
- (13) The applicant must furnish the registrar and each of the other parties with a copy of the record or portion of the record, as the case may be, and a copy of the reasons filed by the person or body; provided that, should it transpire that the person or body upon whom a notice of motion is served in terms of subrule (2) has failed to deliver a complete record, the 60-day period contemplated in subrule (14) will commence running only once a complete record has been delivered.
- (14) Transcribed records must be delivered within 60 days of the date on which the applicant is advised by the registrar that the record has been received.

- (15) If the applicant fails to file a transcribed record within the prescribed period, the applicant will be deemed to have withdrawn the application, unless the applicant has during that period requested the respondent's consent for an extension of time and consent has been given. Any consent given must be expressed in writing and filed with the registrar.
- (16) If consent is refused, the applicant may, on notice of motion supported by affidavit, apply to the Judge President in chambers for an extension of time. The application must be accompanied by proof of service on all other parties, and answering and replying affidavits may be filed within the time limits prescribed by rule 35.
- (17) The Judge President will then allocate the file to a judge for a ruling, to be made in chambers, on any extension of time that the respondent should be afforded to file the record.
- (18) An application that is deemed to have been withdrawn may not be reinstated without an order of court, granted on application by the defaulting party, on good cause shown.
- (19) The costs of transcription of the record, copying and delivery of the record and reasons, if any, must be paid by the applicant and then become costs in the cause.
- (20) The applicant must within 5 days after the transcribed record has been filed either:
- (a) by delivery of a notice of amendment and supplementary affidavit, amend, add to or vary the terms of the notice of motion and supplement the supporting affidavit; or
 - (b) deliver a notice that the applicant stands by its notice of motion.
- (21) A supplementary affidavit filed in terms of subrule (20) may do no more than supplement the grounds for review recorded in the founding affidavit or abandon any one or more of them. An applicant who abuses this subrule by

- including irrelevant or repetitive material in a supplementary affidavit risks an adverse order as to costs.
- (22) Any person wishing to oppose the granting of the order prayed in the notice of motion must, within 10 days after receipt of the record and notice of amendment or notice that the applicant stands by its notice of motion, deliver an affidavit in answer to the allegations made by the applicant.
- (23) An answering affidavit filed in terms of subrule (22) may do no more than record, in concise terms, the grounds on which the application is opposed.
- (24) The applicant may file a replying affidavit within 5 days of receipt of an answering affidavit. A replying affidavit may do no more than respond to the grounds on which the application is opposed, without any repetition of the content of the founding and supplementary affidavits.
- (25) After receipt of any replying affidavit or the expiry of the time limit for filing a replying affidavit (whichever occurs first), the applicant must index and paginate the file in terms of rule 29(3), with separate sections containing the pleadings and affidavits, the relevant notices, and the record of the proceedings under review, and within 10 days of the expiry of the time limit contemplated in this subrule, apply to the registrar for a hearing date. If the applicant fails to apply for a hearing date within the prescribed period, the respondent may apply for a date.
- (26) If the application is unopposed, the application for a hearing date must be made within 10 days of the last date for the filing of an answering affidavit.
- (27) If the record of the proceedings under review has been lost, or if the recording of the proceedings is inaudible or of such poor quality so as to compromise the integrity of the record, the following shall apply:
- (a) the applicant may, after all reasonable attempts have been made to either find or reconstruct the record, approach the Judge President for a direction on the further conduct of the review application;

- (b) the Judge President will allocate the file to a judge for a direction; and
- (c) the allocated judge must meet with the parties to discuss, among other things, the remittance of the matter to the person or body whose award or ruling is under review or where practicable, a direction to the effect that the relevant parts of the record be reconstructed, or that the application may be heard without reference to the record.

38. Urgent applications

- (1) A party that applies for urgent relief must file an application that complies with the requirements of the rules relating to applications generally.
- (2) The affidavit in support of the application must also contain:
 - (a) the reasons for urgency and why urgent relief is necessary;
 - (b) the reasons why the requirements of the rules were not complied with, if that is the case; and
 - (c) if a party brings an application in a shorter period than that provided for in terms of section 68(2) of the Act, the reasons why a shorter period of notice should be permitted.
- (3) The party bringing the application or that party's representative must sign the application.
- (4) The registrar must fix a date, time and place for the hearing of the application, having regard to the degree of urgency for which the applicant contends.
- (5) Except in the case of an *ex parte* application, as soon as the registrar has allocated a date, time and place for the hearing, the party bringing the application must serve a copy of the application, together with the information obtained from the registrar, on the respondent.
- (6) Except in the case of an *ex parte* application, the party bringing the application must satisfy the court when the application is heard that a copy of the application has been served on the respondent or that sufficient and adequate

- notice of the content of the application was brought to that party's attention by other means.
- (7) The applicant must have available for the court a draft of the order sought, both in hard copy and electronic format.
 - (8) Unless otherwise ordered, a respondent may anticipate the return date of an interim interdict on not less than 48 hours' notice to the applicant and the registrar.

39. Applications in restraint of trade

- (1) Unless circumstances warrant a more urgent hearing, an application in restraint of trade will be enrolled only where the procedure outlined below has been strictly adhered to by the applicant.
- (2) An applicant must make provision in its notice of motion for the exchange of four sets of affidavits.
- (3) An applicant when prescribing the time periods to be adhered to for the filing of affidavits in its notice of motion must afford:
 - (a) the respondent at least 7 days to file an answering affidavit;
 - (b) the applicant at least 5 days to file a replying affidavit; and
 - (c) the respondent at least 5 days to file a fourth affidavit.
- (4) At the time of launching the application, the applicant must apply to the registrar to allocate a provisional date for the hearing of the application, such date having been calculated so as to take into account the mandatory time periods prescribed above and the filing of heads of argument as contemplated below. The applicant must also insert a date, not less than 7 calendar days after launching the application, on which the application will be heard if it is unopposed.
- (5) The application will be provisionally enrolled for hearing during the week following the week in which heads of argument have been exchanged.

- (6) The applicant must ensure that its notice of motion and founding affidavit are properly paginated before launching the application.
- (7) The parties are required to paginate any subsequent affidavits (as contemplated in subrule (3)) before such affidavits are filed.
- (8) The parties must adhere to the prescribed time periods for the filing of their affidavits.
- (9) Upon receipt of the fourth affidavit, or upon the expiry of the *dies* for the filing thereof, if no fourth affidavit is filed, the applicant must immediately prepare an index for the application, and upon completion thereof serve it on the respondent.
- (10) The parties must simultaneously serve and file heads of argument within 5 days from the date of delivery of the index or upon the expiry of the *dies* for the filing thereof.
- (11) At the time of filing its heads of argument, the applicant must make application for final enrolment of the matter. The application will be finally allocated for hearing during the week following delivery of the heads of argument. Either party's failure to file heads of argument in accordance with this subrule will not preclude the matter from being allocated for hearing.

40. Heads of argument and practice notes in motion proceedings

- (1) In unopposed motions, at the applicant's request, the registrar will set down the application on the unopposed motion roll to be heard by the judge presiding in motion court. Heads of argument need not be filed unless the application is a review application.
- (2) In opposed motion proceedings, the applicant must deliver heads of argument within a period of 15 days after the date on which pleadings close.
- (3) The heads of argument must be clear, succinct and without unnecessary elaboration, and comply with the requirements of rule 48.

- (4) The respondent must deliver heads of argument no later than 15 days prior to the hearing of an opposed application. If the applicant has failed to file heads of argument, the respondent must in any event file its heads within the above time limit.
- (5) In cases where a party for whatever reason fails, neglects or refuses to file heads timeously, the court may make a punitive costs order against the defaulting party and may in certain circumstances strike the matter from the roll.
- (6) Where a party is able to do so, heads of argument should, in addition to being delivered in terms of the rules, be sent by email to the applicable address:
 - (a) Johannesburg: johannesburglabourcourt@judiciary.org.za;
 - (b) Cape Town: capetownlabourcourt@judiciary.org.za;
 - (c) Gqeberha: gqeberhalabourcourt@judiciary.org.za; and
 - (d) Durban: durbanlabourcourt@judiciary.org.za.
- (7) The heads must indicate, above the heading of the matter, the date on which the matter has been set down to be heard, if it is so set down.
- (8) Each party must ensure that the heads of argument have been placed in the court file.
- (9) A judge hearing an opposed or unopposed application may at any time direct that all or any of the parties file supplementary heads of argument on any specified issues.
- (10) The failure by one party to file heads of argument shall not be a basis upon which the other party would be entitled to the postponement of the hearing, and it shall remain up to the presiding judge to determine how the matter shall be conducted in such event.
- (11) All heads of argument filed in motion proceedings must comply with rule 48.

(12) The applicant or the applicant's representative must file a practice note by email in respect of any application enrolled for hearing.

(13) The practice note must comply with rule 31, with the necessary changes.

GENERAL RULES APPLICABLE TO REFERRALS FOR ADJUDICATION, MOTION PROCEEDINGS AND APPEALS TO THE COURT

41. Interlocutory applications and procedures not specifically provided for in other rules

- (1) The following applications must be brought on notice, supported by affidavit:
 - (a) interlocutory applications;
 - (b) other applications incidental to, or pending proceedings referred to in these rules or that are not specifically provided for in the rules; and
 - (c) any other applications for directions that may be sought from the court.
- (2) The requirement in subrule (1) that affidavits must be filed does not apply to applications that deal only with procedural aspects.
- (3) In the exercise of its powers and in the performance of its functions, or in any incidental matter, the court may act in a manner that it considers expedient in the circumstances to achieve the objects of the Act.
- (4) The registrar may set down an interlocutory application for hearing simultaneously with the main application.

42. Extension of time limits and condonation

- (1) The court may extend or abridge any period prescribed by these rules on application, and on good cause shown, unless the court is precluded from doing so by an Act.
- (2) If a party fails to comply with any notice or direction given in terms of these rules, any interested party may apply on notice for an order that the notice or

direction be complied with within a period that may be specified, and that failing compliance with the order, the party in default will not be entitled to any relief in the proceedings.

- (3) The court may, on good cause shown, condone non-compliance with any period prescribed by these rules.

43. Withdrawals and postponements

- (1)
 - (a) A party who has initiated proceedings and wants to withdraw the matter must deliver a notice of withdrawal as soon as possible.
 - (b) If costs are not tendered, any other party may apply on notice for costs.
- (2) If the parties reach a settlement, the party who initiated the proceedings must notify the registrar of the settlement as soon as possible.
- (3) If the parties agree to postpone any matter enrolled for hearing, the party who initiated the proceedings must notify the registrar as soon as possible. The registrar will place the agreement before a judge in chambers, who will decide whether the matter may be postponed and request the registrar to advise the parties accordingly.

44. Set down of postponed matters

- (1) If a matter is postponed to a date to be determined in the future, any party to the matter may apply to the registrar for it to be re-enrolled, but no preference may be given to that matter on the roll, unless the court orders otherwise.
- (2) The registrar must allocate a time, date and place for the hearing and send a notice of set down to each party.
- (3) If a matter is postponed in court to a specific date, the registrar need not send a notice of set down to the parties.

45. Matters struck off the roll

- (1) If a matter is struck off the roll because a party who initiated the proceedings was not present, the matter may not be re-enrolled without that party having provided the court with a satisfactory explanation, under oath or affirmation, for the failure to attend court.
- (2) The affidavit or affirmation must be delivered and the registrar must place it before a judge in chambers, to decide whether the matter may be re-enrolled.

46. Rescissions and variations

- (1) The court may, in addition to any other powers it may have:
 - (a) of its own motion or on application of any party affected, rescind or vary any order or judgment:
 - (i) erroneously sought or erroneously granted in the absence of any party affected by it;
 - (ii) in which there is an ambiguity or a patent error or omission, but only to the extent of such ambiguity, error or omission;
 - (iii) granted as the result of a mistake common to the parties, or
 - (b) on application of any party affected, rescind any order or judgment granted in the absence of that party.
- (2) Any party desiring any relief may, within 15 days of acquiring knowledge of the defect or order or judgment:
 - (a) under subrule (1)(a) apply on notice to all parties whose interests may be affected by the relief sought;
 - (b) under subrule (1)(b) may apply on notice to all interested parties to set aside the order or judgment and the court may, on good cause shown, set aside the order or judgment on such terms as it deems fit.

47. Consent to orders

- (1) A party who opposes any proceedings may at any time consent to the whole or any part of the relief sought in the proceedings.
- (2) The consent referred to in subrule (1) must be in writing, signed and dated by the party consenting to the relief, and witnessed.
- (3) When the party who initiated the proceedings receives the consent, that party may apply to the registrar in writing for an order to be made by a judge in chambers in accordance with the consent.
- (4) The court may not grant any order which has the effect of reviewing and setting aside any administrative act, award or ruling, only on the basis of the consent of the parties.

