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REPUBLIC OF SOUTH AFRICA
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PART 1 OF 2

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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

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.
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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5087

2 August 2024

AMENDMENT OF GOVERNMENT GAZETTE NOTICE NUMBER 3401 OF 2023 PUBLISHED IN THE GOVERNMENT GAZETTE NUMBER 48589 IN TERMS OF SECTION 11A (4) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED IN RESPECT OF MAKGATHE MAANO JOHANNES.

Notice is hereby given in terms of section 11A (4) of the Restitution of Land Rights Act, Act No. 22 of 1994 as amended, that Makgathe Maano Johannes lodged a claim for restitution of land rights, on part of portion 1 of the farm Enfield 474 MS, situated within the Vhembe District of the Limpopo. This land claim was lodged on the 20th of December 1998. The claimant lost right in land on part of portion 1 of the farm Enfield 474 MS.

Further details of the property under claim are as follows:

FARM NAME	OWNER	EXTENT CLAIMED	BONDS/ RESTRICTIVE CONDITIONS	HOLDER	TITLE DEED
Part of Portion 1 of the farm Enfield 474 MS	Grootboomen Eiendomme PTY LTD	9836 Square Meters	N/A	N/A	T15043/1992PT A

Take further notice that the Office of the Regional Land Claims Commissioner: Limpopo is investigating this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing within **30 days** of publication of this notice, any comment, and/ or objection to the Regional Land Claims Commissioner at the addresses set out below under reference number **KRP 1069/1579**

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

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

Submission may also be delivered to:
13th – 15th Floor Thabakgolo Nedbank Building
50 -58 Landros Mare Street
POLOKWANE
0700


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

DATE: 2024/07/15

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5088

2 August 2024

NOTICE OF 2024

WITHDRAWAL OF A LAND CLAIM FROM GAZETTE NUMBER 47559, NOTICE 2770 OF 2022 DATED 25 NOVEMBER 2022 IN TERMS OF SECTION 11A (4) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED IN RESPECT OF MATSHIGWANA RENEILWE JOYCE MKADI.

Notice is hereby given in terms of section 11A (4) of the Restitution of Land Rights Act, Act No. 22 of 1994 as amended, that a land claim lodged by Matshigwana Reneilwe Joyce Mkadi on the 2nd December 1998 and published in gazette number 47559, notice number 2770 of the 25th November 2022 is hereby **withdrawn**. The Office of the Regional Land Claims Commissioner: Limpopo considers this land claim settled and finalized in terms of Section 42D of the Restitution of Land Rights Act, 1994 (Act no. 22 of 1994), as amended.

Any interested party affected hereby may, within a period of 90 days of publication hereof, submit his/her/its comment or objection hereto to the Office of the Regional Land Claims Commissioner at the address set out below, failing which the said notice shall **automatically** be withdrawn at the expiry of the said period.

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

Submission may also be delivered to:
 13th – 15th Floor Thabakgolo Nedbank Building
 50-58 Landros Mare Street
 POLOKWANE 0700


 MR. L.H. MAPHUTHA
 REGIONAL LAND CLAIMS COMMISSIONER
 COMMISSION ON RESTITUTION OF LAND RIGHTS
 DATE: 2024/06/28

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5089

2 August 2024

GOVERNMENT GAZETTE IN TERMS OF SECTION 11 (1) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED IN RESPECT OF THE LAND CLAIM LODGED BY SEBETHA JOEL MPYA ON THE REMAINING EXTENT OF THE FARM FRAAIFONTEIN 447 MS.

Notice is hereby given in terms of section 11 (1) of the Restitution of Land Rights Act, Act No. 22 of 1994 as amended, that Sebetha Joel Mpya lodged a claim for restitution of land rights, on part of the remaining extent of the farm Fraaifontein 447 MS, situated within the Vhembe District of the Limpopo. This land claim was lodged on the 22nd of November 1998. The claimant lost right in land on part of the remaining extent of the farm Fraaifontein 447 MS.

Further details of the property under claim are as follows:

FARM NAME	OWNER	EXTENT HECTARES WHERE CLAIMANTS LOST RIGHTS	BONDS/ RESTRICTIVE CONDITIONS	HOLDER	TITLE DEED
Part of portion 5 of the farm Fraaifontein 447 MS.	Blouberg Citrus PTY LTD	3.6815 H	B36931/2015	Absa Bank LTD	T135447/2000PTA

Take further notice that the Office of the Regional Land Claims Commissioner: Limpopo is investigating this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing within **30** days of publication of this notice, any comment, and/ or objection to the Regional Land Claims Commissioner at the addresses set out below under reference number **KRP 1894**

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

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

**Submission may also be delivered to:
13th – 15th Floor Thabakgolo Nedbank Building
50 -58 Landros Mare Street
POLOKWANE
0700**


**MR. L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER**

DATE: 2024/07/17

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5090

2 August 2024

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

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

REFERENCE : 6/2/2/D/90/0/0/27

CLAIMANT : Mr. Zola Mhlaba (Mhlaba Family)

PROPERTY DESCRIPTION	EXTENT OF LAND
Remainder Farm 320	148.3298 Hectares
Remainder of Farm 321	20.7595 Hectares

All properties are situated in Cathcart Stutterheim, Amahlathi Local Municipality in Amathole District, Eastern Cape Province.

TITLE DEED : T2075/1995

DATE CLAIM SUBMITTED : 07/06/1995

CURRENT OWNER : Mr. Mundell

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within ninety (90) days from the publication of this notice, any comments/information to:

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



Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. 5091****2 August 2024**

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 22 OF 1994, AS AMENDED
 NOTICE FOR AN AMENDMENT OF GAZETTE NOTICE 912 OF 2003 AS PRINTED IN GOVERNMENT GAZETTE
 NUMBER 24600 IN RESPECT OF THE PHELANDABA ADMINISTRATIVE AREA, HERSHEL-STERKSPRUIT, JOE
 QQABI DISTRICT IN THE EASTERN CAPE PROVINCE.

NOTICE IS HEREBY GIVEN IN TERMS OF SECTION 11(1) READ WITH SECTION 11A (4) OF THE RESTITUTION
 OF LAND RIGHTS ACT NO. 22 OF 1994 (AS AMENDED),

THE ABOVE-MENTIONED GAZETTE NOTICE IS HEREBY AMENDED TO INCLUDE THE FOLLOWING LAND CLAIM
 FORM LODGED BY NKOSIFIKILE FRESHMAN MEHLOMAKHULU WITH REFF: 6/2/2/D/1086/0/0/14:

1. CLAIMANT : MR. NKOSIFIKILE FRESHMAN MEHLOMAKHULU [CHIEF]
 LODGED ON BEHALF OF MEHLOMAKHULU FAMILY-
 CLAIM CONSOLIDATED TO PHELINDABA COMMUNITY LAND CLAIM BOTH ARE
 ALLOCATED REFERENCE NUMBER KRO6/2/2/D/1086/0/0/14

CLAIMANT REF NO. : MR. NKOSIFIKILE FRESHMAN MEHLOMAKHULU [CHIEF]
 :6/2/2/D/1086/0/0/14

PROPERTY : PHELINDABA ADMINISTRATIVE AREA, HERSHEL [UNSURVEYED LANDS]
 DISTRICT : STERKSPRUIT
 MEASURING : UNSURVEYED
 DEED OF TRANSFER : UNREGISTERED

DATE SUBMITTED : MR. NKOSIFIKILE FRESHMAN MEHLOMAKHULU [CHIEF]- 15/12/1998
 LODGED ON BEHALF OF HS FAMILY
 MR. NKOSIFIKILE FRESHMAN MEHLOMAKHULU [CHIEF]- 15/12/1998
 LODGED ON BEHALF OF THE PHELANDABA COMMUNITY

BOND HOLDER : NONE

CURRENT OWNER : DEPARTMENT OF LAND AFFAIRS

CURRENT LAND USE : AGRICULTURAL ACTIVITIES

Any person who has an interest in the above-mentioned land is hereby invited to submit, within ten (10) days
 from the date of publication of this notice, any comments/information to:

THE REGIONAL LAND CLAIMS COMMISSIONER
 EASTERN CAPE
 P O BOX 1375
 EAST LONDON,
 5200
 TEL: (043) 700 6067


LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

DATE: 2024/05/09

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5092

2 August 2024

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

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

REFERENCE : 6/2/2/D/1078/0/0/64

CLAIMANT : Mr. Johannes Gabriel James Loots
(On behalf of De Klerk Family)

PROPERTY DESCRIPTION : Farm 865 Maatschappy, Fort Beaufort
(Stockenstrom)
Raymond Mhlaba Municipality, Amathole
District, Eastern Cape Province

EXTENT OF LAND : 277.8804 Hectares

TITLE DEED : T513/1986

DATE CLAIM SUBMITTED : 23.11.199

CURRENT OWNER : Department of Agriculture, Rural Development
and Land Reform

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within ninety (90) days from the publication of this notice, any comments/information to:

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


Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5093

2 August 2024

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

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

REFERENCE : 6/2/2/D/1078/0/0/104

CLAIMANT : Ms Etheline Elizabeth Strydom
(Strydom Family)

PROPERTY DESCRIPTION : Portion of farm 219, Stockenstroom
Nkonkobe Municipality, Amathole District,
Eastern Cape Province

EXTENT OF LAND : 1. 1996 Hectares

TITLE DEED : T22103/2009

DATE CLAIM SUBMITTED : 19/12/1998

CURRENT OWNER : Masakhane Communal Property Association

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within ninety (90) days from the publication of this notice, any comments/information to:

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


Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 5094

2 August 2024

**SKILLS DEVELOPMENT ACT, 1998 (ACT No. 97 OF 1998): ADVERTISEMENT:
CALL FOR NOMINATIONS OF SUITABLE CANDIDATES REPRESENTING
DESIGNATED ORGANISATIONS AND/OR GROUPS TO SERVE AS THE
MEMBERS OF THE NATIONAL SKILLS AUTHORITY (“NSA”)**

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science, and Innovation hereby, in terms of section 6(1)(b) of the Skills Development Act, (Act 97 of 1998), as amended (“the SDA”), invite nominations for suitable candidates representing designated organisations and/or groups in terms of section 6(2)(a)-(h), for the appointment to serve as the members of the National Skills Authority (“NSA”) for the period of five (5) years from date of appointment.

The NSA is a statutory body established in terms of section 4 of the SDA (1998) as amended. The primary function of the NSA is to advise the Minister on matters of national skills development and strategy, in accordance with section 5 of the SDA (1998) as amended. Members of the public and/or the NSA constituencies are invited to nominate persons, to be considered for appointment as member of the National Skills Authority to serve the sixth (6th) term of the Authority, running for a period of five (5) years commencing on 01 February 2025 – January 2030. Persons nominated for appointment as members of the NSA must be persons who, amongst others:

- are South African citizens;
- have leadership qualities and is committed to the primary object and mandate of the NSA;
- demonstrate possession of a shared vision for the development and improvement of the skills of the South African workforce, and be committed to the skills development policy outcomes, including the Skills Development Act, the NSDP, the NDP, White Paper on PSET System, Government-wide Monitoring and Evaluation, amongst others;
- represent the interests of stakeholders identified in the National Skills Development Plan (NSDSP);
- are fit and proper and does not have a record which will encumber his /her appointment as described in the NSA Constitution and Handbook for the appointment of persons to boards of state and state-controlled institutions; and

- has a blend of and sound knowledge, skills, and experience to carry out the functions of the NSA as stipulated by the Skills Development Act. These include the Post-School Education and Training (PSET) system, strategic planning, management, reporting and leadership, accounting and financial literacy, decision-making, analytical and problem-solving skills, adaptability, change management, compliance and risk management, legal and regulatory Compliance, amongst others.

Nomination Particulars: Nominations of persons to serve as member of the NSA must be submitted to the Department of Higher Education, Science and Technology and must contain the following annexures:

- nominee's curriculum vitae;
- academic qualifications and/or proof of experience and identity document;
- police clearance certificate; and
- signed letter of recommendation/nomination explaining the nominee's suitability for appointment in terms of the criteria stated above.

Persons nominated shall be subjected to a selection and verification process.

No nomination will be considered unless all of the above are included.