48. Heads of argument

- (1) In addition to any other rule regulating the submission of heads of argument, the court may at any time call on the parties to deliver concise heads of argument on the main points that they intend to argue.
- (2) All heads of argument filed in terms of these rules must:
 - (a) include a chronology of the material facts;
 - (b) in its references to evidence contain a page and paragraph or line reference to the record or bundle of documents;
 - (c) include a list of the authorities referred to in the heads of argument;
 - (d) in its reference to a text book specify the author, title, edition and page number in that order (for example: Smith, Labour Law, 2nd ed, 44);
 - (e) in its first reference to a reported case must contain the full name of the case, the year, volume, commencement page, division of the court, and page and margin reference to which specific reference is made; and

- (f) in a review application, refer to the record of the proceedings under review using footnotes.

49. Submissions by an *amicus curiae*

- (1) Any person interested in any proceedings before the court may, on application to the Judge President or any judge authorised by the Judge President, be admitted to the proceedings as an *amicus curiae* on the terms and conditions and with the rights and privileges determined by the Judge President or any judge authorised to deal with the matter.
- (2) The terms and conditions and rights and privileges referred to in subrule (1) may be amended in accordance with directions given by the Judge President or the judge authorised to deal with the matter.
- (3) An application in terms of subrule (1) must be made not later than 15 days before the date of hearing.
- (4) An application to be admitted as an *amicus curiae* must:
 - (a) briefly describe the interest of the *amicus curiae* in the proceedings;
 - (b) briefly identify the position to be adopted by the *amicus curiae* in the proceedings; and
 - (c) clearly, succinctly and without unnecessary elaboration set out the submissions to be advanced by the *amicus curiae*, their relevance to the proceedings and that person's reasons for believing that the submissions will be useful to the court and different from those of the other parties.
- (5) An *amicus curiae* has the right to lodge written argument, provided that the written argument:
 - (a) is clear, succinct and without unnecessary elaboration;
 - (b) does not repeat any matter described in the argument of the other parties; and

- (c) raises new contentions that may be useful to the court.
- (6) In the event of new matters or arguments being raised by the *amicus curiae*, any other party will have the right to file written argument within 7 days from the date on which the argument of the *amicus curiae* was served on those parties.
- (7) An order of court dealing with costs may make provision for the payment of the intervention of the *amicus curiae*.

50. Partnerships, firms and unincorporated associations

- (1) A partnership, firm or unincorporated association may be a party to any proceedings in its own name and proceedings may be initiated against it by any other party.
- (2) A party in proceedings against a partnership, firm or unincorporated association need not allege the names of the partners, owner, members or office-bearers.
- (3)
 - (a) Any party to proceedings, initiated by or against a partnership, firm or unincorporated association, may notify the other party to provide it within 10 days of the service of the notice with the names and addresses of the partners, owner, members or office-bearers of the partnership, firm or unincorporated association and a copy of its constitution at the date on which the cause of the proceedings arose.
 - (b) A partnership, firm or unincorporated association that has been served with a notice in terms of paragraph (a) must comply with it within the specified period.
 - (c) Once the necessary information has been furnished, the partners, owner, or members become parties to the proceedings.
 - (d) In the event of a dispute about the identity of a partner, owner, member or office-bearer the court may, on application, decide the issue.

- (4) If proceedings are instituted against a partnership, firm or unincorporated association and it appears that, since the cause of the proceedings, it has been dissolved, the proceedings continue against the persons alleged to be or stated by the partnership, firm or association to be partners or members.
- (5) Execution in respect of a judgment against a partnership, firm or unincorporated association must first be levied against its assets and thereafter against the private assets of any person held to be or estopped from denying being a partner or member, as if judgment had been entered against that person.

51. Representation of parties

- (1) A representative who acts on behalf of any party in any proceedings, must deliver a notice to the registrar and all other parties, advising them of the following particulars:
 - (a) the representative's name;
 - (b) the postal address and place of employment or business; and
 - (c) if an email address and telephone number are available, those particulars.
- (2) On receipt of a notice delivered in terms of subrule (1), the address furnished will become the address for notices to and for service on that party of all documents in the proceedings, but any notice duly sent or any service duly effected elsewhere before receipt of that notice will, notwithstanding that change, for all purposes be valid, unless the court orders otherwise.
- (3)
 - (a) A representative in any proceedings who ceases to act for a party must deliver a notice of withdrawal to that party and all other parties concerned.
 - (b) A notice of withdrawal delivered in terms of paragraph (a) must state the names and addresses of the parties that are notified and the last known particulars and contact details of the party concerned.

- (c) After receipt of a notice referred to in paragraph (a), the address of the party formerly represented becomes the address for notices to and for service on that party of all documents in the proceedings, unless a new address is furnished for that purpose.

52. Joinder of parties, intervention as a party, amendment of citation and substitution of parties

- (1) At any time before judgment is delivered, the court may join any number of persons, whether jointly, jointly and severally, separately, or in the alternative, as parties in proceedings, if the right to relief depends on the determination of substantially the same question of law or facts.
- (2)
 - (a) The court may, of its own motion or on application and on notice to every other party, make an order joining any person as a party in the proceedings if the party to be joined has a substantial interest in the subject matter of the proceedings.
 - (b) When making an order in terms of paragraph (a), the court may give such directions as to the further procedure in the proceedings as it deems fit and may make an order as to costs.
- (3) Any person entitled to join as a party in any proceedings may, on notice to all parties, at any stage of the proceedings, apply for leave to intervene as a party and the court may make an order, including any order as to costs, or give such directions as to the further procedure in the proceedings as it deems fit.
- (4) If a party to any proceedings has been incorrectly or defectively cited, the court may, on application and on notice to the party concerned, correct the error or defect and may make an order as to costs.
- (5) If in any proceedings it becomes necessary to substitute a person for an existing party, any party to such proceedings may, on application and on notice to every other party, apply to the court for an order substituting that party for an existing party and the court may make such order, including an

order as to costs, or give such directions as to the further procedure in the proceedings as it deems fit.

- (6) An application to join any person as a party to the proceedings or to be substituted for an existing party must be accompanied by copies of all documents previously delivered, unless the person concerned or that person's representative is already in possession of those documents.
- (7) No joinder or substitution in terms of this rule will affect any prior steps taken in the proceedings.

53. Offer of settlement

- (1) If a sum of money or the performance of some act is claimed in any proceedings, any party against whom the claim is made may at any time make an offer, in writing, to settle the claim or to perform the act.
- (2) Notice of any offer in terms of this rule must be signed by the party who makes it and delivered to all other parties to the proceedings. The notice must state:
 - (a) whether it is unconditional or without prejudice as an offer of settlement;
 - (b) whether it is accompanied by an offer to pay all or only part of the costs of the party to whom the offer is made;
 - (c) whether the offer is made by way of settlement of both claim and costs or of the claim only; or
 - (d) whether the other party disclaims liability for the payment of costs or part of the costs, in which case the reasons must be given.
- (3) An applicant may accept any offer made in terms of subrule (1) by delivering a notice of acceptance of the offer. The notice must be delivered within 10 days after the receipt of the offer, or thereafter with the written consent of the other party or in terms of an order of court.

- (4) In the event of a failure to pay or to perform within 5 days after delivery of the notice of acceptance of the offer, the party entitled to payment or performance may, on 5 days' written notice to the party who has failed to pay or perform, apply for judgment in accordance with the offer, and for the costs of the application.
- (5) An offer made in terms of this rule is not a secret offer or tender and may be disclosed to the court at any time.
- (6) An offer may be taken into account by the court in making an order for costs.

54. Settlement agreements and draft orders

- (1) If the parties to a trial have entered into a settlement agreement prior to the trial date, the registrar must be informed as soon as the settlement agreement is concluded.
- (2) A judge will only make such settlement agreement an order of court if:
 - (a) the representatives of all the parties are present in court and confirm the signature of their respective clients to the settlement agreement and that their clients want the settlement agreement to be made an order of court; or
 - (b) proof is provided to the satisfaction of the presiding judge as to the identity of the person who signed the settlement agreement and that the parties want the settlement agreement to be made an order of court.

55. Consolidation of proceedings

- (1) The court may make an order consolidating any separate proceedings pending before it if it deems the order to be expedient and just.
- (2) The court may make an order referred to in subrule (1) of its own motion or on application by any interested party.

56. Costs

- (1) The fees of one advocate and one attorney may be allowed between party and party, unless the court on application authorises the fees of additional advocates and attorneys.
- (2) The fees of any additional advocate authorised in terms of subrule (1) must not exceed one half of those of the first advocate, unless the court directs otherwise.
- (3) The costs between party and party allowed in terms of a judgment or order of the court, or any agreement between the parties, must be calculated and taxed by the taxing master at the tariff determined by the order or agreement, but if no tariff has been determined, the tariff applicable in the High Court will apply.
- (4) Qualifying fees for expert witnesses may not be recovered as costs between party and party unless otherwise directed by the court during the proceedings.

57. Irregular proceedings

- (1) A party to a cause in which an irregular step has been taken by any other party may apply to court to set it aside.
- (2) An application in terms of subrule (1) must be brought on notice to all parties specifying particulars of the irregularity or impropriety alleged and may be made only if:
 - (a) the applicant has not itself taken a further step in the cause with knowledge of the irregularity;
 - (b) the applicant has, within 10 days of becoming aware of the step, by written notice afforded to the other party an opportunity of removing the cause of complaint within 10 days;
 - (c) the application is delivered within 15 days after the expiry of the second period mentioned in paragraph (b) above.

- (3) If at the hearing of the application the court is of the opinion that the proceeding constitutes an irregular or improper step, it may set it aside in whole or in part, either as against all the parties or against some of them, and grant leave to amend within a specified period or make any order it deems appropriate.
- (4) Until a party has complied with any order of court made against that party in terms of this rule, the party may not take any further step in the cause, save to apply for an extension of time within which to comply with the order.

58. Contempt of court

- (1) An application for contempt of court must be launched on an *ex parte* basis in motion court, where the applicant must seek an order that the respondent be ordered to appear at the court to show cause why it should not be held to be in contempt.
- (2) An application which seeks for the court to make a finding that a party is in contempt of an order of the court must be made *ex parte* by way of a notice of motion accompanied by a founding affidavit. The notice of motion must seek an order in the following terms:
 - (a) that the respondent, [chief executive officer / head of department / owner / proprietor / municipal manager of the respondent] (full names) appear in the Labour Court on (date) of (month) (year) at 10h00 to show cause why he/she should not be found guilty of contempt of court for failing to comply with the order of this court dated (date) that the respondent may explain its conduct by way of affidavit filed prior to the date of hearing, although this will not excuse him/her from being present in court;
 - (b) that in the absence of providing an explanation to the satisfaction of the court, or failing to appear in court despite being properly served, the respondent(s) be found guilty of contempt; and

- (c) that the respondent(s) be incarcerated for such period as the court deems appropriate; or for the respondent(s) to be fined in an amount the court deems appropriate; or other alternative relief;
 - (d) that service of the application and order be effected personally upon the respondent [chief executive officer / head of department / owner/ proprietor / municipal manager of the respondent] and on the state attorney, if the matter concerns an organ of state.
- (3) The affidavit in support of the application must clearly set out how service of the relevant court order was effected upon the respondent; who accepted the service on behalf of the respondent; the responsible person (whom the applicant seeks the court to find to be in contempt) of the respondent who was aware of the court order and is deliberately refusing to comply therewith; in what respect the respondent has failed to comply with the order and other allegations that will constitute the grounds for obtaining the order sought.
- (4) If a defence is raised by the respondent, the court may either hear the matter on the date on which the respondent was ordered to appear in court, or postpone the matter.

59. Taxation

- (1) The registrar may perform the functions and duties of a taxing master or appoint any person as taxing master who is in the registrar's opinion fit to perform the functions and duties as are assigned to or imposed on a taxing master by these rules, on such terms and for such period as may be determined.
- (2) The taxing master is empowered to tax any bill of costs for services actually rendered in connection with proceedings in the court.
- (3) At the taxation of any bill of costs, the taxing master may call for any book, document, paper or account that in the taxing master's opinion is necessary to determine properly any matter arising from the taxation.

- (4) The taxing master must not proceed to the taxation of any bill of costs unless the taxing master has been satisfied by the party requesting the taxation (if that party is not the party liable to pay the bill) that the party liable to pay the bill has received due notice as to the time and place of the taxation and of that party's entitlement to be present at the taxation.
- (5) Despite subrule (4), notice need not be given to a party:
 - (a) who failed to appear at the hearing either in person or through a representative; or
 - (b) who consented in writing to the taxation taking place in that party's absence.
- (6) Any decision by a taxing master is subject to the review of the court on application.