Nominations must be submitted within twenty-eight (28) business days of publication of this notice in the Gazette, to the following addresses:

By E-Mail: mahlo.m@dhet.gov.za and/or kgare.nonhle@dhet.gov.za

By post: **The Executive Officer: National Skills Authority.
Department of Higher Education and Training
Private Bag X174
Pretoria
0001**

By hand: **178 Francis Baard Street
Ndinaye House,
6th floor Office No. 6111
Pretoria
0002**

Any enquiries in connection with this Gazette notice can be directed to Mr Mahlo MV,
Telephone: 012 312 6002 / 012 312 6017.

The term of office for the members would be from date of appointment ending at the last day that marks a period of five (5) years. The member will serve on a part-time basis. Remuneration of the member will be in line with the rates prescribed by the National Treasury.



DR BE NZIMANDE, MP

MINISTER OF HIGHER EDUCATION, SCIENCE AND INNOVATION

DATE: 7/6/2024

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 5095

2 August 2024

**SKILLS DEVELOPMENT ACT, 1998 (ACT No. 97 OF 1998): ADVERTISEMENT:
CALL FOR NOMINATIONS OF SUITABLE CANDIDATES TO SERVE AS THE
CHAIRPERSON OF THE NATIONAL SKILLS AUTHORITY (“NSA”)**

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science, and Innovation hereby, in terms of section 6(1)(a) of the Skills Development Act, (Act 97 of 1998), as amended (“the SDA”), invite nominations for suitable candidates, for the appointment to serve as the Chairperson of the National Skills Authority (“NSA”) for the period of five (5) years from the date of appointment. The NSA is a statutory body established in terms of section 4 of the SDA (1998) as amended.

The primary function of the NSA is to advise the Minister on matters of national skills development and strategy, in accordance with section 5 of the SDA (1998) as amended. Members of the public are invited, to be considered for appointment as the Chairperson of the National Skills Authority to serve the sixth (6th) term of the Authority, running for a period of five (5) years commencing from 01 February 2025 – 31 January 2030. Persons nominated for appointment as the Chairperson of the NSA must be persons who, amongst others:

- a) is a South African citizen,
- b) has leadership qualities and is committed to the primary object and mandate of the NSA;
- c) demonstrates possession of a shared vision for the development and improvement of the skills for the South African workforce;
- d) is committed to the attainment of the skills development policy outcomes, as stipulated in the Skills Development Act, the National Skills Development Plan (NSDP), the National Development Plan (NDP), the White Paper on Post-School Education and Training (PSET) System, amongst others;
- e) Is fit and proper and does not have a record which will encumber his /her appointment as described in the NSA Constitution and Handbook for the appointment of persons to boards of state and state-controlled institutions.
- f) has a blend of and sound knowledge, skills, and experience to carry out the functions of the NSA as stipulated by the Skills Development Act. These include the Post-School Education and Training (PSET) system, strategic planning,

management, reporting and leadership, accounting and financial literacy, decision-making, analytical and problem-solving skills, adaptability, change management, compliance and risk management; legal and regulatory Compliance, amongst others.

Nomination Particulars: Nominations of persons to serve as the Chairperson of the NSA must be submitted to the Department of Higher Education, Science and Technology and must contain the following annexures:

- a) nominee's curriculum vitae;
- b) academic qualifications and/or proof of experience and identity document;
- c) police clearance certificate not older than six (6) months; and
- d) signed letter of recommendation/nomination explaining the nominee's suitability for appointment in terms of the criteria stated above.

Persons nominated shall be subjected to a selection and verification process.

No nomination will be considered unless all of the above are included.

Nominations must be submitted within twenty-eight (28) business days of publication of this notice in the Gazette, to the following addresses:

By E-Mail: mahlo.m@dhet.gov.za and/or kgare.nonhle@dhet.gov.za

By post: **The Executive Officer: National Skills Authority
Department of Higher Education and Training
178 Francis Baard Street
Private Bag X174
Pretoria
0001**

By hand: **178 Francis Baard Street
Ndinaye House,
6th floor Office No. 6111
Pretoria
0002**

Any enquiries in connection with this Gazette notice can be directed to Mr Mahlo MV,
Telephone: 012 312 6002 / 012 943 2854.

The term of office for the Chairperson would be from date of appointment ending at the last day that marks a period of five (5) years. The Chairperson will serve on a part-time basis. Remuneration of the Chairperson will be in line with the rates prescribed by the National Treasury.



DR BE NZIMANDE, MP

MINISTER OF HIGHER EDUCATION, SCIENCE AND INNOVATION

DATE: 7/6/2024

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 5096

2 August 2024

HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997, AS AMENDED)**NOTICE OF INTENT TO CANCEL THE REGISTRATION OF NAZARENE THEOLOGICAL COLLEGE NPC AS A PRIVATE HIGHER EDUCATION INSTITUTION**

I, Dr Nkosinathi Sishi, Director-General of the Department of Higher Education and Training, hereby, in terms of section 63(a) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended) ("the Act") and Regulation 17(3) of the Regulations for the Registration of Private Higher Education Institutions, 2016 ("the Regulations"), give notice of intent to cancel the registration of Nazarene Theological College NPC as a private higher education institution. The reasons for my notice of intent to cancel the institution's registration is that Nazarene Theological College NPC has ceased to meet the eligibility criteria for providing higher education as required by section 1 of the Act and it ceases to meet the requirements for registration as required by sections 1 and 53(1)(b)(ii) of the Act and Regulations 21(a) and (d).

The notice of intent to cancel the registration of Nazarene Theological College NPC Ltd will take immediate effect. Any other interested persons must submit a representation within 10 calendar days from the date of publication of the Notice in government gazette.

Dr N Sishi
Director-General: Higher Education and Training

Date: 2024 / 06 / 10

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

NO. 5097

2 August 2024

MINE HEALTH AND SAFETY ACT, 1996 (ACT NO. 29 OF 1996)

**GUIDELINE FOR A MANDATORY CODE OF PRACTICE FOR MINIMUM STANDARDS
ON GROUND VIBRATIONS, NOISE, AIR-BLAST AND FLYROCK NEAR SURFACE
STRUCTURES AND COMMUNITIES TO BE PROTECTED**

I **DAVID MSIZA**, the Chief Inspector of Mines, in terms of section 49 (6) read together with sections 9 (2) and 9 (3) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996) as amended, hereby issue the Guideline for a Mandatory Code of Practice for Minimum Standards on Ground Vibrations, Noise, Air-blast and Flyrock near Surface Structures and Communities to be Protected, as set out in the schedule below.



DAVID MSIZA
CHIEF INSPECTOR OF MINES
DEPARTMENT OF MINERAL RESOURCES AND ENERGY

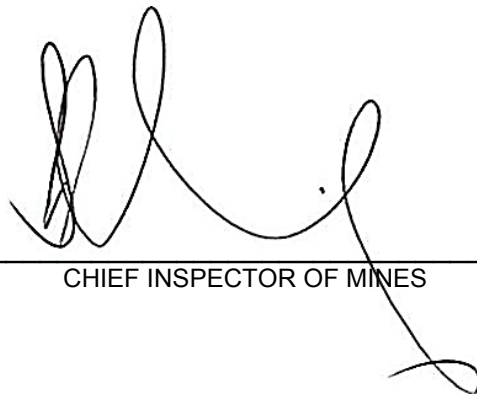
SCHEDULE

REFERENCE NUMBER: DMRE 16/3/2/1-A8
DATE FIRST ISSUED: First edition
LAST REVISION DATE: First edition
EFFECTIVE DATE: 2024-11-01

DEPARTMENT OF MINERAL RESOURCES AND ENERGY
MINE HEALTH AND SAFETY INSPECTORATE

GUIDELINE FOR THE COMPILATION OF A
MANDATORY CODE OF PRACTICE FOR

**MINIMUM STANDARDS ON GROUND VIBRATIONS, NOISE,
AIR-BLAST AND FLYROCK NEAR SURFACE STRUCTURES
AND COMMUNITIES TO BE PROTECTED**



CHIEF INSPECTOR OF MINES



**mineral resources
& energy**

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

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PART A: THE GUIDELINE

1. INTRODUCTION

- 1.1. This guideline (for minimum standards) has been developed to provide a framework within which to manage the risk associated with **ground vibration, noise, air-blast and flyrock** during **blasting** in surface mines of South Africa.
- 1.2. Considering the absence of any local guidelines in the South African mining industry, the **USBM** standard (*Siskind, Stagg, Kopp & Dowding, 1989*) is generally used to assess whether **ground vibrations** exceed safe limits. Consequently, community members surrounding the mining areas are unhappy with the standards used by the mines as damage and/or deterioration of buildings is noticed, which many people of South Africa (communities included) attribute to **blasting operations** that South African surface mines conduct.
- 1.3. Following the outcomes of the completed work of the Safety in Mines Research Advisory Committee, the Mining Regulations Advisory Committee established a task team to facilitate the development of a guideline for the compilation of a mandatory **COP** for minimum standards on **ground vibrations, noise, air-blast and flyrock** near surface structures and communities to be protected.
- 1.4. The development of the foregoing guideline followed the (project) SIM14-09-01: Development of a South Africa minimum standards on **ground vibration, noise, air-blast and flyrock** near surface structures to be protected which was conducted by the Council for Scientific and Industrial Research under the auspices of the Mine Health and Safety Council (Brovko, Kgarume, Singh, Milev, Wekesa, Durrheim, Lumbwe, Pandelany & Mwila, 2016).
- 1.5. This guideline has been designed around the best practice principles and standards, using the latest operational expertise and application of technology for the measurement, management and monitoring of **ground vibration, noise, air-blast and flyrock**.

2. LEGAL STATUS OF THE GUIDELINE AND COP

- 2.1. In accordance with section 9(2) of the **MHSA**, an employer must prepare and implement a **COP** on any matter affecting the health or safety of employees and other persons who may be directly affected by activities at a mine when the **CIOM** requires it.
- 2.2. The **COP** must comply with any relevant guidelines issued by the **CIOM** in accordance with section 9(3) of the **MHSA**.
- 2.3. Failure by the employer to prepare or implement a **COP** in compliance with this guideline is a breach of the **MHSA**.

3. OBJECTIVE OF THIS GUIDELINE

- 3.1. The objective of this guideline is to provide a framework with minimum standards for the employers at every mine to consider when compiling a **COP** to protect

surface structures against impacts of **ground vibration, noise, air-blast** and **flyrock** emanating **blasting operations**.

4. DEFINITIONS AND ACRONYMS

- 4.1. **Air-blast** means a transient change in air pressure arising from the detonation of an explosive that travels through the air at the local speed of sound.
- 4.2. **Blasting** means the process of reducing a solid body, such as rock, to fragments by using an explosive.
- 4.3. **Blasting operations** means and include:
- Drilling of charge holes at a mine/bench.
 -
 - Placing a charge and detonator in each hole.
 -
 - Detonating the charge.
 -
 - Clearing away the broken material from the bench.
- 4.4. **CIOM** means Chief Inspector of Mines.
- 4.5. **COP** means a Code of Practice.
- 4.6. **DMRE** means Department of Mineral Resources and Energy.
- 4.7. **Flyrock** means rock fragments that are propelled beyond the blast area by the force of an explosion.
- 4.8. **Ground vibration** means any vibration of the earth caused by confined explosions.
- 4.9. **MHSA** means the Mine Health and Safety Act, 1996 (Act 29 of 1996) as amended.
- 4.10. **Noise** means merely the audible part of the **air-blast** (> 20 Hertz).
- 4.11. **Qualified blasting expert** means a person with the relevant **blasting** engineering, in-depth knowledge and extensive relevant experience, who:
- Designs, organises, and supervises controlled blasts.
 - Apply a scientific evaluation of the site and the desired outcome.
 - Use explosives and initiating systems to achieve various outcomes in the field of mining, demolition or construction, in particular to limit **ground vibrations, noise, air-blast** and/or **flyrock**.
- 4.12. **Structure** means any public building, public thoroughfare, railway line, power line, any place where people congregate or any other structure, which may be necessary to protect to prevent any significant risk.
- 4.13. **USBM** means United States Bureau of Mines.