60. Reviews of taxation in chambers

- (1) Reviews must be noted by filing a notice to review.
- (2) The notice to review must be filed within 15 days of the decision that is the subject of the review.
- (3) A copy of the notice to review must be served on all interested parties.
- (4) The notice to review must set out:
 - (a) the particulars of the decision that is the subject of the review;
 - (b) the specific part or part of the item which the ruling of the taxing master is sought to be reviewed;
 - (c) the objections to the specific item made at taxation by the dissatisfied party;
 - (d) the factual grounds of review; and
 - (e) the legal grounds of review.

- (5) On receipt of a notice to review, the taxing master must as soon as possible:
 - (a) draw up a stated case of the facts;
 - (b) give reasons for the decision;
 - (c) provide all interested parties with copies of the stated case and reasons; and
 - (d) send copies of the stated case to all parties within 20 days of receipt of the rule 60 notice.
- (6) On receipt of a copy of the taxing master's stated case and reasons, the applicant must within 15 days deliver concise written representations in respect of the review.
- (7) Any party on whom a notice to review has been served may, within 5 days of delivery of the applicant's representations in terms of subrule (6), deliver concise written representations in respect of the review.
- (8) The taxing master must deliver a report to each of the parties within 20 days of receipt of the representations referred to in subrule (7).
- (9) The parties may make further written submissions to the taxing master within 10 days of receipt of the taxing master's report. The taxing master must then place the case, together with the report and any submissions made, before a judge in chambers.

61. Service and enforcement of court orders

In terms of section 163 of the Act, service and execution of the court's decisions, judgments or orders must take place in accordance with the procedure for service and execution of decisions, judgments or orders of the High Court of South Africa.

62. Oath of office of interpreter

- (1) Before any interpreter may interpret in court, the interpreter must take an oath or make an affirmation in the following form before a judge of the court:

'I,(full names)
do hereby swear/truly affirm that whenever I may be called on to perform
the functions of an interpreter in any proceedings in the court, I will truly
and correctly and to the best of my ability interpret from the language I
am called on to interpret into one or other of the official languages and
vice versa.'

- (2) The oath or affirmation must be taken or made in the manner prescribed for the taking of an oath or the making of an affirmation and must be signed by the interpreter.

63. Witness fees

- (1) A witness in any proceedings in the court is entitled to be paid in accordance with the tariff of allowances prescribed by the Minister of Justice and Constitutional Development and published by notice in the *Gazette* in terms of section 37 of the Superior Courts Act, 2013 (Act 10 of 2013).
- (2) Despite subrule (1), the court may order that no allowance or only a portion of the prescribed allowances be paid to any witness.

64. Sworn translators

Any person admitted and enrolled as a sworn translator of any division of the court of South Africa is deemed to be a sworn translator for the court.

65. Subpoenas

- (1) Any party who requires a witness to attend any proceedings to give evidence may have a subpoena issued by the registrar for that purpose.
- (2) A subpoena must comply with Form 3.

- (3) If a witness is required to produce in evidence any document or thing in the witness's possession, the subpoena must specify the document or thing to be produced.
- (4) After the subpoena has been issued, it must be served by the sheriff in any manner authorised by rule 9.
- (5) A witness who has been required to produce any document or thing at the proceedings must hand it over to the registrar as soon as possible after service of the subpoena, unless the witness claims that the document or thing is privileged.
- (6) After the witness has handed over any document or thing to the registrar, it may be inspected by any party to the proceedings.
- (7) Once the inspection in terms of subrule (6) is complete, the registrar must return the document or thing to the witness.

APPEALS

66. Appeals to the Labour Court³

- (1) Appeals must be noted by filing a notice of appeal with the registrar.
- (2) Unless the enabling statute provides otherwise, the notice of appeal must be filed within 10 days of the date on which the person filing the notice of appeal is notified of the decision that is the subject of the appeal.
- (3) A copy of the notice of appeal must be served on all interested parties.
- (4) The notice of appeal must set out:
 - (a) the particulars of the decision that is the subject of the appeal;
 - (b) the findings of fact that are appealed against; and

³ This rule applies in instances where parties have a right of appeal to the Labour Court. For example: appeals in terms of section 58 of the Mine Health and Safety Act, 1996 (Act 29 of 1996) and section 10 of the Employment Equity Act, 1998 (Act 55 of 1998).

- (c) the conclusions of law that are appealed against.
- (5) The notice of appeal must, in addition, contain a notice calling upon the responsible person or body whose decision is under appeal, to provide a written record of the proceedings, and reasons for the decision, within 15 days of the delivery of the notice of appeal.
 - (6) The person or body upon whom the notice of appeal is served must timeously comply with the direction in the notice of appeal.
 - (7) If the person or body fails to comply with the direction, the registrar must make available to the appellant the record which is received on such terms as the registrar deems appropriate to ensure its safety.
 - (8) The appellant must make copies of such portions of the record as may be necessary for the purposes of the appeal and certify each copy as true and correct.
 - (9) The appellant must furnish the registrar and each of the other parties with a copy of the record or portion of the record, as the case may be, and a copy of the reasons filed by the person or body.
 - (10) The costs of the transcription of the record, copying and delivery of the recording reasons, if any, must be paid by the appellant and then become costs in the cause.
 - (11) The appellant must deliver concise written representations in respect of the appeal within 10 days of receipt of the written record and reasons.
 - (12) The respondent in an appeal may deliver concise written representations in respect of the appeal within 10 days of delivery of the appellant's written representations filed in terms of subrule (11).
 - (13) When the registrar receives representations delivered in terms of subrule (12) or the time limit for delivering these representations lapses, whichever occurs first, the registrar must allocate a date for the hearing of the appeal.

67. Leave to appeal to the Labour Appeal Court

- (1) An application for leave to appeal from the Labour Court to the Labour Appeal Court may be made, by way of a statement of the grounds for leave, at the time of the judgment or order.
- (2) If an application for leave to appeal has not been made at the time of judgment or order, an application for leave must be filed with the registrar responsible for appeals and the grounds for appeal furnished within 15 days of the date of the judgment or order against which leave to appeal is sought, except that the court may, on good cause shown, extend that period.
- (3) If the reasons or the full reasons for the court's order are given on a date later than the date of the judgment or order, the application for leave to appeal must be made within 10 days after the date on which the reasons are given, except that the court may, on good cause shown, extend that period.
- (4) A copy of any application for leave to appeal must also be served on the secretary to the judge from whom leave to appeal is sought. If the judge's secretary is not available, it may be served on the secretary of any other judge in the seat where the matter was heard.
- (5) Within 10 days of the filing of the application for leave to appeal, the party seeking leave may file submissions in support of the application, and any party opposing the application for leave to appeal may file its opposing submissions within 5 days thereafter.
- (6) An application for leave to appeal will be decided by the judge in chambers on the basis of the submissions filed by the parties, unless the judge directs that the application be heard in open court.

GENERAL PROVISIONS

68. *Ex tempore* judgments

- (1) When *ex tempore* judgments are handed down, any party wanting to arrange for the transcript of the judgment must make the necessary arrangements with the transcribers, at their own cost.
- (2) Awaiting the transcript does not delay any time period prescribed by the Act or these rules from continuing to run. The time periods run from the day the judgment was delivered.

69. Destruction of documents and archiving

- (1) In any matter that has not been adjudicated upon by the court or a judge, and has not been withdrawn, the registrar may, subject to the National Archives and Record Service of South Africa Act, 1962 (Act 43 of 1996), after the lapse of 3 years from the date of filing of the last document, authorise the destruction of the documents filed.
- (2) Subject to rule 7, the registrar must archive a file in the following circumstances:
 - (a) in the case of any motion proceeding, when a period of 6 months has elapsed without any steps taken by the applicant from the date of the filing of the application, or the date of the last process filed;
 - (b) in the case of referrals for adjudication, when a period of 6 months has elapsed from the date of delivery of the statement of claim without any steps taken by the referring party from the date on which the statement of claim was filed, or the date on which the last process was filed;
 - (c) When a party fails to comply with a direction issued by a judge within the stipulated time limit.

- (3) The applicant or plaintiff, as the case may be, may file an application, on affidavit and on notice to all parties, to seek the retrieval of the file and the reinstatement of the proceedings.

70. *Pro bono* exemption

In matters where one or both of the parties are represented by practitioners acting *pro bono*, a judge may grant an exemption from the full or partial application of the relevant portions of these rules, including issuing directives regarding *inter alia* the preparation of the record, indexing and pagination of the papers and the conduct of pre-trial conferences, as well as the need to file heads of argument.

71. Procedures not specifically provided for in these rules

If a situation for which these rules do not provide arises in proceedings or contemplated proceedings, the court may adopt any procedure that it deems appropriate in the circumstances, and may act in any manner it deems expedient to achieve the objects of the Act, and in doing so may have regard to any appropriate rule in the Uniform Rules.

72. Virtual hearings

- (1) The default position is that proceedings be conducted in open court. However, the presiding judge in any matter has the discretion to hear any matter virtually, either on request of one or more of the parties, or by direction.
- (2) The judge shall give instructions as to the establishment of video links, the recording of the proceedings, the retention of an audio file by the registrar, and the means of access to the virtual hearing by persons who do not have access to IT-related equipment and software.
- (3) It remains the decision of the presiding judge to grant access to any virtual hearing with due regard to the nature of the proceedings, public interest in the proceedings and the principles of open justice.

73. Media access to proceedings

- (1) Representatives of the media shall be entitled to take still photographs and/or video footage during court proceedings in the following circumstances, unless the court otherwise directs:
 - (a) court activities for 15 minutes before the commencement of proceedings each day;
 - (b) during any adjournment of proceedings or at the end of proceedings;
 - (c) any argument presented to the court where no evidence is led including but not limited to opening and closing argument and sentencing; and
 - (d) judgment and/or any other judicial rulings.
- (2) Should a representative of the media wish to photograph, film or record any judicial proceedings, he/she shall lodge an application in court, subject to prior written notice to the clerk of court/assistant registrar and where possible to the parties to the matter. Such notice should be given at least 24 hours before the commencement of any proceedings. The presiding judge may condone an applicant's failure to adhere to the 24-hour notice period.
- (3) In granting the application the court may consider the following:
 - (a) For the purposes of filming the proceedings, representatives of the media may install a limited number of cameras, fixed on tripods. Anyone wishing to film the proceedings may also install the necessary microphones and shall do so in the least obtrusive way.
 - (b) The media may also install their own audio equipment provided that this is not obstructive and does not interfere with the proceedings. Where possible, such equipment shall be installed alongside or joined to the court equipment used for recording proceedings.

- (c) A limited number of photographers may be allowed to photograph the proceedings by using still cameras fixed on tripods. Paragraphs (a) and (b) do not limit the amount of handheld or cell phone cameras used to record or photograph proceedings subject to what is set out in the order.
- (d) Anyone filming or taking photographs of the proceedings shall ensure that:
 - (i) the location of cameras is not changed while the court is in session; and
 - (ii) lenses and/or film are not changed while the court is in session.
- (e) In respect of both video and still cameras, no lighting of any sort, whether fixed or otherwise, is permitted for the purpose of photographing or filming the proceedings.
- (f) Each camera may only be operated by one operator.
- (g) Arrangements regarding the installation and positioning of equipment to be installed must be agreed with the court manager or his/her delegate prior to the commencement of proceedings:
 - (i) All equipment must be placed in a fixed and unobstructive position at least fifteen minutes before the start of the proceedings.
 - (ii) To the extent that any installed equipment (i.e. equipment that is not handheld) needs to be used outside of the courtroom or the court building, the placement of such installed equipment shall be agreed with the court manager or his/her delegate.
 - (iii) All equipment must be removed at the end of each day's proceedings or during any adjournment.
 - (iv) To the extent that cabling is required, such cabling must not interfere with free movement inside the court.

- (v) Should any problems arise in relation to the photographing or video and/or audio recording of the proceedings, these may only be attended to during adjournments.
- (4) The conduct of all media representatives must be consistent with the decorum and dignity of the court. This includes the need for all media representatives to be appropriately dressed.
- (5) Equipment must be positioned and operated to minimise any distraction while court is in session.
- (6) Recording of any bench discussions is prohibited.
- (7) Recording or close-up photography of matters of a private, confidential or privileged nature which may ensue between legal representatives and or parties is prohibited.
- (8) Close-up recordings or photographs of judicial officers, legal practitioners or litigants in court are prohibited.
- (9) The use of recordings and photographs for commercial or political advertising purposes is prohibited.

74. Limitation of liability

The State or the registrar shall not be liable for any damage or loss resulting from assistance given in good faith by that registrar to such party in proceedings before the court or in the enforcement of an order in terms of these rules in the form of legal advice or in the compilation or preparation of any process or document.

COMMENCEMENT OF RULES AND REPEAL

- (1) These rules will come into operation on the day announced in the Government Gazette.

- (2) These rules repeal all of the existing rules for the Labour Court and the Practice Manual that came into effect on 1 April 2013.