5. MEMBERS OF THE GUIDELINE REVIEW TASK TEAM

5.1. This document was prepared by members of the task team which comprised of:

CHAIRPERSON		
Mr Gibson Mthombeni		
STATE	EMPLOYERS	ORGANISED LABOUR
Mr Herbert Netshikweta	Mr Frikkie Fourie Mr Corrie Rautenbach Mr Pieter Nieman	Mr Johnny White Mr De Wet Blaauw Mr Taudi Mokgethi

PART B: AUTHOR'S GUIDE

1. The **COP** must, where possible, follow the sequence laid out in Part C: Format and Content of the **COP**.
2. The pages as well as the chapters and sections must be numbered, where possible, to facilitate cross-referencing.
3. The wording used in this guideline must be unambiguous and concise.
4. Unless otherwise indicated, for the purpose of crafting a **COP**, the meanings of the words mentioned in this guideline will also have the same meanings as those assigned to them in this document.
5. It must be stated in the **COP** whether:
 - 5.1. The annexure forms part of the guideline and must be complied with or incorporated in the **COP**, or whether aspects thereof must be complied with or incorporated in the **COP**.
 - 5.2. The annexure is merely attached as information for consideration in the preparation of the **COP** (i.e. compliance is discretionary).
6. When annexures are used, the numbering should be preceded by the letter allocated to that annexure, and the numbering should start at one again (e.g. A1, A2, A3, etc.).
7. Whenever possible, illustrations, tables, graphs and the like, should be used to avoid long descriptions and/or explanations.
8. When in-text referencing that relates to sources such as publications, and reports, have be done, these sources must be included in the text, as footnotes or side notes, as well as in a separate bibliography section.

PART C: FORMAT AND CONTENT OF THE MANDATORY COP

1. TITLE PAGE

- 1.1. The **COP** should have a title page reflecting at least the following:
 - 1.1.1. The name of the mine.
 - 1.1.2. The mine code number.
 - 1.1.3. The heading: *Mandatory Code of Practice for the Minimum Standards on **Ground Vibrations, Noise, Air-blast and Flyrock** near Surface Structures and Communities to be Protected.*
 - 1.1.4. A statement to the effect that the **COP** was drawn up in accordance with the guideline with reference number **DMRE 16/3/2/1-A8** issued by the **CIOM**.
 - 1.1.5. The mine reference number for the **COP**.
 - 1.1.6. The effective date of the mine's **COP**.
 - 1.1.7. The revision dates of the mine's **COP** (previous and next revision dates if applicable).

2. TABLE OF CONTENTS

- 2.1. The **COP** must have a comprehensive table of contents.

3. STATUS OF THE MANDATORY COP

- 3.1. Under this heading the **COP** must contain statements to the effect that:
 - 3.1.1. The **COP** was drawn up in accordance with the guideline with reference number **DMRE 16/3/2/1-A8** issued by the **CIOM**.
 - 3.1.2. This is a mandatory **COP** in terms of sections 9(2) and 9(3) of the **MHSA**.
 - 3.1.3. The **COP** supersedes all previous relevant **COPs**.
 - 3.1.4. All managerial instructions or recommended procedures and standards on the relevant topics must comply with the **COP** and must be reviewed to assure compliance.
 - 3.1.5. The **COP** may be used in investigations or inquiries in terms of the **MHSA** to ascertain compliance and to establish whether the **COP** is effective and fit for purpose.

4. MEMBERS OF THE DRAFTING COMMITTEE PREPARING THE COP

- 4.1. In terms of section 9(4) of the **MHSA** the employer must consult with the health and safety committee on the preparation, implementation or revision of any **COP**. If there

is no health and safety committee, the employer must consult with the employee representative referred to in section 3 of this document.

- 4.2. It is recommended that the employer should, after consultation with the employees in terms of the **MHSA**, appoint a committee responsible for the drafting of the **COP**.
- 4.3. The members of the drafting committee assisting the employer in drafting the **COP** should be listed giving their full names, designations, affiliations and experience.
- 4.4. This committee must include competent persons sufficient in number to effectively draft the **COP**.

5. GENERAL INFORMATION

- 5.1. The general and relevant information relating to the mine must be stated in this section of the **COP**, which must include at least the following:
 - 5.1.1. A brief description of the mine and its geographical location.
 - 5.1.2. The commodities produced at the mine.
 - 5.1.3. The mining methods or mineral excavation processes.
 - 5.1.4. A description of the systems in use at the mine relating to the management of hazards and risks associated with **blasting** related **ground vibration, noise, air-blast** and **flyrock**.
 - 5.1.5. Other related **COPs**.

6. TERMS AND DEFINITIONS

- 6.1. Any word, phrase or term of with a meaning is not clear, or which will have a specific meaning assigned to it in the **COP**, must be clearly defined.
- 6.2. Existing and/or known definitions should be used as far as possible.
- 6.3. The drafting or reviewing committee should avoid jargon and abbreviations that are not in common use or that have not been defined.
- 6.4. The definitions section should also include acronyms and technical terms used.

7. RISK MANAGEMENT

- 7.1. Section 5(2) of the **MHSA** provides that, as far as reasonably practicable, every employer must:
 - 7.1.1. Identify the relevant hazards and assess the related risks to which persons who are not employees are exposed.
 - 7.1.2. Ensure that persons who are not employees, but who may be directly affected by the activities at the mine, are not exposed to any hazard to their health and safety.

- 7.2. Section 11 of the **MHSA** requires the employer to identify hazards, assess the health and safety risks to which employees may be exposed to while at work and to record the significant hazard(s) identified and risk(s) assessed.
- 7.3. The **COP** must address how the significant risks identified in the risk assessment process must be dealt with, having regard to the requirements of sections 11(2) and 11(3) of the **MHSA**, which states that as far as reasonably practicable, attempts should first be made to eliminate the risk, thereafter, to control the risk at source, thereafter, to minimize the risk and thereafter, insofar as the risk remains, provide personal protective equipment and to institute a programme to monitor the risk.
- 7.4. To assist the employer with the hazard identification and risk assessment processes, all possible relevant information such as routine inspections, accident statistics, research reports, geotechnical parameters, rock excavation processes as well as information on geology, hydrology and seismology must be considered.
- 7.5. In addition to the periodic review required in terms of section 11(4) of the **MHSA**, the **COP** must be reviewed and updated, if necessary.
- 7.5.1. After every reportable incident or accident relating to the topic(s) covered in the **COP**.
- 7.5.2. If significant, changes are introduced to procedures relating to the implementation of the **COP**.

8. ASPECTS TO BE ADDRESSED IN THE MANDATORY COP

- 8.1. The **COP** must address the management of risks and hazards on **ground vibration, noise, air-blast** and **flyrock** incidents emanating from **blasting** practices at mines.
- 8.2. The **COP** may be used in conjunction with the standard operating procedures employed at a mine.
- 8.3. Identification of all relevant structures to be protected (pre-survey to be conducted)
- 8.3.1. The purpose of the pre-survey
- 8.3.1.1. Identify the specific type of structure(s), for example a public building, public thoroughfare, a railway line, a power line, any place where people congregate or any other structure that may be necessary to protect.
- 8.3.1.2. Determine the condition and structural integrity of the structure(s).
- 8.3.1.3. Measure the distance from where **blasting** is to be conducted to the specific structure and consult with the Principal Inspector of Mines.
- 8.3.2. A pre-survey must be done, before any **blasting** commences, for structures that is within the affected area. Where no pre-survey was done before **blasting operations** commenced, for example at existing mines, a survey must be done as a matter of urgency and relevant requisite information collected.

- 8.3.3. This information must be used to determine the site-specific baseline limits, restrictions, and conditions to be complied with for **ground vibrations, noise, air-blast** and **flyrock** to ensure that there is no significant risk to the specific structures and the health or safety of persons in the determined area.
- 8.3.4. The principle of “*who came first*” must be applied. This, therefore, means that:
- 8.3.4.1. Measures must be put in place to ensure that structures which existed prior to the commencement of **blasting operations** are protected against the risks emanating from **blasting operations**.
- 8.3.4.2. When new structures are built close to the mine boundary and after mining operations have commenced, these structures should be of a design that enables the structures to withstand the prescribed safety limits without sustaining undue damage. It is the duty of the employer to communicate with the community of the prescribed safety limits.
- 8.3.4.3. During this process, the need for and frequency of the follow-up surveys of the identified structures exposed to risk must be determined by the relevant appointed committee.
- 8.4. Drill and blast design
- 8.4.1. When significant risk to structures due to **ground vibration, noise, air-blast** and **flyrock** is determined, site specific drill and blast designs must be developed by a dedicated multi-disciplinary team consisting of, but not necessarily limited to:
- 8.4.1.1. A **qualified blasting expert**.
- 8.4.1.2. The relevant explosive manufacturer or supplier.
- 8.4.1.3. The geologist.
- 8.4.1.4. The rock engineer or geotechnical expert with appropriate Chamber of Mines (now Minerals Council of South Africa) Certificate in Rock Mechanics.
- 8.4.1.5. Employee representative.
- 8.4.1.6. Affected community representative.
- 8.4.2. This team must determine the drill and blast design to limit **ground vibration, noise, air-blast** and **flyrock** to below the recommended South African standard as stated in table 1 and 2 below, and as determined by Milestone 5: Scoping of guidelines to ameliorate the effects of **blasting** on people, domestic and wild animals, dwellings, buildings, and other civil structures (Brovko *et al* 2016).

TABLE 1: Recommended safe **ground vibration** levels at the **structure** that needs to be protected

STRUCTURE DESCRIPTION	PEAK PARTICLE VELOCITY (mm/s)
National roads / tar roads	150
Electrical lines (pylons)	75
Railway	150
Transformers	25
Waters wells	50
Telecoms tower	50
General houses of proper construction	USBM criteria or 25 mm/s
Houses of lesser proper construction	12.5
Rural building – mud houses	6

TABLE 2: Recommended **air-blast** levels at the **structure** that needs to be protected

DECIBELS (dB)	EFFECT
100	Barely noticeable
110	Readily noticeable
120	Currently accepted by the South African authorities as being a reasonable level for public concern (not more than 10% of the measurement should exceed this value)
134	Currently accepted by the South African authorities that damage will not occur below this level (no measurement should exceed this value outside of the mine boundaries)
164	Window break
176	Plaster cracks
180	Structural damage

- 8.4.3. No acceptable levels of **flyrock** have been suggested, other than to avoid it altogether outside the mine site and/or exclusion radius set by the operation as part of the risk assessment.
- 8.4.4. If the assessment of the danger zone suggests it may extend beyond the site boundary, then a controlled space or exclusion radius must be created where the public are either excluded or evacuated, and therefore not endangered by the blast.
- 8.4.5. The predicted values for **ground vibration**, **air-blast** and **flyrock** must be calculated as part of the drill and blast design implemented.
- 8.5. Quality assurance and quality control
- 8.5.1. The employer must develop and implement measures and procedures to attain practical and reasonable quality assurance and quality control systems, to ensure that every blast is executed as designed.
- 8.6. Monitoring and recording of actual blast results
- 8.6.1. The employer must implement an effective system, such as Vibrometers, to monitor the intensity of every blast, and record the actual **ground vibration**, **noise**, **air-blast** and **flyrock** measured.

- 8.6.2. The specific location of monitoring equipment will be determined during the risk assessment and captured on a plan with reference to the specific blast.
- 8.6.3. Design predicted values and the actual blast results must be compared. Site exceedances or deviations must be investigated and the impact thereof must be evaluated to prevent reoccurrences.
- 8.7. Management of complaints
 - 8.7.1. The employer must develop and implement effective measures to register and handle complaints emanating from the surrounding communities and any other affected parties.
 - 8.7.2. These measures may include, but are not limited to:
 - 8.7.2.1. Increasing awareness amongst community members through posters, consultations with the community committees, etc.
 - 8.7.2.2. Implementing an effective warning system at the mine to notify and alert the surrounding communities of every planned **blasting** activity. Such warning system may include measures such as audible alarms or sirens, posters, blast notification boards and WhatsApp-messages for notifying the members of the community and other affected parties of such planned **blasting operations**.