**Form 1
STATEMENT OF CLAIM**

THE LABOUR COURT OF SOUTH AFRICA
(Held at)
STATEMENT OF CLAIM
(Rule 11)

Case no:.....

In the matter between:

.....

First Plaintiff

.....

Second Plaintiff
(If necessary)

and

.....

First Defendant

.....

Second Defendant
(if necessary)

STATEMENT OF CLAIM

- The (**specify first, second, third, etc.**) plaintiff will accept notices and services in this matter at the following address:
Physical address:
Email address:
Telephone No:
Messaging app No (if applicable):
- If a party intends opposing the matter, a notice of intention to defend must be delivered within 10 days of service of this statement in terms of subrule 12(1) of the Rules of the Labour Court, failing which the matter may be heard in that party's absence and an order for costs may be made against that party.

Details of the parties

- The (**specify plaintiff as above**) is (**description of plaintiff**) having the address stated in paragraph 1.
- The (**specify plaintiff as above**) is (**description of plaintiff**) having the address stated in paragraph 1.
- The (**specify first, second, third etc.**) defendant is (**description of defendant**) having the following address:
Physical address:
Email address:
Telephone No:
Messaging app No (if applicable):
- The (**specify defendant as above**) is (**description of defendant**) having the following address:
Physical address:
Email address:
Telephone No:
Messaging app No (if applicable):

7. **Statement of facts that will be relied on to establish the plaintiff's claim**
.....
.....

8. **The legal issues that arise from the above facts**
.....
.....

9. **Relief sought**
.....
.....

10. **Schedule of documents**
Attached is a schedule of documents, marked as "Annexure.....", which are material and relevant to the issue.

SIGNED AND DATED ATON THIS THE..... DAY OF.....20.....

Applicant or duly authorised representative

**Form 2
APPLICATION FOR DEFAULT JUDGMENT**

**THE LABOUR COURT OF SOUTH AFRICA
(Held at.....)
APPLICATION DEFAULT JUDGMENT**

Case no:.....

In the matter between:

.....

Applicant

and

.....

Respondent

APPLICATION FOR DEFAULT JUDGMENT

- (1) The referral having being duly served on the respondent(s).
- (2) The time for giving notice to oppose the referral having expired on
- (3) The respondent(s) has not given notice to oppose the matter.
- (4) The applicant(s) hereby applies for judgment by default against the respondent as claimed in the referral.
- (5) An affidavit in support of this application is filed herewith marked "A".

SIGNED AND DATED ATON THIS THE..... DAY OF20.....

APPLICANT'S REPRESENTATIVE

Address:
Tel:
Email:
Messaging app no:

**Form 3
SUBPOENA**

THE LABOUR COURT OF SOUTH AFRICA
(Held at.....)
SUBPOENA

Case no:.....

In the matter between:

.....

Applicant

.....

Respondent

To the sheriff:

INFORM:

- (1) (State names, occupation, and place of business or residence)
- (2)
- (3)
- (4)

That each of them is required to appear in person before this court at..... On the day of20..... at.....(time) and to remain in attendance until excused by the court, in order to testify on behalf of the applicant/respondent in regard to all matters within their knowledge relating to an action pending in the court in which the applicant claims –

- (1)
- (2)
- (3) From the respondent;

AND INFORM them that they are further required to bring with them and produce to the court:

(here describe accurately each document, book or other thing to be produced)

AND INFORM each of the above persons that they should on no account neglect to comply with this subpoena as they may render themselves liable to a fine, or to imprisonment.

SIGNED AND DATED AT **ON THIS THE**..... **DAY OF****20**.....

Registrar of the Labour Court

Applicant's / Respondent's Attorney

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF POLICE**NOTICE 2447 OF 2024****NOTICE CALLING FOR PUBLIC COMMENTS****DRAFT IMPROPER CONDUCT ENQUIRIES AMENDMENT REGULATIONS IN THE PRIVATE SECURITY INDUSTRY MADE UNDER THE PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO 56. OF 2001)**

I, Bhekokwakhe Hamilton Cele, Minister of Police, acting under section 35 of the Private Security Industry Regulation Act, 2001 (Act No 56 of 2001) hereby intend to make amendments to the Improper Conduct Enquiries Regulations, 2003.

The draft amendments are contained in the Schedule to this Notice and are hereby published for general information and written comment from interested and / or affected persons.

Any written comment must be submitted to the Office of the Director: Private Security Industry Regulatory Authority. The comment must reach the said office not later than four weeks from the date of this Gazette at the following address:

Postal address:

The Director
Private Security Industry Regulatory Authority
Private Bag X 817

PRETORIA

0001

Street address:

420 Witch-Hazel Avenue
Eco Glades 2 Office Park, Block B
Highveld Ext 70
Centurion

E-mail: Regulations@psira.co.za

BH CELE, MP

Minister of Police

Date:

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from the existing enactments.

_____ Words underlined with solid line indicate insertions in existing enactments.

Definition

1. In this Schedule, "the Regulations" means the Improper Conduct Enquiries Regulation, 2003 published under Government Notice No. R.753 of 14 February 2002.

Amendment of Regulation 1 of the Regulations

1. Regulation 1 of the Regulations is hereby amended –
 - a. by the insertion before the definition of "security service provider" of the following definition:

"**witness subpoena**" means a written order that requires a person to appear before an enquiry , or other legal proceedings, and testify, or produce documentation.

Amendment of Regulation 8 of the Regulations

2. Regulation 8 of the Regulations is hereby amended-

Witnesses and related matters

a. by the substitution of subregulation (1) of the following regulation:

(1) The director may, under his or her signature, **[summon]** subpoena any person to appear at an enquiry, at a date, time and place referred to in the **[summons]** witness subpoena, to give evidence and to produce at the enquiry any document referred to in the **[summons]** witness subpoena, which may be relevant to the enquiry, and which is, or presumably is, in the possession of the person in question.

b. by the substitution of subregulation (2) of the following regulation:

(2) **[A summons]** A witness subpoena referred to in subregulation (1) is in the form materially corresponding to the Annexure, as determined by the **[that the]** director **[determines]** from time to time.

c. by the substitution of subregulation (3) of the following regulation:

(3) A respondent who wishes a person to be **[summoned]** subpoenaed to present evidence at an enquiry must, with the written permission of a presiding officer, draft, sign and serve a **[summons]** witness subpoena, accompanied by the written permission in question, substantially in the form that the director determines from time to time, on such person.

d. by the substitution of paragraph (b) of subregulation (4) of the following regulation:

(b) issue **[a summons]** the witness subpoena in the form contemplated in subregulation (2) in respect of a person who is not present at an enquiry and who, in the opinion of the presiding officer, may be able to give evidence relevant to the enquiry, to attend the enquiry, give evidence at the enquiry, and to produce any document

which may be relevant to the enquiry which is, or presumably is, in the possession of such person, at the enquiry.

- e. by the substitution of subregulation (5) of the following regulation

(5) A directive of the presiding officer as referred to in subregulation (4)(a), has for all the purposes of these Regulations the effect of **[a summons]** the witness subpoena contemplated in subregulation (4)(b).

- f. by the substitution of subregulation (3) of the following regulation:

(6) The presiding officer may at the time adjournment of an enquiry direct any person attending the enquiry as a witness and who has to be present when the enquiry resumes, to be present at the enquiry at a date, time and place determined by the presiding officer, and such directive has all the purposes of these Regulations the effect of **[a summons]** the witness subpoena contemplated in subregulation (4)(b).

Amendment of Regulation 15 of the Regulations

15 Imposition of penalties, payment and collection of fines and other amounts

Amendment of Regulation 15 of the Code of Conduct

- a. by the substitution for paragraph (a) of subregulation (2) of the following paragraph:

(2) (a) Where a fine has been imposed on a respondent and, where necessary, has been confirmed in terms of regulation 18, the fine is, subject to paragraph (b), due and payable to the Authority **[on demand]** upon service of notification of Improper Conduct Enquiries outcome, irrespective of the fact that the respondent has

lodged an appeal as contemplated in section 30(1)(c) of the Act against the conviction or the fine in question.

b. by the insertion of paragraph (c) and (d) under subregulation 2 of the regulations:

(c) A respondent who is unable to pay a fine in terms of subparagraph (a) and intends to lodge an appeal must furnish the Authority with an affidavit confirming that the respondent is unable to pay the imposed fine upfront.

(d) The Authority may grant consent for the respondent to proceed with the appeal without payment of the imposed fine, if the respondent has furnished sufficient reasons and attached relevant proof of inability to pay the imposed fine, such as the respondent's bank statement (not older than 3 months) or financial audited statement to the affidavit made in terms of paragraph (c).

c. by the insertion of subregulation 2A after paragraph (c) of subregulation 2 of the regulations:

2A (1) Payment of a fine must be made by the respondent to the Authority by paying the full amount due immediately by means of an electronic transfer (EFT) into the bank account of the Authority as indicated on the notification of the Improper Conduct Enquiry outcome or the settlement agreement.

(2) If payment of a fine remains dishonoured by any respondent for a period exceeding thirty days after service of the notification of Improper Conduct Enquiries outcome by the Authority, the Authority will be entitled to institute legal proceedings to enforce compliance with the outcomes of the improper conduct enquiry.

(3) Where a respondent is unable to settle the fine amount in a single payment, the respondent is required to approach the Authority

within a period of thirty days after receipt of notification of outcome of improper conduct enquiry to make payment arrangements.

(4) The payment arrangements in terms of subregulation (3) will entail signing of an acknowledgement of debt.

Short title and commencement

6. These regulations are called the Draft Improper Conduct Enquiries Amendment Regulations, 2022, and come into operation, unless otherwise specified, on the date of their publication in the *Gazette*.

ANNEXURE

WITNESS SUBPOENA
PRIVATE SECURITY INDUSTRY REGULATION ACT
(ACT No. 56 of 2001)

- (1) **[Summons]** Subpoena referred to in Regulation 8(1) of the Improper Conduct Enquiries Regulations, 2003, as published under Government Notice No. 306 of 2003, published in Government Gazette No. 24971 dated 28 February 2003.

In the matter between

COMPLAINANT:

and

RESPONDENT:

- (2) To: The person authorised to serve subpoenas

Serve this subpoena on:

SURNAME:	
FULL NAMES:	
ID. NUMBER/DATE OF BIRTH:	
HOME ADDRESS:	
HOME TELEPHONE NUMBER:	
WORK ADDRESS:	
WORK TELEPHONE NUMBER:	

who is hereby subpoenaed by the enquiry to appear in person before this enquiry on the
..... day of 20 at
(time) in the above-mentioned matter to give evidence and/or to produce the book/s,
document/s or object/s specified in the list hereunder.

(3) LIST AND DESCRIPTION OF BOOK/S, DOCUMENT/S OR OBJECT/S TO BE PRODUCED:

- a.
- b.
- c.
- d.
- e.

(4) **You are hereby summoned in terms of Regulation 8(1) of the Improper Conduct Enquiries Regulations, 2003, as published under Government Notice No. 306 of 2003 in Government Gazette No. 24971 dated 28 February 2003, to appear and remain present on the above date and time and at the abovementioned place for the purpose of an enquiry by the Private Security Industry Regulatory Authority in terms of the Improper Conduct Enquiries Regulations, 2003 into charges of improper conduct against the Respondent.**

(5) **If you, without good cause refuse or fail to comply with the provisions of the subpoena and / or after you have been called upon to give evidence at an enquiry, refuse to be sworn in as a witness or to make an affirmation, or to produce a document or, after you have been put under oath or affirmation, refuse to answer a lawful question put to yourself, you will be guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 24 months, or to both the fine and the imprisonment in terms of Regulation 19(2) of the Improper Conduct Enquiries Regulations, 2003.**

SIGNATURE

DESIGNATION

SIGNED AT _____ ON THIS THE _____ DAY OF _____ 2022.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NOTICE 2448 OF 2024

**Draft Construction Industry Development Board
Amendment Bill for public comment**

The Department of Public Works and Infrastructure (DPWI) invites the public to comment on the draft Construction Industry Development Board (CIDB) Amendment Bill. Persons who wish to submit comments in connection with the draft Bill are invited to do so by no later than 16:00 on **Friday, 31 May 2024**. Comments received after this date may not be considered.

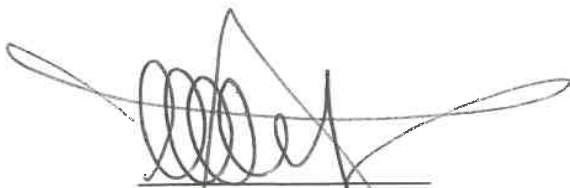
All comments must be submitted in writing to **Mr Livhuwani Ndou**, Acting Deputy Director-General: Policy, Research and Regulation (PRR), and as well as **Mr Amukelani Maluleke**, Deputy Director: Construction Sector Regulation as follows:- –

: Mr Livhuwani Ndou
Acting Deputy Director- General: PRR Branch
Department of Public Works and Infrastructure
Private Bag X65
Pretoria 0001

OR: Livhuwani.Ndou@dpw.gov.za and
Amukelani.Maluleke@dpw.gov.za

Kindly write **Construction Industry Development Board
Amendment Bill** in the subject field of your email.

Enquiries: 012-406-1315 or 012-406-1203



S. MDAKANE
DIRECTOR-GENERAL: PUBLIC WORKS AND INFRASTRUCTURE

REPUBLIC OF SOUTH AFRICA

CONSTRUCTION INDUSTRY DEVELOPMENT BOARD AMENDMENT BILL

(As introduced in the National Assembly (proposed section 76); explanatory summary of Bill and prior notice of its introduction published in Government Gazette No. 50608 of 3-5-2024) (The English Text is the official text of the Bill)

(MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE)

[B — 2022]

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
-

BILL

To amend the Construction Industry Development Board Act, 2000, so as to insert new and amend certain definitions; to provide a clear delineation between the Board as regulator and its oversight body, the Council; to provide for the qualifications of members of Council; to provide for the enforcement powers of the Board; to provide for transformation and development in the construction industry; to extend the application of the register of contractors to procurement in the private sector; to provide for a register of professional service providers; to further provide for the enforcement of the Act; to empower the Minister to make regulations prescribing the requirements for registration of professional service providers, application fees and categories of registration of service providers; to provide for offences and penalties; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows: —

Deletion of explanatory notes on purpose of Chapter One of Act 38 of 2000

1. Chapter One of the Construction Industry Development Board Act, 2000 (Act No. 38 of 2000) (hereinafter referred to as the “principal Act”) is hereby amended by the deletion of the explanatory notes on the purpose of the Chapter.

Amendment of section 1 of Act 38 of 2000

2. Section 1 of the principal Act is hereby amended—

- (a) by the deletion of the numbering preceding the definitions;
- (b) by the deletion of the definition of “best practice”;
- (c) by the deletion of the definition of “best practice contractor recognition scheme”;
- (d) by the deletion of the definition of “best practice project assessment scheme”;
- (e) by the substitution for the definition of “chairperson” of the following definition:

“**chairperson**’ means the chairperson of the **[Board] Council** appointed in terms of section 6(11)(a);”;

- (f) by the deletion of the definition of “contractor”;
- (g) by the substitution for the definition of “construction industry” of the following definition:

“**‘construction industry**’ means the broad conglomeration of industries and sectors which add value in the **[creation and maintenance of fixed assets within the built environment]** life cycle of construction works;

- (h) by the substitution for the definition of “construction work” of the following definition:

“ **‘construction works’** means the provision of a combination of goods and services arranged for the **[development]** construction, extension, installation, **[repair,]** maintenance, **[renewal, removal, renovation, alteration, dismantling]** refurbishment, rehabilitation, or demolition of a fixed asset **[including building and engineering infrastructure]**”;

- (i) by the insertion after the definition of “construction works” of the following definitions:

“ **‘contractor’** means a person who undertakes to execute construction works;

‘contractor recognition scheme’ means a contractor recognition scheme referred to section 21”;

“ **‘Council’** means a council of the Board appointed by the Minister in terms of section 6”;

- (j) by the deletion of the definition of “emerging enterprise”;
- (k) by the substitution for the definition of “emerging sector” of the following definition:

“ **‘emerging sector’** means that sector of the construction industry which comprises of emerging enterprises that are owned, managed and controlled by previously disadvantaged persons”;

- (l) by the substitution for the definition of “member” of the following definition:

“**‘member’** means a member of the **[Board]** Council appointed in terms of section 6;”

- (m) by the substitution for the definition of ‘Minister’ of the following definition:

“**‘Minister’** means the **[Minister of the National Department]** Cabinet Member responsible for public works and infrastructure”;

(n) by the substitution for the definition of “organ of state” of the following definition:

“ **‘organ of state’** means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996[(**Act No. 108 of 1996**)];”;

(o) by the deletion of the definition of “policy”;

(p) by the insertion after the definition of “prescribed” of the following definitions:

“ **‘private sector procurement’** means the acquisition of construction works by the private sector;

“ **‘professional service provider’** means a person who plans, designs or supervises construction works;”;

(q) by the insertion after the definition of “project” of the following definition:

“ **‘project assessment scheme’** means the project assessment scheme referred to in section 23;”;

(r) by the deletion of the definition of “register”;

(s) by the insertion after the definition of “register” of the following definitions:

“ **‘register of contractors’** means a register of contractors referred to in Chapter Three;

“ **‘register of professional service providers’** means a register of professional service providers contemplated in section 22;”;

(t) by the deletion of “and” at the end of the definition of “regulation” and the insertion after the definition of “regulation” of the following definitions:

“ **‘scheme’** means a set of best practice and the standards established by the Board; and

“ **‘standards’** means the standards determined by the Board in terms of section 4 and section 5.”

Deletion of explanatory notes on purpose of Chapter Two of Act 38 of 2000

3. Chapter Two of the principal Act is hereby amended by the deletion of the explanatory notes on the purpose of the Chapter.

Amendment of section 4 of Act 38 of 2000

4. Section 4 of the principal Act is hereby amended—

(a) by the substitution in paragraph (a) for subparagraph (iii) of the following subparagraph:

“(iii) **[improved value]** best value for money to clients;”;

(b) by the substitution for paragraph (b) of the following paragraph:

“(b) provide strategic leadership to construction industry stakeholders to stimulate sustainable growth, transformation, reform and improvement of the construction sector;”;

(c) by the substitution in paragraph (c) for the words preceding subparagraph (i) of the following words:

“determine and establish **[best practice]** standards that **[promotes]** promote—”;

(d) by the substitution in paragraph (c) for subparagraphs (iii) and (iv) of the following subparagraphs, respectively:

“(iii) improved procurement and delivery management reform;

(iv) **[improved public sector delivery management]** human resource development in the construction industry;”.

(e) by the substitution for paragraph (d) of the following paragraph:

- “(d) promote **[best practice] standards** through the development and implementation of appropriate programmes and measures aimed at **[best practice] standards** and improved performance of public and private sector clients, contractors and other participants in the construction delivery process;”
- (f) by the substitution for paragraph (f) of the following paragraph:
- “(f) promote, establish or endorse—
- (i) uniform standards; and
 - (ii) ethical standards,
- that regulate the actions, practices and procedures of parties engaged in **[construction contracts] construction works**”.

Amendment of section 5 Act 38 of 2000

- 5.** Section 5 of the principal Act is hereby amended—
- (a) by the substitution for the heading of the following heading:
- “5. Powers, functions and duties of [Board] Council”**
- (b) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- “To provide strategic leadership, the **[Board] Council**—”;
- (c) by the substitution in subsection (1) for paragraph (a) of the following paragraph:
- “(a) must promote and implement policies[. **programmed**], programmes and projects aimed at, amongst others—”;

(d) by the substitution in subsection (1)(a) for subparagraph (i) of the following subparagraph:

“(i) support of the emerging sector;”;

(e) by the substitution for subsection (2) of the following subsection:

“(2) To promote **[best practice] standards**, the **[Board] Council**—

- (a) must, in consultation with the Minister, determine **[best practice] standards** and priorities for the construction industry;
- (b) must, by notice in the *Gazette*, publish **[best practice] standards** and guidelines;
- (c) may develop targets and performance indicators related to those **[best practice] standards** and guidelines and establish mechanisms to monitor their implementation and evaluate their impact;
- (d) must establish and maintain a national register of contractors as contemplated in Chapter Four, which provides for categories of contractors in a manner which facilitates public and private sector procurement, and which integrates other statutory contractor registers;
- (e) must establish and maintain a **[best practice] contractor** recognition scheme as contemplated in section 21, which promotes contractor development and monitors contractor performance;
- (f) must establish and maintain a register of projects **[; the best practice] and a** project assessment scheme contemplated in

Chapter Four, for the promotion, assessment and evaluation of **[best practice] standards** on construction contracts;

- (g) may establish and maintain a register of suppliers[,] and manufacturers **[or service providers]** in the construction industry. The provisions of Chapter **[Four]** Three apply with the necessary changes required by the context, to that register; **[and]**
- (h) may develop and promote other programmes and projects that promote best practice[.]; and
- (i) must establish and maintain a national register of professional service providers as contemplated in Chapter Three-A, which provides for categories of professional service providers in a manner which facilitates public and private sector procurement.”.

- (f) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“To advance the uniform application of policy with regard to construction industry development, the **[Board]** Council—”;

- (g) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

“To promote uniform and ethical standards within the construction industry, the **[Board]** Council—”.

- (h) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words:

“To promote sustainable growth of the construction industry and the participation of the emerging sector therein, the **[Board]** Council—”;

- (i) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words:

“To promote appropriate research, the **[Board]** Council—”;

- (j) by the substitution in subsection (7) for the words preceding paragraph (a) of the following words:

“To implement policy, the **[Board]** Council—”;

- (k) by the substitution for subsection (8) of the following subsection:

“(8) The **[Board]** Council may advise the Minister on policy and legislation impacting on the construction industry or propose amendments to this Act to the Minister.”;

- (l) by the substitution for subsection (9) of the following subsection:

“(9) The **[Board]** Council may advise the Minister on the effectiveness of the implementation of policies, programmes or legislation developed by the Minister or by the **[Board]** Council.”;

- (m) by the substitution in subsection (10) for the words preceding paragraph (a) of the following words:

“The **[Board]** Council may—”; and

- (n) by the deletion in subsection (10) of paragraph (b).

Substitution of section 6 of Act 38 of 2000

6. The following section is hereby substituted for section 6 of the principal Act:

“Appointment and composition of Council”

6. (1) The Minister must appoint 11 members of the Council which must consist of the following:

- (a) one person who is an employee of the department,
- (b) one person who is a legal practitioner,
- (c) one person who has a qualification and experience in finance,
- (d) one person who has a qualification and experience in human resources management,
- (e) one person who has a qualification and experience in auditing and risk management, and
- (f) six persons who have a qualification and experience in the built environment.

(2) The members of the Council must be persons—

- (a) who are citizens or permanent residents of the Republic; and
- (b) who are not disqualified as contemplated in section 7(1).

(3) In appointing members of the Council, the Minister must take into account—

- (a) the objects, powers, functions, and duties of the Board and the Council as contemplated in sections 4 and 5, respectively; and
- (b) the need to achieve a reasonable balance of expertise and knowledge of the construction industry, whilst broadly reflecting the race, gender, and geographic composition of the Republic.

(4) Before appointing members of the Council, the Minister must publish a notice in the *Gazette* and three national newspapers, with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012) calling

upon members of the public to submit to the Minister, within a period of at least 30 days from the publication of the notice, nominations of persons as candidates for positions on the Council.

(5) The notice referred to in subsection (4) must set out the—

- (a) time commitments reasonably expected from members of the Council;
- (b) term of office for which appointments are considered;
- (c) criteria for disqualification as members of the Council;
- (d) requirements with which nominations must comply, including those listed in subsection (1);
- (e) closing date for nominations;
- (f) procedure to be adopted regarding nominations; and
- (g) the address to which nominations must be delivered.

(6) The Minister must—

- (a) appoint a selection panel to shortlist and recommend to the Minister a list of candidates for appointment as members of the Council; and
- (b) determine the terms of reference for the selection panel.

(7) The selection panel must, subject to subsection (7), after shortlisting candidates as contemplated in subsection (6)—

- (a) compile and submit to the Minister a list of recommended candidates which list must have more than one candidate per position to be filled; and
- (b) must submit a curriculum *vitae* of each recommended candidate.

(8) Before the selection panel compiles a list contemplated in subsection (7), it must ensure that candidates have been subjected to security screening and probity check process.

(9) The Minister must—

(a) upon receipt of a list of recommended candidates contemplated in subsection (7), consider the list;

(b) subject to section 7(4) and (5), appoint the members contemplated in subsection (1) from the list of recommended candidates, after the Cabinet has endorsed the appointment of members of the Council from the list; and

(c) issue each successful candidate with a letter of appointment stating the term and conditions of his or her appointment.

(10) If the panel referred to under subsection (6) is unable to recommend suitably qualified persons or the required number of suitably qualified persons, the Minister must, on the recommendation of the panel re-advertise and follow the procedure set out in this section.

(11) The Minister must, within 30 days after the appointment or reappointment of a member or members of the Council, publish in the Gazette—

(a) the name of every person appointed as a member of the Council;

(b) the date from which the appointment takes effect; and

(c) the duration of the period for which the appointment is made.

(12) The Minister must, from the members contemplated in subsection (9) appoint persons as—

(a) the chairperson of the Council ; and

(b) the deputy chairperson of the Council.

(13) If a person, who is a political office bearer, accepts an appointment in terms of this section, he or she must vacate the political office before the appointment in terms of this section takes effect.