PART D: IMPLEMENTATION

1. IMPLEMENTATION PLAN

- 1.1. The employer must prepare an implementation plan for a **COP** that makes provision for issues such as organisational structures, responsibilities of functionaries and programmes and schedules for the **COP**, which will enable proper implementation of the **COP** (a summary of and a reference to, a comprehensive implementation plan may be included).
- 1.2. Information may be graphically represented to facilitate easy interpretation of the data and to highlight trends for the purposes of risk assessment.

2. COMPLIANCE WITH THE COP

- 2.1. The employer must institute measures for monitoring and ensuring compliance with the **COP**.

3. ACCESS TO THE COP AND RELATED DOCUMENTS

- 3.1. The employer must ensure that a complete **COP** and related documents are kept readily available at the mine for examination by any affected person.
- 3.2. A registered trade union with members at the mine, or where there is no such union, a health and safety representative on the mine, or if there is no health and safety representative, an employee representing the employees on the mine, must be provided with a copy. A register must be kept of such persons or institutions with copies to facilitate the updating of such copies.
- 3.3. The employer must ensure that all employees are fully conversant with those sections of the **COP** relevant to their respective areas of responsibilities.

ANNEXURE A: REFERENCES*(For information purposes only)*

1. Brovko, F., Kgarume, T., Singh, N., Milev, B., Wekesa, R., Durrheim, T., Lumbwe, T., Pandelany, T. & Mwila, M. 2016. *Development of a South African Minimum Standard on **Ground Vibration, Noise, Air-blast and Flyrock** near Surface Structures to be Protected*. SIM 14-09-01: Council for Scientific and Industrial Research final project report. Available at: https://mhsc.org.za/sites/default/files/public/research_documents/SIM140901%20Final%20Report.pdf (Accessed: 6 June 2024).
2. Hustrulid, W. A. 2024. *Blasting*. Available at: <https://www.britannica.com/technology/blasting> (Accessed: 17 April 2024)
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4. Szendrei, T & Tose, S. 2024. *Flyrock in surface mining – Limitations of current predictive models and a better alternative through modelling the aerodynamics of flyrock trajectory*. Available at: <https://mhsc.org.za/wp-content/uploads/2024/06/SAIMM-Flyrock-P1-v122n12p725-1.pdf> (Accessed: 6 June 2024).
5. Szendrei, T & Tose, S. 2024. *Flyrock in surface mining Part II — Causes, sources, and mechanisms of rock projection*. Available at: <https://mhsc.org.za/wp-content/uploads/2024/06/NIXT-2023-Blasting-and-Ground-Vibrations-1.pdf> (Accessed: 6 June 2024).
6. Tose, S. (2023). *Presentation on blasting and ground vibrations* [PowerPoint Presentation]. National Institute for Explosive Technology. Available at: https://mhsc.org.za/wp-content/uploads/2024/06/ISEE07_2024-Flyrock.pdf (12 June 2024).
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DEPARTMENT OF MINERAL RESOURCES AND ENERGY

NO. 5098

2 August 2024

MINE HEALTH AND SAFETY ACT, 1996 (ACT NO. 29 OF 1996)

GUIDANCE NOTE FOR THE MANAGEMENT OF GBVF, SAFETY AND SECURITY
CHALLENGES FOR WOMEN IN THE SOUTH AFRICAN MINING INDUSTRY

I **DAVID MSIZA**, the Chief Inspector of Mines, in terms of Section 49 (6) read together with Sections 9 (2) and 9 (3) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), hereby issue the Guidance Note for the Management of GBVF, Safety and Security Challenges for Women in the South African Mining Industry, as set out in the schedule below.



DAVID MSIZA
CHIEF INSPECTOR OF MINES
DEPARTMENT OF MINERAL RESOURCES AND ENERGY

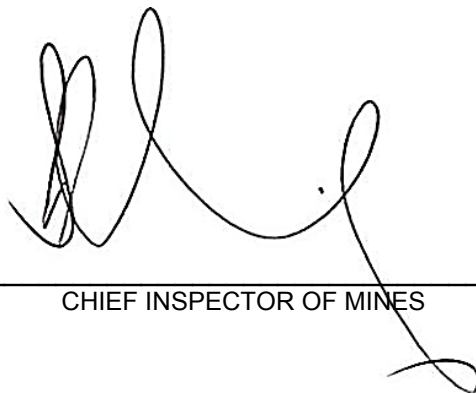
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DEPARTMENT OF MINERAL RESOURCES AND ENERGY
MINE HEALTH AND SAFETY INSPECTORATE

GUIDANCE NOTE FOR

**THE MANAGEMENT OF GBVF, SAFETY AND SECURITY
CHALLENGES FOR WOMEN IN THE SOUTH AFRICAN MINING
INDUSTRY**



CHIEF INSPECTOR OF MINES



**mineral resources
& energy**

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

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PART A: THE GUIDANCE NOTE

1. INTRODUCTION

- 1.1. **GBVF** is a profound and widespread problem in South Africa, impacting on almost every aspect of life. **GBVF** which disproportionately affects women and girls, is systemic and deeply entrenched in institutions, cultures and traditions in South Africa.
- 1.2. The expectations associated with different genders vary from society to society and over time. Patriarchal power structures dominate in many societies, in which male leadership is seen as the norm, and men hold the majority of power. Patriarchy is a social and political system that treats men as superior to women – where women cannot protect their bodies, meet their basic needs, participate fully in society and men perpetrate violence against women with impunity.
- 1.3. South Africa holds the distinction of being one of the most unsafe places in the world for women, with the highest rates of intimate partner violence. Recent data from Statistics South Africa (StatsSA) show that rape and sexual violence have become a hyperendemic. This is a scourge that affects all females irrespective of age, race, social or economic factors. It pervades every sphere of our society.
- 1.4. In 2019, the government established an interim steering committee on **GBVF** to develop a monitoring framework on the immediate response to the **GBVF** crisis in South Africa. The **NSP** was completed and released on 21 September 2019. The framework highlights a number of interventions by Government for the adoption and implementation by various stakeholders within Government, the public and the private sector of South Africa.
- 1.5. The Mine Health and Safety Council (MHSC) mandated a study in 2013 to conduct research on the safety and security challenges impacting on women in the South African mining industry. Qualitative findings showed that the negative attitudes, harassment and discrimination experienced by **WIM** are indeed barriers to the effective integration of women in the sector. This study showed that:
 - Violence and sexual harassment is a recurrent problem for and a threat to the health, safety and security of female workers in the South African mining industry.
 - Policies and procedures for the managing of violence and sexual harassment were either non-existent or where it existed were obsolete and ineffective.
 - Physical violence and sexual harassment at work, particularly at the mines, should be recognised as a serious prevalent problem requiring specific regulatory interventions.
- 1.6. The recommendations of the study (SIM 130903: Safety and security challenges impacting women in the South African mining industry) were that effective prevention and management of workplace violence and sexual harassment in the mines, warrants the adoption, implementation and monitoring of robust multi-faceted preventive measures at primary, secondary and tertiary levels of prevention. Also, prevention strategies should include a combination of workplace policies and procedures based on a sound legislative, regulatory and enforcement framework. Good practices require

organisations to emphasise the primary prevention by adopting proactive interventions that include raising awareness and training programmes with the participation of men, possibly as champions.

- 1.7. To adopt and implement strategies to address the abovementioned challenges in the South African mining industry, **WIMAC** identified a number of interventions as an immediate response to the crisis of the **GBVF**, safety and security challenges facing women in the mining industry as well as the surrounding communities. This includes the implementation of the **NSP** on **GBVF** in the mining sector and reporting thereon.

2. SCOPE

- 2.1. This guidance note applies to the South African mining industry as well as the mining communities.

3. STATUS OF THE GUIDANCE NOTE

- 3.1. The guidance note was compiled specifically with the view to provide guidance to all stakeholders regarding their roles and responsibilities with reference to the management of **GBVF**, safety and security of women in the mining industry.

4. OBJECTIVE OF THIS GUIDANCE NOTE

- 4.1. The objective of this guidance note is to provide guidance to the employer at every mine in addressing **GBVF**, safety and security issues for women in the South African mining industry.

5. DEFINITIONS AND ACRONYMS

- 5.1. **DMRE** means Department of Mineral Resources and Energy.
- 5.2. **GBVF** means Gender-based Violence and Femicide.
- 5.3. **NSP** means National Strategic Plan on **GBVF**.
- 5.4. **WIM** means Women in Mining, i.e. female employees working at mines and this may include Women in the Mining Communities where applicable.
- 5.5. **WIMAC** means Women in Mining Advisory Committee.

6. MEMBERS OF THE TASK TEAM

- 6.1. This document was prepared by members of the **WIMAC** Task Team which comprised of:

CHAIRPERSON		
Ms FB Senabe		
STATE	EMPLOYERS	ORGANISED LABOUR
Ms. M. Mokwena	Ms. L. Tsele	Ms. C. Van Aswegen-Pienaar
Adv. G. Masilo	Ms. Y. Chetty	Adv. J.P. Jansen Van Vuuren
	Ms. T. Mangope	
	Ms. N. Molelekeng	

7. ASPECTS ADDRESSED IN THE GUIDANCE NOTE

7.1. The guidance note sets out how **GBVF**, safety and security challenges for **WIM** are identified and addressed. The guidance note should at least cover the aspects set out below to ensure that **GBVF**, safety and security challenges are fully managed and eradicated in the South African mining industry.

7.2. Roles and responsibilities of different person(s)

7.2.1. The guidance note sets out the roles and responsibilities of the various persons involved in the processes to ensure **GBVF**, safety and security challenges for **WIM** are managed at the mine. These roles and responsibilities should include incident reporting on **GBVF** by the mine, but is not limited to the following:

7.2.1.1. Employer

7.2.1.1.1. The employer(s) shall commit to ensure zero tolerance to **GBVF** in the workplace and are required to do the following:

- a) Take ownership and accountability for the implementation and reporting on the **NSP** on **GBVF**, focusing on the following pillars or areas:
 - i) Pillar 1: Accountability, coordination and leadership.
 - ii) Pillar 2: Prevention and rebuilding social cohesion.
 - iii) Pillar 4: Response, care, support and healing.
 - iv) Pillar 6: Research and information systems.
 - v) Pillar 7: 16 Days of No Violence Against Women and Children campaign.
- b) Develop and operationalise **GBVF** related policies or strategies or implementation plans to address the following:
 - i) Sexual harassment.
 - ii) Gender discrimination (including exclusion from certain positions of economic and financial significance).
 - iii) **GBVF** (including emotional abuse, bullying and physical abuse).
- c) Report on **GBVF** using Annexure C: Summary report – safety and security challenges impacting **WIM** in the South African mining industry of this guidance note on the following:
 - i) Development and implementation of **GBVF** policies (each mine must have a sexual harassment policy which must be displayed on notice boards).

- ii) Development and implementation of **GBVF** plans.
 - iii) Establishment of a **GBVF** disaggregated database.
 - iv) Collaboration with the criminal justice system to ensure that victims have access to those services.
 - v) Observance of the 16 Days of No Violence Against Women and Children campaign.
- d) Establish **GBVF** management structures and systems that includes the following:
- i) Gender focal persons (e.g. sexual harassment ambassadors) that deal with **GBVF** matters.
 - ii) Relevant employee health and wellness services.
 - iii) A gender monitoring and evaluation committee (the **WIM** forum may serve in this capacity).
 - iv) The provision of properly illuminated ablution facilities that are lockable from the inside and change rooms that are specific for **WIM** in all the working areas.
 - v) On site **GBVF** (including sexual harassment) reporting systems allowing for the provision for anonymity and further investigation of the incident.
 - vi) Utilising best practices such as the buddy system and the use of mobile radios to increase the security of **WIM**.
 - vii) Employers should implement **GBVF** programmes in line with the pillars of the **NSP** to ensure wellbeing/ wellness for employees.
- e) Separate the victims from the perpetrators at the workplace.
- f) Address the drivers behind the **GBVF** incidents encountered at the workplace.

7.2.1.2. **Managers and supervisors**

- 7.2.1.2.1. Managers or supervisors should familiarise themselves with policies and procedures pertaining to **GBVF** management and should:
- a) Ensure that the safety and security of women is upheld at the mine (e.g. buddy-buddy system).
 - b) Participate in **GBVF** management training and the implementation thereof.
 - c) Adhere to the policies and processes to manage **GBVF** in the workplace.

- d) Report on the progress made regarding the management of **GBVF** and the implementation of existing policies and plans annually.
- e) Refer victims of gender-based violence to the employee health and wellness programme including mental wellness issues and support systems or centres.
- f) Ensure that systems to address the safety and security of **WIM** are in place and are periodically reviewed or assessed including the monitoring and reporting of progress.

7.3. Policies and procedures on **GBVF** management

7.3.1. The guidance note sets out measures to ensure that policies and procedures to manage **GBVF**, safety and security challenges for **WIM** are developed, implemented, monitored and reported on. The measures should include:

- 7.3.1.1. Identifying priority areas for policy development or the review in relation to **GBVF** management at the workplace.
- 7.3.1.2. Displaying the developed sexual harassment policies and procedures on notice boards and other appropriate media.
- 7.3.1.3. Indicating the dates on which the policies and procedures were developed or reviewed.
- 7.3.1.4. Assessing the impact of policies and procedures in order to improve **GBVF** management at the workplace.

7.4. Training

7.4.1. Training shall be aimed at strengthening and delivering capacity to roll out effective prevention and management programmes for **GBVF**, safety and security issues at the mine. All formal training must be documented and should comply with the relevant provisions of the Mine Health and Safety Act, 1996 (Act 29 of 1996) as amended. This training shall also include the following focus areas:

- 7.4.1.1. Gender mainstreaming for managers (including governance issues, gender responsive budgeting as well as national and sector specific focus areas).
- 7.4.1.2. **GBVF** including sexual harassment should be a standing item on the induction programmes of the mines (including the proper use of existing reporting systems).
- 7.4.1.3. Survivor focused response, care and support programmes at the workplace for employees who are victims of **GBVF** shall be extended to employees who decide to leave the company because of a **GBVF** encounter. Employers are encouraged to participate in and collaborate with surrounding communities in multi-sectoral programmes to address **GBVF** in line with the **NSP**. These programmes shall facilitate the recovery and the healing of the affected employees.

PART B: IMPLEMENTATION

1. IMPLEMENTATION PLAN

- 1.1. The employer must prepare an implementation plan for its guidance note for provision of issues such as organisational structures, responsibilities of functionaries and, programmes and schedules for the guidance note that will enable proper implementation of the guidance note. (A summary of and a reference to, a comprehensive implementation plan may be included).
- 1.2. Information may be graphically represented to facilitate easy interpretation of the data and to highlight trends for the purposes of risk assessment.

2. COMPLIANCE WITH THE GUIDANCE NOTE

- 2.1. The employer must institute measures for monitoring and ensuring compliance with the guidance note.

3. ACCESS TO THE GUIDANCE NOTE AND RELATED DOCUMENTS

- 3.1. The employer must ensure that a complete guidance note, and related documents are readily available at the mine for examination by any affected person.
- 3.2. A registered trade union with members at the mine or where there is no such union, a health and safety representative at the mine, or, if there is no health and safety representative, an employee representing the employees at the mine, must be provided with a copy of the written request to the manager. A register must be kept of such persons or institutions with copies to facilitate updating of such copies.
- 3.3. The employer must ensure that all employees are conversant with those sections of the guidance note relevant to their respective areas of responsibilities.

PART C: MONITORING AND EVALUATION**1. SUBMISSION OF GBVF ANNUAL REPORTS TITLE PAGE**

- 1.1. All mines should develop and submit a **GBVF** implementation plan on the last day of the month of February annually. These should be followed through by the submission of the progress report of the previous year (Annexure E: Progress reporting template: **NSP** Strategic Plan on **GBVF**).

ANNEXURE A: REFERENCES*(For information purposes only)*

- 1) Department of Justice and Constitutional Development. 2020. National Strategic Plan on Gender-based Violence & Femicide. Available at:
<https://www.justice.gov.za/vg/gbv/nsp-gbv-final-doc-04-05.pdf>
- 2) Government Communication and Information System. Gender-based Violence Resource Guide. Available at:
[https://www.gov.za/sites/default/files/images/GBV%20 booklet.pdf](https://www.gov.za/sites/default/files/images/GBV%20%20booklet.pdf)
- 3) Mine Health and Safety Council. 2014. Safety and Security Challenges Impacting Women in the South African Mining Industry (SIM 130903). Available at:
<https://mhsc.org.za/research-document/sim-130903-safety-and-security-challenges-impacting-on-women-in-the-sami-report/>
- 4) Protection of Personal Information Act 4 of 2013. Available at:
<https://www.gov.za/documents/protection-personal-information-act>

ANNEXURE B: SECTOR SPECIFIC GBVF FRAMEWORK
(For information purposes only)

TABLE 1: Sector specific GBVF framework

<p>VISION: Women, a South Africa free from gender-based violence directed at women, children and LGBTQIA+ persons.</p> <p>IMPACT STATEMENT: Decreased levels of GBVF for women, children and LGBTQIA+ persons in South Africa.</p>							
Ten year outcome	<p>A. The South African mining industry and communities around the mine to be held accountable for a GBVF free environment.</p> <p>STRENGTHEN ACCOUNTABILITY AND A MULTI-SECTORAL RESPONSE</p>	<p>B. New forms of social connectedness (culture transformation - diversity) and building social cohesion at the workplace to address any trauma caused by violence at the workplace.</p> <p>FACILITATE HEALING AT ALL LEVELS</p>	<p>C. All employees at the mines including women and girls in the mine communities to access resources to make healthy choices in addressing GBVF.</p> <p>MAKE SPACES SAFE AND MAKE CHOICES REAL</p>	<p>D. Creating an atmosphere where the South African mining industry would deem GBVF unacceptable amongst its stakeholders.</p> <p>REBUILDING SOCIAL FABRIC</p>			
Key strategies	<p>Strengthen the state, employers, employees and societal accountability at all levels driven by bold leadership and commitment.</p>	<p>Driving prevention, addressing harmful social and gender norms, facilitating healing and building social cohesion at the workplace.</p>	<p>Locating a response towards GBVF as integral to responding to violence, poverty and inequality.</p>	<p>Widening the lens, deepening the understanding and rooting the response in the mine and mining communities.</p>			
Pillars	<p>PILLAR ONE: Accountability, coordination and leadership.</p>	<p>PILLAR TWO: Prevention and rebuilding of social cohesion.</p>	<p>PILLAR THREE: Justice, safety and protection.</p>	<p>PILLAR FOUR: Response, care, support and healing.</p>	<p>PILLAR FIVE: Economic power.</p>	<p>PILLAR SIX: Research and information management.</p>	<p>PILLAR SEVEN: 16 Days of No Violence Against Women and Children.</p>
Five year outcome	<p>1.1 Bold leadership and strengthened accountability across all stakeholders in the South African mining industry in response to GBVF strategically with</p>	<p>2.1 Strengthening and delivering capacity in the South African mining industry to roll out effective prevention and management programmes.</p>	<p>3.1 All GBVF survivors in the South African mining industry can access efficient and sensitive criminal justice that is quick, accessible,</p>	<p>4.1 Establish or strengthen existing response, care and support services at the workplace in ways that are victim centred and survivor focused to facilitate</p>	<p>5.1 Collaboration amongst stakeholders to accelerate initiatives that address unequal economic and social positions in the procurement, employee, housing,</p>	<p>6.1 Conduct research and audits to facilitate reporting to understand the extent and nature of the GBVF in the South African mining industry.</p>	<p>Outcomes: 7.1 Development of 16 days action plans and interventions (or programmes) in line with the national themes and strategies.</p>

	<p>clear messaging and adequate technical and financial resources.</p> <p>1.2 Strengthened tripartite stakeholder relationship by coordination and collaboration across the South African mining industry and sections of society based on relationships of trust in operationalising the NSP.</p>	<p>2.2 Change unacceptable behaviour and harmful social norms within the South African mining industry because of the rollout of evidence-based prevention interventions.</p> <p>2.4 Optimally harnessed violence against children programmes that have an impact on gender-based violence eradication.</p> <p>2.5 Integration of prevention interventions on violence against LGBTQIA+.</p> <p>2.6 Strengthening programmes that address restoration of human dignity, builds caring in the workplaces and communities as well as responds to the historic and collective trauma.</p> <p>2.7 Workplaces and public spaces are made safe and violent free for all, particularly for women and children.</p>	<p>responsive and gender inclusive.</p> <p>3.2 Facilitation of access to the justice systems rapid response teams to address cases of GBVF.</p> <p>3.2 Amended legislation related to gender-based violence areas that build on legislative reforms initiated under the emergency response action plan.</p> <p>3.3 Provide ablution facilities lockable from the inside (including change rooms) that are specific for women in mining at all working sites.</p>	<p>recovery and healing.</p> <p>4.2 Eliminate secondary victimisation through addressing specific individual and systemic factors driving it.</p> <p>4.3 Victims feel supported by the system to access the necessary psycho-social, material and other support required to assist them with their healing.</p> <p>4.4 Collaboration with community and institutional responses to provide response, care and support to survivors and other vulnerable persons.</p>	<p>financial, resources and income generating initiatives.</p> <p>5.2 Safe workplaces that are free of violence against women and LGBTQIA+ persons, including, but not limited to, sexual harassment.</p> <p>5.3 Developing workplace policies in the South African mining industry to eliminate the impact of economic drivers of GBVF.</p> <p>5.4 Employers must implement financial wellbeing or wellness programmes for employees.</p>	<p>6.2 Adoption of GBVF policies and programming interventions that are informed by existing evidence-based research.</p> <p>6.3 Establish GBVF related information systems to address the GBVF challenges and facilitate the effective solutions and responses in the South African mining industry.</p>	<p>7.2 The monitoring and evaluation of 16 days plans, programmes or interventions.</p> <p>7.3 Progress reporting on the 16 days programmes.</p>
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ANNEXURE C: SUMMARY REPORT – SAFETY AND SECURITY CHALLENGES IMPACTING WIM IN THE SOUTH AFRICAN MINING INDUSTRY

(For information purposes only)

Safety In Mines Research Advisory Committee

PROJECT SUMMARY: SIM 13 09 03

PROJECT TITLE:	Safety and Security Challenges Impacting on Women in the South African Mining Industry		
AUTHORS:	Zungu LI	AGENCY:	University of South Africa
REPORT DATE:	30 November 2014	RELATED PROJECTS:	None
CATEGORY:	Occupational Health and Safety	APPLIED RESEARCH:	Yes

Summary:

<p>Historically, the mining industry has attracted a workforce made up of mainly men (Badenhorst 2009; Zungu 2012). However, in the recent past there has been a sturdy flow of women into the industry which came about as a consequence of a regulated process. In light of the fact that the mining industry was the domain of men at the exclusion of women there was a need for some interventions to facilitate access to the industry for women.</p> <p>The primary purpose of this project was to develop guidelines to assist the South African mining industry to adopt and implement robust and effective prevention strategies of violence and sexual harassment as important safety and security challenges faced by women in the South African mining industry.</p> <p>As a preliminary step within this project, a review of both local and international predecessor research outcomes was conducted. Secondary to this, a quantitative cross-sectional descriptive survey was conducted in the mines, using a structured questionnaire and participant observations across three study sites of different commodities, namely, Gold, Platinum and Coal mines. In-depth interviews and focus group discussions were conducted with men and women to deepen the understanding of the nature and circumstances of violence and harassment in the mines.</p> <p>A total of 262 participants from the Platinum (98.0%), Gold (1.6%) and Coal (0.4%) sectors were involved in the quantitative survey. Findings showed that working shifts was associated with experiences of physical violence ($p=0.037$), verbal</p>	<p>associated with quid pro quo sexual harassment ($p=0.008$). Years of working experience in the mines were associated with unwanted verbal abuse ($p=0.003$). Lastly, the place ($p=0.001$) and time ($p=0.013$) of the incident of violence was related to the perpetrator. Qualitative findings showed that the negative attitudes, harassment and discrimination experienced by women in mining are indeed barriers to women's effective integration in the sector.</p> <p>This study shows that:</p> <ul style="list-style-type: none"> · Violence and sexual harassment is a recurrent problem for and a threat to the health, safety and security of female workers in the South African mining industry. · Policies and procedures for managing violence and sexual harassment were either non-existent or where they existed were obsolete and ineffective. · Physical violence and sexual harassment at work, particularly in the mines should be recognised as a serious prevalent problem requiring specific regulatory interventions. <p>It is recommended that effective prevention and management of workplace violence and sexual harassment in the mines, warrants the adoption, implementation and monitoring of robust multi-faceted preventive measures at primary, secondary and tertiary levels of prevention. Also, prevention strategies should include a combination of workplace policies and procedures based on a sound legislative, regulatory and enforcement framework: good practice requires organisations to emphasise primary prevention by adopting proactive interventions that include raising</p>
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abuse (p=0.031) and bullying (p=0.012) indicating that those working in shifts were twice more likely to experience physical violence, verbal abuse and being bullied at work. Living at home and commuting to work was also	awareness and training programmes with the participation of men, possibly as champions.
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ANNEXURE D: GBVF IMPLEMENTATION PLANS FOR THE MINERAL AND MINING SECTOR
(For compliance – to be populated and submitted to the DMRE)