(14) The chief executive officer of the Board is an *ex officio* member of the Council.”.

Substitution of section 7 of Act 38 of 2000

7. The following section is hereby substituted for section 7 of the principal Act:

“Disqualification, removal from office, term of office and filling of vacancies

7. (1) A person may not be appointed as a member of the Council if he or she—

(a) is an unrehabilitated insolvent;

(b) has been declared by a court to be mentally ill;

(c) serves on more than three boards of public entities or private companies;

(d) has been convicted of—

(i) a crime and sentenced to a term of imprisonment without the option of a fine; or

(ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the nomination in terms of section 6(1)(a).

(e) is a member of the National Assembly, a provincial legislature or any municipal council, or is a delegate to the National Council of Provinces;

(f) has, as a result of improper conduct, been removed from a position of trust by a competent court of law; or

(g) is not fit and proper to hold office.

(2) The Minister must, in writing, subject to subsection (3), relieve any member of his or her duties—

(a) if that member has failed to attend two consecutive meetings of the Council without leave of the chairperson of the Council, which leave may be granted retrospectively;

(b) if that member has failed to uphold and advance the objects of the Board;

(c) on the grounds of misconduct, incapacity or incompetence;

(e) if the member becomes disqualified as contemplated in subsection (1);

or

(f) for any other reasonable ground.

(3) Before acting in accordance with subsection (2) the Minister must afford the affected member of the Council an opportunity to provide reasons why that member must not be relieved of his or her duties as a member of the Council.

(4) A member of the Council holds office for a period not exceeding three years, on the conditions determined by the Minister.

(5) A member of the Council may not serve for more than two consecutive terms, unless the Minister considers it necessary to reappoint a member, to ensure continuity or on the grounds of the specific expertise of that member.

(6) A third of the Council members must, subject to subsection (1) be reappointed, but if it is not possible to do so, a number as near to a third of the members as possible may be reappointed.

(7) If a member dies or vacates his or her office before the expiry of the period for which he or she was appointed, the Minister may appoint another person in accordance with section 6, to fill the vacancy for the remaining portion of the period for which that member was appointed.

(8) Where a term of office of the Council members has expired before new Council members have been appointed, the Minister may, notwithstanding the provisions of subsections (4) and (5), after consultation with the Council, extend the period of office of any or all the members of the Council for a non-renewable period of not more than 12 months.

(9) The Minister may, on account of misconduct or inability to perform their duties efficiently, relieve all members of the Council of their duties and appoint an interim Council for a period not exceeding 12 months pending the appointment of the Council members in terms of the provisions of section 6.

(10) Before acting in accordance with subsection (9) the Minister must conduct an investigation into the affairs of the Board and afford the Council an opportunity to provide reasons why they should not be relieved of their duties”.

Substitution of section 8 of Act 38 of 2000

8. The following section is hereby substituted for section 8 of the principal Act:

“Remuneration of members of Council”

8. A member of the **[Board]** Council or a committee of the **[Board]** Council receives such remuneration and allowances as determined by the Minister, in consultation with the Minister of Finance.”.

Substitution of section 9 of Act 38 of 2000

9. The following section is hereby substituted for section 9 of the principal Act:

“Disclosure of interest”

9. If a member of the **[Board]** Council or his or her spouse, immediate family member, life partner or business associate, has any direct or indirect financial interest in any matter to be dealt with at any meeting of the **[Board]** Council, that member—

- (a) must disclose that interest and the extent thereof in writing to the chairperson, who must table that statement at the next meeting of the **[Board]** Council;

- (b) may not attend any portion of a meeting of the **[Board] Council** during the consideration of that matter by the **[Board] Council**;
- (c) may not in any manner take part as a member of the **[Board] Council** in the consideration of that matter by the **[Board] Council**; and
- (d) may not in any manner endeavour to influence the opinion or vote of any other member of the **[Board] Council** in connection with that matter.”.

Substitution of section 10 of Act 38 of 2000

10. The following section is hereby substituted for section 10 of the principal Act:

“Chief executive officer

10. (1) The Council must, after following a recruitment and assessment processes, subject to subsection (2), appoint a suitable candidate as the chief executive officer.

(2) The Council must submit the name of a candidate to be appointed as the chief executive officer to the Minister, for the Minister to seek Cabinet endorsement.

(3) The chief executive officer must enter into a written performance agreement with the Council immediately after his or her appointment and thereafter annually within one month of the commencement of each financial year.

(4) The chief executive officer holds office for a period not exceeding five years and is eligible for reappointment, for any number of terms, on expiry of his or her term.

(5) If the chief executive officer—

(a) is absent for a period of more than two months;

(b) is unable to carry out her or his duties; or

(c) ceases to hold office,

the Council may appoint any senior person in the employ of the Board to act as the chief executive officer, until the chief executive officer is able to resume those functions or until the vacant position of chief executive officer is filled, as the case may be.

(6) If the chief executive officer is absent for a period of less than two months he or she must, after consultation with the Council, appoint any senior person in the employ of the Board to act as chief executive officer.

(7) The acting chief executive officer has all the powers and may perform all the functions of the chief executive officer.”.

Insertion of sections 10A and 10B in Act 38 of 2000

11. The following sections are hereby inserted after section 10 of the principal Act:

“Powers and Functions of chief executive officer

10A. (1) The chief executive officer is the head of the Board's administration.

(2) Subject to directives of the Council, the chief executive officer is responsible for and accountable to the Council for—

- (a) the effective performance of the functions and objects of the Board;
- (b) the day-to-day running of the affairs of the Board;
- (c) the development and implementation of a strategic plan and policies of the Board;
- (d) the development and formation of an efficient administration for the Board;
- (e) the establish of an organisational structure for the Board, including—
 - (i) the appointment and control of employees; and
 - (ii) the training of employees.
- (f) reporting to the Council on a quarterly basis, or at the request of the Council, on the performance of the Board; and
- (g) the performance of any such powers or functions as may, from time to time, be delegated by the Council.

Remuneration and conditions of service of chief executive officer

10B. The chief executive officer is, subject to such terms and conditions and entitled to a remuneration package, as determined by the Council with the concurrence of the Minister and the Minister of Finance.”.

Substitution of section 12 of Act 38 of 2000

12. The following section is hereby substituted for section 12 of the principal Act:

“Meetings

12. (1) The **[Board] Council** must, subject to subsection (12), meet **[at least]** not more than four times a year.

(2) The chairperson of the **[Board] Council** or, in his or her absence, the deputy chairperson, must give each member of the **[Board] Council** 14 days written notice of the time, date and place of the meeting and the matters to be discussed.

(3) The chairperson or, in his or her absence, the deputy chairperson presides at meetings of the **[Board] Council**.

(4) In the absence of both the chairperson and the deputy chairperson, a member of the **[Board] Council**, elected by the members present, presides at meetings of the **[Board] Council**.

(5) The chairperson or, in his or her absence, the deputy chairperson, may at any time call an extraordinary **[meetings] meeting** of the **[Board] Council**.

(6) The **[Board] Council** must keep a register of attendance and minutes of its meetings and must circulate copies thereof to the members of the **[Board] Council** within two weeks after the meeting to which it relates.

(7) The minutes, when confirmed at the next meeting and signed by the person who chairs that meeting, are a true and correct record of the proceedings.

(8) The quorum for a meeting of the **[Board] Council** is a majority of its members.

(9) A decision of the majority of the members of the **[Board] Council** present, at any meeting, constitutes a decision of the **[Board] Council**.

(10) In the event of an equal number of votes, the person presiding at the meeting has a casting vote in addition to that person's deliberative vote.

(11) A decision taken by the **[Board] Council** or an act performed under the authority of the **[Board] Council** is not invalid by reason only of a vacancy on the **[Board] Council** or because a person who is not entitled to sit as a member of the **[Board] Council** sat as a member at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised in good faith by the requisite majority of the members of the **[Board] Council** who were present at the time and entitled to vote as members.

(12) The Council may, notwithstanding subsection (1) and subsection (5) and where necessary, hold not more than four extraordinary meetings per year.

(13) The Council may establish a committee or committees to assist it in the performance of its functions and appoint any person as a member of that committee after due consideration of provincial representation.”.

Substitution of section 13 of Act 38 of 2000

13. The following section is hereby substituted for section 13 of the principal Act:

“Stakeholder consultation

13. (1) The **[Board]** Council must constitute a construction industry stakeholders' forum to inform it on matters that affect the development of the construction industry.

(2) The stakeholders' forum comprises individuals who have experience, expertise or skills necessary to enable it to advise the **[Board]** Council appropriately and who represent stakeholders in the construction industry.

(3) In constituting the stakeholders' forum the **[Board]** Council must, once every two years, invite nominations from organised labour, organised business and construction industry related bodies, clients, societies and associations in a manner the **[Board]** Council considers fit.

(4) The **[Board]** Council must establish a stakeholders' forum from the nominations submitted in terms of subsection (3), on the conditions it considers appropriate.

(5) The **[Board]** Council must convene, at least once per year, a meeting of the stakeholders' forum with the Minister to discuss matters raised by the stakeholders' forum or the **[Board]** Council and submitted to the Minister, in writing, two months prior to that meeting.

(6) The chairperson of the **[Board]** Council presides over the meetings of the stakeholders' forum, and section 12 (3) applies to the meetings of the stakeholders' forum, with the changes required by the context.

(7) Subject to section 5(10)(b), the **[Board]** Council may establish a committee or a focus group to address issues of interest to specific sectors or stakeholders.”.

Amendment of section 14 of Act 38 of 2000

14. Section 14 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A panel drawn from the public sector and the private sector and appointed by the Minister on the basis of expertise in relation to the **[functions]** objects of the Board, must undertake the evaluation.”.

Substitution of section 15 of Act 38 of 2000

15. The following section is hereby substituted for section 15 of the principal Act:

“Delegation of powers

15. (1) The Council may, subject to subsection (2), delegate any of its powers, functions and duties in terms of this Act, to the chief executive officer.

(2) The delegation referred to in subsection (1) excludes the Council's power or duty—

(a) to make rules;

(b) to appointment of the chief executive officer;

(c) to determine the conditions of service of staff members of the Board under section 11;

(d) to determine and establish standards and guidelines under sections 4 and 5; and

(e) to report to the Minister.

(3) The chief executive officer may delegate any of his or her powers in terms of this Act, to a staff member of the Board.

(4) Any delegation under subsection (1) or (3) must be in writing and—

(a) is subject to any limitation or condition imposed in terms of this Act or by the Council or chief executive officer, as the case may be;

(b) does not prevent the exercise of that power in question by the Council or the chief executive officer; and

(c) does not divest the Council or chief executive officer of responsibility for a function or power so delegated.”.

Deletion of explanatory notes on purpose of Chapter Three of Act 38 of 2000

16. Chapter Three of the principal Act is hereby amended by the deletion of the explanatory notes on the purpose of the Chapter.

Amendment of section 16 of Act 38 of 2000

17. Section 16 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The Board must, **[within the first three years of its establishment]** establish a national register of contractors, which categorises contractors in a manner that facilitates private and public sector procurement and promotes contractor development.”

(b) by the substitution for subsection (4) of the following subsection:

“(4) When an employer appoints an implementing agent to undertake construction work, the implementing agent must apply the register to its procurement process.”

(c) by the substitution for subsection (5) of the following subsection:

“(5) The Minister must prescribe the requirements for registration, renewal, and amendment of contractor grading designation; and for the categories of registration, taking into account the different stages of development of contractors in the construction industry, the development of the emerging sector and the objectives of this Act.”

(d) by the substitution for subsection (6) of the following subsection:

“(6) A contractor may, in writing, apply to the Board for registration and the application must be accompanied by the prescribed particulars and prescribed **[administration]** registration fees, which are not refundable.”

(e) by the substitution for subsection (8) of the following subsection:

“(8) The Minister may, on the recommendation of the **[Board] Council**, prescribe **[a] an administration** fee to be paid annually to the Board by all contractors registered with the Board in terms of subsection (7).”.

(f) by the addition after subsection (8) of the following subsection:

“(9) The private sector employers must procure construction works from a register of contractors established in terms of this section.”.

Amendment of section 18 of Act 38 of 2000

18. Section 18 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) A contractor may not undertake, carry out or complete any construction works or portion thereof for **[public sector contracts, awarded in terms of competitive tender or quotation]** the private sector or the public sector, unless such contractor **[he or she]** is registered with the Board and holds a valid registration certificate issued by the Board.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) Any contractor who carries out or attempts to carry out any construction works or portion thereof under a public or private sector contract and **[who is not a registered contractor of the Board in terms of this Act is guilty of an offence and liable, on conviction, to a fine]** in contravention of subsection (1) may, following an

investigation and upon a finding that the contractor violated that subsection, be fined by the Board an amount not exceeding ten per cent of the value of the contract so carried out.”; and

(c) by the insertion after subsection (2) of the following subsection:

“(2A) (a) The Minister must prescribe the procedure for the imposition of administrative fines.