GENDER-BASED VIOLENCE AND FEMICIDE (GBVF) IMPLEMENTATION PLANS FOR 2024/2025

GBVF IMPLEMENTATION PLANS FOR 2024/2025

KEY STRATEGIES	ACTIVITIES	PERFORMANCE INDICATORS	BUDGET	TIME FRAME					TARGET	RESPONSIBILITY	GENDER PLANS / INTERVENTIONS 2024-2025
				2024	2025	2026	2027	2028			
1. ACCOUNTABILITY, COORDINATION AND LEADERSHIP	The aim is to promote ownership and accountability by management through incorporating the strategy plan into: - Organisational strategic plans. - Performance agreement of managers. - Development of implementation plans with budget allocation. - Monitoring and evaluation. - Reporting.	1.1 NSP on GBVF incorporated into the annual performance plans of the programmes. 1.2 Submit two approved implementation plans and two reports annually i.e. at the end of February. 1.3 Implementation plans and reporting to be presented in management meetings of the company.		2	2	2	2	2	Employer		
2. PREVENTION AND REBUILDING OF SOCIAL COHESION	Programmes on change of cultural norms and behaviour e.g. awareness campaigns and dialogues on GBVF. Workshops with church leaders, traditional leaders, chiefs, etc. (reward acceptable behaviour). Establish women or men forums to	2.1 Number of GBVF training sessions, workshops or awareness campaigns conducted within the company namely for: - Managers. - Employees - Communities 2.2 WIM committee, women and men						Four per annum	Employer		
										Every three years	WIM committee

KEY STRATEGIES	ACTIVITIES	PERFORMANCE INDICATORS	BUDGET	TIME FRAME					RESPONSIBILITY	GENDER PLANS / INTERVENTIONS 2024-2025
				2024	2025	2026	2027	2028		
	promote gender related practices.	forums and terms of reference approved. 2.3 Number of victims placed on skills programmes.							Employer	Two to five victims per mine or region
3. JUSTICE, SAFETY AND PROTECTION	<p>Create safe workplaces and public spaces through the following measures:</p> <ul style="list-style-type: none"> The installation of cameras and security systems. Encourage the reporting of cases through gender committees or GBVF ambassadors, call centres or labour relations and the police. Perpetrators are dealt with through hearings, dismissals and convictions. 	<p>3.1 The number and types of safety mechanisms established.</p> <p>3.2 The number of cases reported.</p> <p>3.3 The number and type of cases resolved through hearings, dismissals or convictions.</p>							WIM committee and employment relations	
4. RESPONSES, CARE, SUPPORT AND HEALING	<ul style="list-style-type: none"> Development of policies and reporting processes e.g. GBVF and sexual harassment policies. Budget allocations for facilities such as employee assistance programmes or counselling. Referrals to shelters and formation of private-public partnerships. 	<p>4.1 Approved GBVF or sexual harassment related policies and procedures.</p> <p>4.2. 5% of budget set aside for GBVF counselling, legal fees and programmes or projects.</p> <p>4.3 The number of GBVF victims counselled and/or supported.</p> <p>4.4. The number of warnings, dismissals and convictions or</p>							WIM committee and employment relations	One per annum

KEY STRATEGIES	ACTIVITIES	PERFORMANCE INDICATORS	BUDGET	TIME FRAME					TARGET	RESPONSIBILITY	GENDER PLANS / INTERVENTIONS 2024-2025
				2024	2025	2026	2027	2028			
5. RESEARCH AND INFORMATION MANAGEMENT	<ul style="list-style-type: none"> Conduct GBVF audits. Develop a database for GBVF cases as well as resolved cases for justice purposes. 	cases referred to the South African Police Service or shelters. 5.1 Disaggregated data captured on gender-based violence cases. 5.2 The number of reported cases. 5.3 Information systems established e.g. GBVF templates, register and reports.							WIM Committee		
6. 16 DAYS CAMPAIGN PLANS AND PROGRAMMES	Development of 16 days action plans or interventions.	6.1 The number of action plans approved and submitted. 6.2. The number of awareness campaigns conducted - internally and externally. 6.3. GBVF evaluations conducted. 6.4. Achievements made.						One annually	Employer		

Name of mining company or WIM committee: _____

Name of the Chief Executive Officer or Mine Manager: _____

Signature: _____

Date: _____

ANNEXURE E: PROGRESS REPORTING TEMPLATE: NSP STRATEGIC PLAN ON GBVF



PROGRESS REPORTING TEMPLATE
NATIONAL STRATEGIC PLAN ON GENDER-BASED VIOLENCE AND FEMICIDE



INSTRUCTIONS	
1. Please populate all sections from part 1 to part 4.	
2. Please populate all applicable columns for part 3: NSP on GBVF progress report - progress and achievements; reason for deviation; performance status; and corrective measures'. Ensure that risks and challenges are included and where not applicable write not applicable (N/A).	
3. Please report on all the targets for the current financial year and all outstanding targets for the previous financial years.	
4. Please do not report on previously reported progress - report as 'no progress for the year' to allow for the ease of collation, consolidation and analysis.	
5. Please note the requirement for approval by the accounting officer.	
PART 1: ACCOUNTING INFORMATION	
NAME OF THE DEPARTMENT / AGENCY:	Department of Mineral Resources and Energy
ANNUAL REPORTING PERIOD:	
REPORT COMPILED BY:	
NAME AND SURNAME:	
EMAIL ADDRESS:	
CELL NUMBER:	
MONITORING AND EVALUATION CONTACT PERSON:	
NAME AND SURNAME:	
EMAIL ADDRESS:	
CELL NUMBER:	
LEAD CONTACT PERSON (if different from the compiler):	
NAME AND SURNAME:	
EMAIL ADDRESS:	
CELL NUMBER:	
APPROVAL BY THE ACCOUNTING OFFICER:	
NAME AND SURNAME:	
SIGNATURE:	
DATE:	

PART 2: MANDATE IN RELATION TO GBVF									
Oversee the incorporation and implementation of the NSP on gender-based violence in the South African minerals, mining and energy sectors.									
PART 3: NSP ON GBVF MONTHLY PROGRESS REPORT									
PILLAR	INTERVENTIONS	ACTIVITIES	INDICATORS	TARGET	PROGRESS / ACHIEVEMENT	REASON FOR DEVIATION	PERFORMANCE STATUS		CORRECTIVE MEASURE(S)
							ACHIEVED	IN PROGRESS	NOT ACHIEVED
1	Accountability, coordination and leadership.	<p>The aim is to promote ownership and accountability by management through incorporating the strategy plan into:</p> <ul style="list-style-type: none"> - Organisational strategic plans. - Performance agreement of managers. - Development of implementation plans with a budget allocation. - Monitoring and evaluation. - Reporting 	<ul style="list-style-type: none"> - The NSP on GBVF is incorporated in the strategic plan of the company or mining house. - The number of managers who incorporated the GBVF pillars into their performance agreements. - The approved implementation plans and reports are to be submitted annually by the mining houses i.e. by the end of February and by the end of July. 						

PILLAR	INTERVENTIONS	ACTIVITIES	INDICATORS	TARGET	PROGRESS / ACHIEVEMENT	REASON FOR DEVIATION	PERFORMANCE STATUS			CORRECTIVE MEASURE(S)
							Achieved	In Progress	Not Achieved	
2	Prevention and rebuilding of social cohesion.	<ul style="list-style-type: none"> Programmes on the changing of cultural norms and behaviour e.g. awareness campaigns and dialogues on GBVF. Workshops and advocacies (reward acceptable behaviour) Establishment of forums to promote women or men gender related practices. 	<ul style="list-style-type: none"> The number of gender-based violence training sessions, workshops or awareness campaigns conducted within the company or mining house for: <ul style="list-style-type: none"> Managers Employees Communities The number of regions with established men forums. The number of victims that were placed on capacity development programmes. 							
3	Justice, safety and protection	<ul style="list-style-type: none"> Create a safe workplace and public space through the following measures: <ul style="list-style-type: none"> Installation of cameras and security systems. Encourage the reporting of cases through call centres, labour relations or the police. Perpetrators are dealt with through hearings, dismissals and convictions. 	<ul style="list-style-type: none"> The number and types of safety mechanisms established. A hotline or call centre was established. The number and types of cases that were reported and resolved through hearings, dismissals or convictions. 							

PILLAR	INTERVENTIONS	ACTIVITIES	INDICATORS	TARGET	PROGRESS / ACHIEVEMENT	REASON FOR DEVIATION	PERFORMANCE STATUS			CORRECTIVE MEASURE(S)
							ACHIEVED	IN PROGRESS	NOT ACHIEVED	
4	Responses, care, support and healing	<ul style="list-style-type: none"> - The development of policies and reporting processes e.g. GBVF and sexual harassment policies. - Budget allocations for facilities such as employee assistance programmes or counselling. 	<ul style="list-style-type: none"> - Approved GBVF related policies. - Percentage of the budget allocated for GBVF interventions. - The number of established GBVF structures and systems e.g. gender focal representatives, gender committees or women and men forums. - The number of GBVF victims counselled, supported and referred to the South African Police Service or shelters. 							
5	Research and information management	<ul style="list-style-type: none"> - Conduct GBVF audits. - Develop database for GBVF cases. - GBVF cases resolved for justice purposes. - Capture all GBVF information on the system 	<ul style="list-style-type: none"> - Disaggregated data captured on number of GBV cases reported. - GBVF cases resolved and how. - Information systems established 							

PART 4: RESPONSE TO COVID-19 AND GBVF		
INTERVENTION	ACTIVITY	PROGRESS / ACHIEVEMENT
1 Covid-19 and GBVF	Establishment of data on: <ul style="list-style-type: none"> - Number of women infected with Covid-19. - Number of cases of abuse reported during Covid-19 in the mining industry. - Number of women who died due to Covid-19. 	
2	<ul style="list-style-type: none"> - Number of women retrenched due to Covid-19 in mining companies. 	
3	<ul style="list-style-type: none"> - Number of women owned businesses that closed down due to lockdown / Covid-19. - What interventions were put in place to rescue such businesses in mining. 	

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DEPARTMENT OF MINERAL RESOURCES AND ENERGY

NO. 5099

2 August 2024

MINE HEALTH AND SAFETY ACT, 1996 (ACT NO. 29 OF 1996)

GUIDELINE FOR A MANDATORY CODE OF PRACTICE FOR A QUALITY ASSURANCE PROGRAMME FOR A SYSTEM OF OCCUPATIONAL HYGIENE AND VENTILATION ENGINEERING MEASUREMENTS

I **DAVID MSIZA**, the Chief Inspector of Mines, in terms of Section 49 (6) read together with Sections 9 (2) and 9 (3) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), hereby issue the Guideline for a Mandatory Code of Practice for a Quality Assurance Programme for a System of Occupational Hygiene and Ventilation Engineering Measurements, as set out in the schedule below.