(b) The Board may, for the purpose of conducting an investigation contemplated in this section—

(i) subpoena any person to appear in person at an enquiry;

(ii) subpoena any person to produce any documentation relevant to such an enquiry; and

(iii) seize and make copies of the documentation produced in terms of paragraph (b).”.

(d) by the substitution for subsection (3) of the following subsection:

“(3) A contractor referred to in subsection (2) must, upon receipt of a written notice by the Board served on [him or her] the contractor in the prescribed manner, pursuant to the conclusion of an investigation contemplated in section 29, subject to the provisions of subsection (4), cease [to continue] any public or private sector construction work.”; and

(e) by the insertion after subsection (3) of the following subsection:

“(3A) Any person who is aggrieved by the decision of the Board taken in terms of subsection (2) may appeal to the Minister in the prescribed manner.”.

Amendment of section 19 of Act 38 of 2000

19. Section 19 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

“Removal or suspension of names from and restoration thereof to register”

(b) by the substitution for subsection (1) of the following subsection:

“(1) The Board may, after conducting an investigation, **[order the chief executive officer to]** remove the name of any contractor from the register or suspend registration of a contractor, if the Board is satisfied that such contractor has breached the requirements and conditions for registration or any provision of this Act.”;

(c) by the insertion after subsection (1) of the following subsection:

“(1A) The Board may, for the purpose of conducting an investigation contemplated in this section—

(a) subpoena any person to appear in person at an enquiry;

(b) subpoena any person to produce any documentation relevant to such an enquiry; and

(c) seize and make copies of the documentation produced in terms of paragraph (b).”;

(d) by the substitution for subsection (2) of the following subsection:

“(2) Any registration of a contractor which is **[proved]** found **[to the satisfaction of the Board]** to have been made in error or as a result of misrepresentation or in circumstances not authorised by this Act, must, subject to subsection (2A), be removed from the register,

and the reasons **[for the removal]** therefor must be **[made]** recorded in the register.”;

(e) by the insertion after subsection (2) of the following subsection:

“(2A) The removal or suspension of a contractor as contemplated in subsection (1) or (2) must be preceded by an investigation and subject to a contractor affected thereby being afforded an opportunity to provide reasons why its registration must not be removed from the register or suspended, as the case may be.”;

(f) by the substitution for subsection (7) of the following subsection:

“(7) A contractor whose name and particulars are removed from the register or is suspended in terms of this section, during the currency of a public or private sector contract, may be permitted to complete the construction works or portion thereof, as determined by the Board.”; and

(g) by the addition after subsection (7) of the following subsection:

“(7A) Any person who is aggrieved by the decision of the Board taken in terms of subsection (1) or subsection (2) may appeal to the Minister in the prescribed manner.”.

Amendment of section 20 of Act 38 of 2000

20. Section 20 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) **[Registration]** Subject to section 17(5), registration by the Board in term of this Act is valid for a period of three years.”.

Substitution of section 21 of Act 38 of 2000

21. The following section is hereby substituted for section 21 of the principal Act:

“[Best practice contractor] Contractor recognition schemes

21. The Board must, within a reasonable period after the establishment of the register of contractors, establish **[a best practice]** contractor recognition scheme which—

- (a) enables organs of state and the private sector to manage **[risk on complex contracting strategies]** procurement of construction works; and
- (b) promotes contractor development in relation to **[best practice]** standards and guidelines developed by the Board in terms of section 5(2).”.

Insertion of Chapter Three-A in Act 38 of 2000

22. The following Chapter is hereby inserted after Chapter Three of the principal Act:

“CHAPTER THREE-A**REGISTER OF PROFESSIONAL SERVICE PROVIDERS**

Registration of professional service providers

21A. (1) The Board must, subject to subsection (10), establish a national register of professional service providers, which categorises professional service providers in a manner that facilitates public and private sector procurement and promotes development of professional service providers.

(2) The register for professional service providers must—

(a) indicate the size and distribution of professional service providers operating within the construction industry; and

(b) indicate the volume and nature of professional service provider and target groups.

(3) The Minister must prescribe the manner in which public and private sector professional service provider contracts may be invited, awarded, and managed with the framework of the register.

(4) From a date determined by the Minister, by notice in the Gazette, every organ of state must apply the register of professional service providers to its procurement process.

(5) An implementing agent, appointed by an organ of state to undertake construction work, must apply the register of professional service providers to its procurement process.

(6) The Minister must prescribe the requirements for registration and for categories of registration, taking into account the different development stages of professional service providers in the construction industry, the development of designated groups and the objectives of this Act.

(7) A professional service provider may, in the prescribed manner, apply to the Board for registration and the application must be accompanied by the prescribed particulars and a registration fee which is non-refundable.

(8) If the Board is satisfied that the applicant has met the requirements for registration, as prescribed, it must cause the necessary entry to be made in the register and the chief executive officer must issue to the applicant a registration certificate in the prescribed form.

(9) The Minister may, on the recommendation of the Council, prescribe an administrative fee to be paid annually to the Board by all professional service providers registered with the Board in terms of subsection (7).

(10) The Minister must prescribe the date on which a national register of professional service providers is to come into effect.

(11) Any person who is aggrieved by the decision of the Board not to register that person may appeal to the Minister in the prescribed manner.

Keeping of register

21B. (1) The Board must keep and maintain a register of the prescribed particulars of professional service providers who are registered with the Board and a registered professional service provider must, in writing, notify the Board of substantive changes to those particulars within 30 days after such a change.

(2) A professional service provider may apply to the Board to amend its category status.

(3) Any professional service provider who is aggrieved by the decision of the Board not to amend its category status may appeal to the Minister in the prescribed manner.

Unregistered professional service providers

21C. (1) Subject to subsection (7), a professional service provider may not undertake, carry out or complete any construction works or portion thereof for public or private sector contracts, awarded in terms of competitive tender or quotation, unless such professional service provider is registered with the Board and holds a valid registration certificate issued by the Board.

(2) Any professional service provider who carries out or attempts to carry out any construction works or portion thereof under a public or private sector contract and who is not a registered professional service provider in terms of this Act, is guilty of an offence and liable, on conviction, to a fine not exceeding 10 per cent of the value of the contract so awarded.

(3) Upon becoming aware of any professional service provider rendering any construction works without a valid registration in terms of this Act, the Board must issue such a professional service provider a notice calling upon that professional service provider to show cause why the Board should not direct it to cease construction works within the period specified in that notice.

(4) The Board must after consideration any representation by the service provider referred to in subsection (3), and upon being satisfied that such a professional service provider is not registered in relation to the contract, proceed to issue a notice to the service provider to forthwith cease all construction works related thereto.

(5) The Board may, subject to prescribed conditions permit a professional service provider who received a notice contemplated in subsection (3) in the course of executing a contract to complete construction work or portion thereof, as determined by the Board.

(6) Any professional service provider who is aggrieved by the decision of the Board contemplated in subsection (4) may appeal to the Minister in the prescribed manner.

(7) The Minister must prescribe a financial value of construction works or a portion thereof which may be undertaken without registration as a professional service as contemplated in section 21A.

Removal of names from, and restoration to register

21D. (1) The Council may order the chief executive officer to remove the name of any professional service provider from the register, if the Council is satisfied that such professional service provider has breached the requirements or conditions for registration.

(2) Any registration which is proved to the satisfaction of the Board to have been made in error or as a result of misrepresentation or in the

circumstances not authorised by this Act, must be removed from the register, and the reason for that removal must be recorded in the register.

(3) A professional service provider whose name is removed from the register in terms of subsection (1) or (2) must be notified thereof by the chief executive officer by registered post sent to the address appearing in the register.

(4) The effective date of cancellation of a registration is the date on which notice is effected in terms of subsection (3).

(5) As from the date on which notice is given in subsection (3)—

(a) any registration in terms of this Act, of the professional service provider concerned is cancelled; and

(b) that professional service provider may not perform any act which he or she was entitled to perform as a registered professional service provider.

(6) A professional service provider whose name and particulars have been removed from the register in terms of this section, may be restored to the register, if that professional service provider complies with such requirements as the Board may determine.

(7) A professional service provider whose name and particulars are removed from the register in terms of this section, during currency of a public sector contract, may be permitted to complete the professional services or portion thereof, as determined by the Board.

(8) Any professional service provider who is aggrieved by the decision of the Board to remove its name from the register may appeal to the Minister in the prescribed manner.

Duration of registration

21E. Registration in terms of this Act is valid for a period of three years.

Professional service provider recognition scheme

21F. The Board must, within a reasonable period after the establishment of the register of professional service providers, establish a professional service provider recognition scheme which—

- (a) enables organs of state to manage public sector procurement risk; and
- (b) promotes the development of professional service providers.”.

Deletion of explanatory notes on purpose of Chapter Four of Act 38 of 2000

23. Chapter Four of the principal Act is hereby amended by the deletion of the explanatory notes, which follow the heading of the Chapter, on the purpose of the Chapter.

Amendment of section 22 of Act 38 of 2000

24. Section 22 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Board must **[, within the first three years of its establishment, a register of projects to gather information on the nature, value and distribution of projects]** monitor infrastructure spend to [and]

provide the basis for the **[best practice]** project assessment scheme as contemplated in section 23;”.

Substitution of section 23 of Act 38 of 2000

25. The following section is hereby substituted for section 23 of the principal Act:

“[Best practice project] Project assessment scheme

23. (1) The Board must, within a reasonable period after the establishment of the register of projects, establish a **[best practice]** project assessment scheme, based on the standards determined by the Board in terms of section 5.

(2) After a date determined by the Minister in the *Gazette* all construction contracts above a prescribed tender value are subject to an assessment, in the prescribed manner, **[of compliance with best practice standards and guidelines published by the Board in the Gazette,]** and different dates may **[be determined for different practices]** apply to different classes of contracts.

[(3) Every client who engages in the best practice project assessment scheme must pay to the Board a prescribed percentage of the contract sum as determined at the of the awarding of the contract.”;]”

Deletion of explanatory notes on purpose of Chapter Five of Act 38 of 2000

26. Chapter Five of the principal Act is hereby amended by the deletion of the explanatory notes on the purpose of the Chapter, which follows the heading of the Chapter.

Substitution of section 26 of Act 38 of 2000

27. The following section is hereby substituted for section 26 of the principal Act:

“Accounting

26. Subject to the Public Finance Management Act, 1999, the **[Board]** Council is the accounting authority.

Deletion of explanatory notes on purpose of Chapter Six of Act 38 of 2000

28. Chapter Six of the principal Act is hereby amended by the deletion of the explanatory notes on the purpose of the Chapter, which follows the heading of the Chapter.

Repeal of section 29 of the Principal Act

29. Section 29 of the Principal Act is hereby repealed.

Substitution of section 30 of Act 38 of 2000

30. The following section is hereby substituted for section 30 of the principal Act:

“Confidentiality

30.(1) The chief executive officer, staff and all members of the **[Board]** Council may not disclose to any source, outside of the Board, any information classified by the Board [that may be considered] as being confidential, except if—

(a) the other person requires such information in order to perform any function in terms of this Act;

(b) the disclosure is ordered by a court of law; or

(c) the disclosure is in compliance with the provisions of any other law.

(2) The information contemplated in subsection (1)(a) can only be disclosed by the chief executive officer”.

Insertion of section 33A in Act 38 of 2000

31. The following sections are hereby inserted after section 33 of the principal Act:

“Offences and Penalties

33A. Any person who contravenes or fails to comply with the provision of section 18(1), 19(5)(b) or 21C(2), is guilty of an offence and is liable, on

conviction, to a fine or imprisonment for a period not exceeding 15 years, or to both a fine and such imprisonment.”.

Transitional provisions

33B(1) Anything done or deemed to have been done under a provision repealed or amended by the Construction Industry Development Board Amendment Act, 2023-

- (a) remains valid to the extent that it is consistent with this Act as amended until anything done under this Act, as amended, overrides it; and
- (b) subject to paragraph (a), is considered to be an action under the corresponding provision of this Act, as amended.

(2) An application registration as a contractor or professional service provider in terms of Chapter Three and Chapter Two, respectively and that is pending when the Construction Industry Development Board Amendment Act, 2023 takes effect must, despite the amendment of this Act, be dispensed with in terms of Chapter Three or Chapter Two of this Act as if Chapter Three or Chapter Two had not been amended.

(3) The members of the Board appointed in terms of Chapter Two of the this Act shall continue to serve in those positions until such time that members of the Council have been appointed after commencement of the Construction Industry Development Board Amendment Act, 2023.”.

Substitution of long title of Act 38 of 2000

32. The following long title is hereby substituted for the long title of the principal Act:

“To provide for the establishment of the Construction Industry Development Board; to implement an integrated strategy for the reconstruction, growth and development of the construction industry in the private and public sector; and to provide for matters connected therewith.”.

Insertion of arrangement of sections into Act 38 of 2000

33. The arrangement of sections of the principal Act is hereby inserted into the principal Act—

ARRANGEMENT OF SECTIONS

CHAPTER ONE

DEFINITIONS (S1)

1. Definitions

CHAPTER TWO

CONSTRUCTION INDUSTRY DEVELOPMENT BOARD (S2-15)

2. Establishment of Board

3. Independence of Board

4. Objects of Board

- 5. Powers, functions and duties of Council
- 6. Appointment and composition of Council
- 7. Disqualification, removal from office, term of office and filling of vacancies
- 8. Remuneration of members of Council
- 9. Disclosure of interest
- 10. Chief executive officer
- 10A. Powers and functions of chief executive officer
- 10B. Remuneration and conditions of service of chief executive officer
- 11. Staff of Board
- 12. Meetings
- 13. Stakeholder consultation
- 14. Evaluation and review
- 15. Delegation of power

CHAPTER THREE

REGISTER OF CONTRACTORS (S16-21)

- 16. Registration of contractors
- 17. Keeping of register
- 18. Unregistered contractors
- 19. Removal or suspension of names from and restoration thereof to register
- 20. Duration and renewal of registration
- 21. Contractor recognition schemes

CHAPTER THREE A

REGISTRATION OF PROFESSIONAL SERVICE PROVIDERS (s 21A-21F)

21A. Registration of professional service providers

21B. Keeping a register

21C. Unregistered professional service providers

21D. Removal of names from, and restoration to register

21E. Duration of registration

21F. Professional service provider recognition scheme

CHAPTER FOUR**REGISTER OF PROJECTS (22-23A)**

22. Register of projects

23. Project assessment scheme

CHAPTER FIVE**FINANCIAL MANAGEMENT (s24-27)**

24. Funding of Board

25. Loans

26. Accounting

27. Financial year of Board

CHAPTER SIX**GENERAL (s28-34)**

28. Restriction on use of name

29. Confidentiality

31. Personal liability

32. Consultation

33. Regulations

33A. Offences and penalties

33B. Transitional provisions

34. Short title and commencement

Short title and commencement

34. This Act is called the Construction Industry Development Board Amendment Act, 2022, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

SOUTH AFRICAN RESERVE BANK**NOTICE 2449 OF 2024****NOTICE BY THE PRUDENTIAL AUTHORITY IN TERMS OF SECTION 30(1)(f) OF
THE BANKS ACT, 1990 (ACT 94 OF 1990 – the “Banks Act”)**

Notice is hereby given for general information, in accordance with the provisions of section 30(1)(f) of the Banks Act, of the consent granted by the Minister of Finance, in terms of section 54(1)(b) of the Banks Act, to the arrangement for the transfer of more than 25 per cent of the assets and liabilities of Grindrod Bank Limited to African Bank Limited.

Fundi Tshazibana

N Tshazibana

CEO: Prudential Authority

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 591 OF 2024

**National Gambling Board***South Africa*a member of **the dtic** group

1085 Francis Baard Street, Hatfield, Pretoria, 0028

Tel: +27 (0) 10003 3475 Fax +27 (0) 86 618 5729 E-mail info@ngb.org.za Web www.ngb.org.za**LANGUAGE POLICY OF THE NATIONAL GAMBLING BOARD****Published under****[Relevant Gazette # to be updated once received]**

I, Caroline Kongwa, the Accounting Authority of the National Gambling Board, hereby publish the adopted language policy of the National Gambling Board for public knowledge in terms of section 4(2) of the Use of Official Languages Act, 2012 (Act 12 of 2012).

SIGNED AT HATFIELD THIS 01st DAY OF APRIL 2024

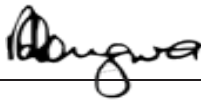
Ms. Caroline Kongwa
Accounting Authority

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Language Policy

POLICY APPROVAL CONTROL SHEET

DATE OF INITIAL APPROVAL:	25 NOVEMBER 2022
DATE OF SUBSEQUENT REVIEW:	05 OCTOBER 2023
DATE OF IMPLEMENTATION:	1 APRIL 2024
SUPPORTED BY:	EXECUTIVE COMMITTEE AND THE AUDIT AND RISK COMMITTEE
APPROVED BY:	THE ACCOUNTING AUTHORITY
SIGNATURE:	

INITIATED BY	REVIEWED BY	APPROVED BY	INITIAL
CORPORATE GOVERNANCE	EXCO & ARC	ACCOUNTING AUTHORITY	

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DEFINITIONS





“Act”	means the Use of Official Languages Act, 2012 (Act 12 of 2012);
“Constitution”	means the Constitution of the Republic of South Africa, 1996;
“Department”	means the National Department of Sports, Arts and Culture;
“Minister”	means the Minister responsible for language matters;
“National government”	means national departments, national public entities and national public enterprises;
“National public entity”	means a national public entity defined in section 1 and listed in Schedules 2 and 3 to the Public Finance Management Act 1 of 1999;
“NGA”	means the National Gambling Act, 2004 (Act 7 of 2004);
“NGB”	means the National Gambling Board as established in terms of the National Gambling Act, 2004 (Act 7 of 2004);
“Official Language”	means an official language contemplated in section 6 (1) of the Constitution;
“PanSALB”	means the Pan South African Language Board, established in terms of the Pan South African Languages Board Act, 1995 (Act 59 of 1995);
“Regulations”	means the Regulations in terms of the Act.

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1. INTRODUCTION

- 1.1. The National Gambling Board (“NGB”) is a statutory body established in terms of the National Gambling Act, 2004 (Act 7 of 2004) (“NGA”) to provide for the coordination of concurrent national and provincial legislative competence over matters relating to casinos, racing, gambling and wagering, and provide for the continued regulation of those matters.
- 1.2. Section 51 (1) (h) of the PFMA provides that an Accounting Authority for a public entity “must comply and ensure compliance by the public entity, with the provisions of the Act and any other legislation applicable to the public entity.”
- 1.3. Section 6(3) of the Constitution stipulates that “the national government and provincial governments may use any particular official languages for the purposes of government, considering usage, practicality, expense, regional circumstances and the balance of the needs and preferences of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages.
- 1.4. To give effect to the Constitution, section 4 (1) of the Use of Official Languages Act, 2012 (Act 12 of 2012) (the Act), provides that every national public entity must adopt a language policy regarding its use of official languages for government purposes.
- 1.5. It is against these legislative prescripts that the NGB has developed a language policy for government purposes.

2. RELEVANT LEGISLATIVE PRESCRIPTS

-  The Constitution of the Republic of South Africa, 1996;
-  The National Gambling Act, 2004 (Act 7 of 2004) (NGA);
-  The Public Finance Management, 1999 (Act 1 of 1999) (PFMA);
-  The Use of Official Languages Act, 2012 (Act 12 of 2012);

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- ✚ Regulations in terms of section 13 of the Use of Official Languages Act, 2012 (Act 12 of 2012); and
- ✚ Any other relevant legislation.

3. OVERVIEW AND PURPOSE

3.1. The Act regulates and monitors the use of official languages by the national government for government purposes.

3.2. Section 4 (1) of the Act requires that every national public entity must adopt a language policy regarding its use of official languages for government purposes. Section 4 (2) of the Act requires that a language policy adopted in terms of subsection (1) must:

- (a) comply with the provisions of section 6 (3) (a) of the Constitution;
- (b) identify at least three (03) official languages that the national department, national public entity or national public enterprise will use for government purposes;
- (c) stipulate how official languages will be used, amongst other things, in effectively communicating with the public, official notices, government publications and inter- and intra-government communications;
- (d) describe how the national department, national public entity or national public enterprise will effectively communicate with members of the public whose language of choice is-
 - (i) not an official language contemplated in paragraph (b); or
 - (ii) South African sign language.
- (e) describe how members of the public can access the language policy;
- (f) provide a complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages by a national department, national public entity or national public enterprise;
- (g) provide for any other matter that the Minister may prescribe; and
- (h) be published in the Gazette as soon as reasonably practicable, but within 90 days of its adoption.

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4. PRINCIPLES

The NGB commits itself to:

- ✚ Promote all official languages of the Republic in order to ensure constitutional language equity and language rights as required by the democratic dispensation;
- ✚ Recognise the constitutional basis towards multilingualism as a resource to maximise collaborative partnerships in nation building, economic development and social cohesion;
- ✚ Promote good language management to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of the NGB; and
- ✚ Prevent the use of any language(s) for the purposes of exploitation, domination and discrimination within the NGB.

5. OFFICIAL LANGUAGES OF THE NGB

5.1. The NGB has adopted the following official languages of the Republic as its official languages for purposes of this policy:

- ✚ English;
- ✚ IsiZulu; and
- ✚ Setswana.

5.2. In light of the above, the NGB's language policy is also informed by the fact that English is, indisputably, the language of business in South Africa and, as such, is the business language of the NGB.

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6. USE OF OFFICIAL LANGUAGES BY THE NGB

6.1. The NGB acknowledges that all official languages have equal status, however the following factors will be considered in the choice of official languages used by the NGB. i.e

- ✚ Practicality of using particular official language(s) for specific purposes;
- ✚ Cost of using particular official language(s) for specific purposes; and
- ✚ How prevalent particular official language(s) is/are used by the target population.

6.2. The following communications must be in English:

- ✚ Inter- and intra-government communications;
- ✚ International communication;
- ✚ Reports;
- ✚ Official publications intended for public distribution such as (but not limited to):
 - NGB News;
 - Emails; and
 - Signage on buildings.
 - Letterheads and other business stationery;

6.3. The following communications may be conveyed in English, isiZulu, and/or Setswana, taking into consideration practicality, cost, and use:

- ✚ Responsible gambling messages (official written, and oral)
- ✚ Communicating with members of the public (official written correspondence);
- ✚ Communication with members of the public (oral communication);
- ✚ Official publications intended for public distribution such as (but not limited to):
 - Notices on the NGB website;
 - Advertisements;
 - Forms;
 - Manual of Information;

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- 6.4. The above communications may be made available in the other South African official languages, not identified herein, on written request within two months taking into consideration the criteria outlined in clause 6.1.
- 6.5. Communication with the hearing or visually impaired: The NGB will arrange for South African Sign Language interpreting and conversion of text into Braille or audio on written request within two months taking into consideration the criteria outlined in clause 6.1.
- 6.6. Communication with members of the public whose language of choice is not one of the official languages of the Republic: The NGB will arrange for appropriate translation or interpreting on written request within two months taking into consideration the criteria outlined in clause 6.1.

7. LANGUAGES UNIT

- 7.1. Due to resource constraints, the NGB cannot establish a dedicated and fully resourced language unit. *In lieu*, the NGB will delegate at least one of its senior officials to ensure that this policy is implemented.
- 7.2. The functions of the delegated official are in line with the functions of the languages unit as envisaged in section 8 of the Act:
- 7.2.1. advise the responsible Accounting Officer or Accounting Authority on the development, adoption and implementation of the language policy;
- 7.2.2. monitor and assess the use of official languages by the NGB;
- 7.2.3. monitor and assess compliance with the language policy by the NGB;
- 7.2.4. compile and submit a report to the Minister and to the Pan South African Language Board in terms of section 9 of the Act;
- 7.2.5. promote parity of esteem and equitable treatment of official languages of the Republic and facilitate equitable access to services and information of the NGB;

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- 7.2.6. promote good language management by the NGB; and
- 7.2.7. perform any other functions that the Minister may prescribe.

8. PUBLICATION OF AND ACCESS TO THIS POLICY

8.1. This Policy will be:

- ✚ Published in English;
- ✚ Available in the other two official languages, Braille and audio on written request;
- ✚ Available on the NGB's website <http://www.ngb.org.za/>; and
- ✚ Displayed at the NGB's office.

9. COMPLAINTS MECHANISM

- 9.1. Any person dissatisfied with a decision of the NGB regarding the use of official languages may lodge a complaint addressed to the Accounting Authority of the NGB.
- 9.2. Any complaint must be in writing containing the following: -
- (a) Full name, address and contact information of the person lodging the complaint.
 - (b) Full details of the complaint with any supporting documentation/ information.
 - (c) The complaint must be lodged within three (03) months of the complaint arising.
 - (d) The complainant can be requested to provide additional information.
 - (e) The Accounting Authority will respond in writing within three (03) months of receiving the complaint.
 - (f) Should the complainant be dissatisfied with the response provided by the Accounting Authority, a further complaint may be lodged with the Minister of Trade, Industry and Competition (**the dtic**).

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10. DEVIATION FROM THE POLICY

10.1. Any deviation from the policy must be approved by the Accounting Authority.

11. OWNERSHIP AND REVIEW OF POLICY

11.1. The Corporate Governance Unit of the NGB will administer this policy.

11.2. The policy will be reviewed annually, or as and when required.

END

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