DAVID MSIZA
CHIEF INSPECTOR OF MINES
DEPARTMENT OF MINERAL RESOURCES AND ENERGY

SCHEDULE

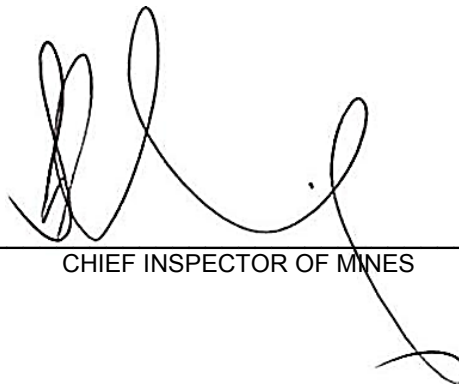
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DEPARTMENT OF MINERAL RESOURCES AND ENERGY

MINE HEALTH AND SAFETY INSPECTORATE

GUIDELINE FOR THE COMPILATION OF A
MANDATORY CODE OF PRACTICE FOR

**A QUALITY ASSURANCE PROGRAMME FOR
A SYSTEM OF OCCUPATIONAL HYGIENE AND
VENTILATION ENGINEERING MEASUREMENTS**



CHIEF INSPECTOR OF MINES



**mineral resources
& energy**

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

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PART A: THE GUIDELINE

1. FOREWORD

- 1.1. The **MHSA** requires the employer to protect the health and safety of employees at mines. It further requires the employer, in terms of Regulation 9.2(2) read with Section 11(4)(a) and Section 12 of the **MHSA**, and in terms of its risk assessment, to establish and maintain a system of occupational hygiene measurements.
- 1.2. The overall goal of a well-designed and well-implemented occupational hygiene measurement system (i.e. sampling and analysis) is to measure accurately the health hazards to which an individual might be exposed to in his or her workplace. Workplace environmental control management decisions are made on the assumption that analytical results are, within known limits of accuracy and precision, representative of workplace conditions.
- 1.3. Many sources of error exist that could affect the analytical results. Factors to consider as sources of error include improper sample collection, handling, preservation, transport, inadequate personnel training, poor analytical methods, data reporting and record keeping.
- 1.4. The **CIOM** has for years provided mandatory guidelines to assist employers on several aspects to develop programmes for managing occupational exposures to health hazards. It has always remained a challenge to ensure that with every programme there is appropriate quality assurance in place for the integrity of sampling strategies and processes put in place at mines.
- 1.5. Where the risk assessment of the employer indicates a need to establish and maintain either a system of occupational hygiene and ventilation engineering measurements, or where such a system is required by regulation, the employer must prepare and implement a quality assurance programme **COP** based on this guideline.
- 1.6. This guideline aims to assist employers with the establishment of an appropriate quality assurance programme on the occupational hygiene and ventilation engineering measurements but does not stipulate detailed requirements for specific circumstances, as the individual requirements of any employer will be guided by the risk assessment outcomes.

2. LEGAL STATUS OF THE GUIDELINE AND COP

- 2.1. In accordance with section 9(2) of the **MHSA**, an employer must prepare and implement a **COP** on any matter affecting the health or safety of employees and other persons who may be directly affected by activities at a mine when the **CIOM** requires it.
- 2.2. The **COP** must comply with any relevant guidelines issued by the **CIOM** in accordance with Section 9(3) of the **MHSA**.
- 2.3. Failure by the employer to prepare or implement a **COP** in compliance with this guideline is a breach of the **MHSA**.

3. OBJECTIVE OF THIS GUIDELINE

- 3.1. In terms of Regulation 9.2(2) read with Section 11(4)(a) and Section 12 of the **MHSA**, and in terms of the risk assessment, every employer at a mine is required to establish and maintain a system of occupational hygiene measurements of all working places where health hazard limits prevail.
- 3.2. The objectives of this guideline are to ensure that every employer at a mine is able to:
- 3.2.1. Compile a **COP** on a quality assurance programme for a system of such occupational hygiene measurements and ventilation engineering measurements, which if implemented properly will ensure integrity of such measurement results, thereby improving occupational hygiene programmes at the mine.
- 3.2.2. Be provided with relevant and accurate information that the employer can use in determining measures to eliminate, control and minimise the health risks and hazards to which employees are or may be exposed.

4. DEFINITIONS AND ACRONYMS

- 4.1. In this guideline for a **COP** or any amendment thereof, unless the context otherwise indicates, the acronyms are:
- 4.1.1. **Analysis methodology** means analysis techniques used to quantify a pollutant collected on or in sampling media (e.g. gas chromatography or mass spectrometry).
- 4.1.2. **CIOM** means Chief Inspector of Mines.
- 4.1.3. **COP** means a Code of Practice.
- 4.1.4. **DMRE** means Department of Mineral Resources and Energy.
- 4.1.5. **Exposure** means the subjection of a person to a workplace health hazard (e.g. physical, chemical or biological) during employment.
- 4.1.6. **MHSA** means the Mine Health and Safety Act, 1996 (Act 29 of 1996) as amended.
- 4.1.7. **Measurement (or sampling)** means the act of measuring while sampling and is the process or technique of obtaining a representative sample. However, in the context of this **COP**, these terms may be used interchangeably when referring to both occupational hygiene and ventilation engineering measurement techniques and are not mutually exclusive.
- 4.1.8. **Monitoring equipment** means any equipment or instrument that is used to conduct an occupational hygiene and ventilation engineering measurement(s).
- 4.1.9. **PI** means Principal Inspector of Mines.

- 4.1.10. **Quality assurance** means a planned and systematic means for assuring management that the defined standards, practices, procedures and methods of the process are applied.

5. SCOPE

- 5.1. This guideline details elements of quality assurance that need to be applied in the occupational hygiene programme and mine ventilation engineering measurements, where the risk assessment of the mine identified the need for the employer to establish and maintain a system of occupational hygiene measurements.
- 5.2. The quality assurance programme must include all aspects of the occupational hygiene and mine ventilation engineering measurement system, from preparation, calibration and handling of samples and equipment, data interpretation and storage, calculations to reporting that are formally documented, traceable and auditable.
- 5.3. This guideline provides guidance of a general nature on the required format and content for the **COP** and details sufficient technical background to enable the drafting committee at the mine to prepare a comprehensive and practical **COP** for the mine.

6. MEMBERS OF THE GUIDELINE REVIEW TASK GROUP

CHAIRPERSON		
Mr Brian Mongoma		
STATE	EMPLOYERS	ORGANISED LABOUR
Ms Constance Kekana	Mr Willie Deysel Mr Salwynne Vreugdenburg Mr Khumbula Bhembe Mr Lood Boshoff Mr Jannie Liebenberg Mr Francois Van Tonder Mr Senki Kesilwe Ms Zoe Selenati-Dreyer Mr Dries Labuschagne	Ms Keneiloe Mokgongwana
CONSULTED EXPERTS		
Mr Nico Strydom Ms Retha Rossouw		

PART B: AUTHOR'S GUIDE

1. The **COP** must, where possible, follow the sequence laid out in Part C: Format and Content of the **COP**.
2. The pages as well as the chapters and sections must be numbered, where possible, to facilitate cross-referencing.
3. Wording must be unambiguous and concise.
4. In this guideline for a **COP**, unless the context otherwise indicates the meaning of the words, will have the meaning as described within this document and that of the general understanding of such words.
5. It should be indicated in the **COP** and on each annexure to the **COP** whether:
 - 5.1. The annexure forms part of the guideline and must be complied with or incorporated in the **COP**, or whether aspects thereof must be complied with or incorporated in the **COP**.
 - 5.2. The annexure is merely attached as information for consideration in the preparation of the **COP** (i.e. compliance is discretionary).
6. When annexures are used the numbering should be preceded by the letter allocated to that particular annexure and the numbering should start at one again. (e.g. A1, A2, A3, etc.).
7. Whenever possible illustrations, tables, graphs and the like, should be used to avoid long descriptions and/or explanations.
8. When reference has been made in the text to publications or reports, references to these sources must be included in the text as footnotes or side notes, as well as in a separate bibliography.

PART C: FORMAT AND CONTENT OF THE MANDATORY COP

1. TITLE PAGE

1.1. The title page must include:

1.1.1. The name of the mine.

1.1.2. The mine code number.

1.1.3. The heading: *Mandatory Code of Practice for a Quality Assurance Programme for a System of Occupational Hygiene and Ventilation Engineering Measurements.*

1.1.4. A statement to the effect that the **COP** was drawn up in accordance with the guideline with reference number **DMRE 16/3/2/4-B8** issued by the **CIOM**.

1.1.5. The mine reference number for the **COP**.

1.1.6. The effective date of the mine's **COP**.

1.1.7. The revision dates of the mine's **COP** (previous and next revision dates if applicable).

2. TABLE OF CONTENTS

2.1. The **COP** must have a comprehensive table of contents.

3. STATUS OF THE MANDATORY COP

3.1. Under this heading the **COP** must contain statements to the effect that:

3.1.1. The **COP** was drawn up in accordance with the guideline with reference number **DMRE 16/3/2/4-B8** issued by the **CIOM**.

3.1.2. This is a mandatory **COP** in terms of Section 9(3) of the **MHSA**.

3.1.3. The **COP** supersedes all previous relevant **COPs**.

3.1.4. All managerial instructions or recommended procedures and standards on the relevant topics must comply with the **COP** and must be reviewed to assure compliance.

3.1.5. The **COP** may be used in an investigation or inquiry of any accident, serious illness or health threatening occurrence to ascertain compliance and to establish whether the **COP** is effective and fit for purpose.

4. MEMBERS OF THE DRAFTING COMMITTEE PREPARING THE COP

4.1. In terms of Section 34(1) of the **MHSA**, the employer must establish a health and safety committee through a collective agreement, and where there is no collective agreement, the employer must establish a health and safety committee in terms of

Section 33(6) or (7) of the **MHSA**. The employer must document the system undertaken to establish the health and safety committee at the mine.

- 4.2. In terms of Section 9(4) of the **MHSA** the employer must consult with the health and safety committee on the preparation, implementation or revision of any **COP**. Where there is no health and safety committee the employer must consult the health and safety representative. The employer must document the system undertaken to consult with the health and safety committee or representative(s).
- 4.3. It is recommended that the employer should, after consultation with the employees in terms of the **MHSA**, appoint a committee responsible for the drafting of the **COP**.
- 4.4. The members of the drafting committee assisting the employer in drafting the **COP** should be listed giving their full names, designations, affiliations and experience.
- 4.5. This committee must include competent persons sufficient in number to effectively draft the **COP**.

5. GENERAL INFORMATION

- 5.1. General relevant information relating to the mine must be stated in this section of the **COP**, which must include at least the following:
 - 5.1.1. A brief description of the mine and its location.
 - 5.1.2. The commodities produced at the mine.
 - 5.1.3. The mining methods or the combination of methods at the mine must be listed and it must discuss the degree of mechanisation, taking care to identify all the occupational health hazards that prevail at the mine.
 - 5.1.4. Measures taken to eliminate, control and minimise the occupational health hazards to which employees are or may be exposed.
 - 5.1.5. Other related **COPs** and management standards must be reviewed concurrently to avoid conflict of requirements as laid down by the employer.

6. TERMS AND DEFINITIONS

- 6.1. Any word, phrase or term of which the meaning is not clear, or which will have a specific meaning assigned to it in the **COP**, must be clearly defined.
- 6.2. Existing and/or known definitions should be used as far as possible.
- 6.3. The drafting or reviewing committee should avoid jargon and abbreviations that are not in common use or that have not been defined.
- 6.4. The definitions section should also include acronyms and technical terms used.

7. RISK MANAGEMENT

- 7.1. Section 11 of the **MHSA** requires the employer to:
- Identify the hazards to health or safety.
 - Assess the risks to health or safety to which employees may be exposed while they are at work.
 - Record the significant hazards identified and risks assessed.
- 7.2. The employer must develop, implement and document the risk assessment methodology that will be considered in identifying, assessing and recording all the occupational health hazards that prevail at the mine.
- 7.3. The employer must identify and record all the measures required to eliminate, control and minimise the health risks and hazards to which employees are, or may be exposed to, at the mine that requires a quality assurance programme.
- 7.4. The employer must document all the relevant information such as accidents or incidents statistics, research reports, manufacturers specifications, approvals, design, and performance criteria for all relevant equipment that will be obtained and considered in conducting the risk assessment.
- 7.5. In addition to the periodic review required by Section 11(4) of the **MHSA**, the **COP** should be reviewed and updated after audit findings, regulatory standards, guidance and/or instructions, and changes to relevant national or international standards.

8. ASPECTS TO BE ADDRESSED IN THE MANDATORY COP

- 8.1. Where the risk assessment of the employer identified the need for a system of occupational hygiene and mine ventilation measurements, a quality assurance programme must be developed and implemented.
- 8.2. The **COP** on a quality assurance programme for the system of occupational hygiene and mine ventilation measurements must, at the minimum, cover the following key elements, but is not limited to:
- 8.2.1. Occupational hygiene and ventilation engineering personnel
- 8.2.1.1. As part of the occupational hygiene and ventilation programme implemented at the mine, the employer must ensure that adequate occupational hygiene and ventilation resources are available to execute the programme through, but not limited to, the following requirements:
- 8.2.1.1.1. Define the organisational management structure with clear roles and responsibilities and the reporting line for occupational hygiene and ventilation engineering resources.

- 8.2.1.1.2. Conduct an assessment to determine the resources required, the minimum qualifications and the skills needed based on the occupational hygiene and ventilation management requirements for the operation.
- 8.2.1.1.3. Determine the training programme for occupational hygiene and mine ventilation engineering personnel, and the required training frequency. The programme should include, as a minimum, sampling techniques, field or transport quality assurance of sampling, analytical methods, specificity, accuracy, precision monitoring, detection limits, potential interferences, uncertainty of measurement and regulatory limits.
- 8.2.1.1.4. Determine which of the occupational hygiene and mine ventilation assessment activities will need supervision and how supervision will be carried out.
- 8.2.1.1.5. Define clear roles and responsibilities of the employees (Refer to Annexure A: **MHSA** minimum requirements for defining the roles and responsibilities) that will be monitoring, eliminating, controlling, and minimising the significant occupational health hazards.
- 8.2.2. Occupational hygiene and ventilation engineering measuring equipment control
- 8.2.2.1. The employer must develop and implement a system that will ensure that the occupational hygiene and ventilation equipment is adequately controlled and managed.
- 8.2.2.2. All the occupational hygiene and ventilation engineering personnel must receive periodic training on the system that will ensure that the occupational hygiene and ventilation equipment is adequately controlled and managed.
- 8.2.3. Monitoring programme
- 8.2.3.1. Measurement methods
- 8.2.3.1.1. The employer must stipulate the following in the **COP**:
- a) All occupational hygiene sampling or measurement methods that will be implemented by the mine.
 - b) All ventilation measurement methods that will be implemented by the mine.
 - c) The requirements for the internal and external laboratories that will be used by the mine.
 - d) Specifications for a gravimetric weighing room where the minimum requirements for a gravimetric weighing room is stipulated in Annexure B: Minimum requirements for a weighing room and should be complied with.

8.2.3.2. Preparation, handling, transportation, and storage of monitoring equipment

8.2.3.2.1. The employer must develop a procedure on how and where all the occupational hygiene and ventilation engineering monitoring equipment will be prepared, handled, transported and stored, where the procedure will include, but is not limited to, the following:

- a) Minimum requirements where samples and monitoring equipment will be prepared and handled pre- and post-sampling or measuring.
- b) All occupational hygiene and ventilation engineering monitoring equipment being uniquely identified and recorded in an equipment register.
- c) Each field sample to be assigned a unique identifier and such unique identifier being recorded.
- d) A method of sampling assurance for blank, transport and laboratory monitoring to be developed and maintained.
- e) Description of sampling equipment and sample media transportation methods e.g. carrying case.

8.2.3.3. Sampling frequency

8.2.3.3.1. Define the sampling or measuring frequency of each identified occupational health hazard as per the applicable mandatory **COPs** of the mine. For those occupational health hazards without mandatory **COPs**, sampling or measuring frequency must be identified as per the risk assessment of the mine.

8.2.3.4. Control monitoring frequency

8.2.3.4.1. Define the monitoring frequency to determine the effectiveness of each control measure implemented as per the risk assessment outcomes and/or the specifications of the original equipment manufacturer.

8.2.3.5. Sampling or measurement duration

8.2.3.5.1. Based on the risk assessment outcomes, define the sampling or measuring duration for each occupational health hazard to be representative of the exposure of employees.

8.2.3.6. Measuring equipment calibration and maintenance.

8.2.3.6.1. The employer must develop a procedure on the calibration and maintenance of all the occupational hygiene and ventilation engineering measuring equipment in use at the mine.

8.2.3.6.2. The employer must demonstrate that adequate resources have been allocated for sampling maintenance, calibration and equipment to be sufficient.

- 8.2.3.6.3. The procedure must also describe the training requirements to perform in-house calibrations, maintenance and verifications.
- 8.2.3.6.4. Records must be readily available at the mine of any maintenance performed on the monitoring equipment and who performed the maintenance.
- 8.2.3.7. Issuing and retrieval of sampling or measuring equipment
- 8.2.3.7.1. The employer must develop a procedure on how all the occupational hygiene and ventilation engineering sampling or measuring equipment will be controlled, issued and retrieved.
- 8.2.3.8. Occupational hygiene and ventilation engineering documentation
- 8.2.3.8.1. Develop and implement a procedure that will ensure, but is not limited to, the following:
- a) A safe area or facility where all the specified occupational hygiene and ventilation engineering documents will be kept, the format of the documents (e.g. electronic or hard copies) and stating the period that the documents will be kept for.
 - b) Defining a responsible person that will have access to the documents and if necessary, what will the arrangements be should other interested parties want to peruse these documents.
 - c) Define who will be responsible for making any amendments to these documents.
 - d) Define the approval process for the relevant documents and reports prior to it being shared with other interested parties, employees, the state, organised labour representatives (if applicable), health and safety representative(s), health and safety committees, etc.
 - e) The field sampling data must cover the information as contained in Annexure C as a minimum requirement where applicable (Annexure C: Field sampling information).
- 8.2.3.9. Uncertainty of sampling/measurements, errors, and sources of errors
- 8.2.3.9.1. A sampling or measurement method must identify sampling errors and how to control the errors. The sampling or measurement method must at least cover, but is not limited to, the following:
- a) Types and potential sources of sampling or measuring errors.
 - b) Detection of sampling or measuring errors.
 - c) Requirements on how the uncertainty of measurements will be identified, evaluated and reported.

- 8.2.3.10. Data validation and interpretation
- 8.2.3.10.1. A procedure must be developed and implemented to demonstrate how the data will be validated, interpreted and signed-off prior to reporting to the employer and to the **PI**.
- 8.2.3.11. Traceability
- 8.2.3.11.1. A procedure must be developed and implemented to demonstrate that all the sampling or measurement results are traceable through an unbroken chain from planning to reporting, e.g. all the associated sampling or measurement documents to be completed and recorded to provide traceability.
- 8.2.3.12. Audits
- 8.2.3.12.1. The procedure must be developed where the employer must conduct an internal audit on the occupational hygiene and ventilation engineering quality assurance programme of the mine on an annual basis to assess compliance to the procedures of the mine and to this guideline. Such audits must be conducted by a competent person or institution where the competency requirements of such a person or institution will be defined by the employer in the procedure.
- 8.2.3.12.2. The employer must conduct periodical external audits on the occupational hygiene and ventilation engineering quality assurance system of the mine and such audits to be conducted by an independent competent person or institution as defined by the employer.
- 8.2.3.12.3. The employer must maintain evidence of the audit outcomes, inclusive of any associated action plan to close out identified deficiencies.
- 8.2.3.13. Record keeping
- 8.2.3.13.1. The employer must develop and implement a system to keep a record of the following:
- a) Risk assessment methodology that will be utilised in identifying, assessing and recording all the occupational health hazards.
 - b) All measures required to eliminate, control and minimise the health risks and hazards to which employees are or may be exposed to at the mine that requires a quality assurance programme.
 - c) Records on the qualifications and training of all occupational hygiene and ventilation engineering personnel.
 - d) Occupational hygiene and ventilation engineering measuring equipment register.

- e) Calibration and maintenance register, including copies of external calibration certificates.
- f) Any other procedure(s) required in terms of this guideline.
- g) A register of all occupational hygiene and ventilation engineering measurements reports compiled for the mine with each report assigned a unique identifier or reference number.

PART D: IMPLEMENTATION

1. IMPLEMENTATION PLAN

- 1.1. The employer must prepare an implementation plan for a **COP** that makes provision for issues such as organisational structures, responsibilities of functionaries and programmes and schedules for the **COP**, which will enable proper implementation of the **COP** (a summary of and a reference to, a comprehensive implementation plan may be included).
- 1.2. Information may be graphically represented to facilitate easy interpretation of the data and to highlight trends for the purposes of risk assessment.

2. COMPLIANCE WITH THE COP

- 2.1. The employer must institute measures for monitoring and ensuring compliance with the **COP**.

3. ACCESS TO THE COP AND RELATED DOCUMENTS

- 3.1. The employer must ensure that a complete **COP** and related documents are kept readily available at the mine for examination by any affected person.
- 3.2. A registered trade union with members at the mine, or where there is no such union, a health and safety representative on the mine, or if there is no health and safety representative, an employee representing the employees on the mine, must be provided with a copy. A register must be kept of such persons or institutions with copies to facilitate the updating of such copies.
- 3.3. The employer must ensure that all employees are fully conversant with those sections of the **COP** relevant to their respective areas of responsibilities.

ANNEXURE A: MHTSA MINIMUM REQUIREMENTS FOR DEFINING THE ROLES AND RESPONSIBILITIES
(For information purposes only)

1. Minimum requirements in terms of the MHTSA

MHTSA SECTION	REQUIREMENT
Section 2	Employer to ensure safety.
Section 5	Employer to maintain a healthy and safe mine environment.
Section 6 (3)	Employees who are required to use personal protective equipment are instructed in the proper use, the limitations and the appropriate maintenance of that equipment.
Section 7 (1) (e)	Ensure that work is performed under the general supervision of a person trained to understand the hazards associated with the work and who has the authority to ensure that the precautionary measures laid down by the employer are implemented.
Section 9	<p>COPs:</p> <ul style="list-style-type: none"> • Occupational Health Programme on Thermal Stress • Occupational Health Programme (occupational hygiene and medical surveillance) on Personal Exposure to Airborne Pollutants • Occupational Health Programme (occupational hygiene and medical surveillance) for Noise • Prevention of Flammable Gas and Coal Dust Explosions in Collieries • Prevention of Flammable Gas Explosions in Mines Other Than Coal Mines • Emergency Preparedness and Response • Trackless Mobile Machines • And assist in the preparation, review and maintenance of Minimum Standard of Fitness to Perform Work at a Mine; Management of Working in Confined Spaces at Mines; Management of Self-contained Self-Rescuers in Mines; etc.
Section 10	Employer to provide health and safety training.
Section 11	Employer to assess and respond to risk (Section 11.4 and Section 11.5 investigations).
Section 12	Employer to conduct occupational hygiene measurements.
Section 14	Record of hazardous work.
Section 19 (1)	Employees' right to information (exposure reports).
Section 21	Manufacturer's and supplier's duty for health and safety.
Section 23	Employees' right to leave dangerous working places.
Section 52	Duty to assist inspectors and answer questions.
Section 53	Duty to produce documents required by an inspector.

2. Minimum requirements in terms of the MSHA regulations

MHSA REGULATIONS	REQUIREMENTS
Regulation 4 (6)	General precautionary measures when blasting takes place, air and ground vibrations, shock waves or fly material are limited to such an extent and at such a distance from any building, public thoroughfare, railway, power line or any place where persons congregate to ensure that there is no significant risk to the health or safety of persons.
Regulation 4 (8)	Prevention of flammable gas and coal dust explosions.
Regulation 5	Fires and explosions.
Regulation 8.4 (2)(g)(iii)	A written procedure prepared and implemented for the installation of a winch system that must cover at least illumination of the moving parts of any winch so that it can be identified by persons.
Regulation 8.6	Machinery and equipment.
Regulation 8.7	Refrigeration and air-conditioning installations.
Regulation 8.8 (5) (c) Regulation 8.8 (6)	General machinery regulations.
Regulation 8.9 (3)	Conveyor belts.
Regulation 9	Mine environmental engineering and occupational hygiene.
Regulation 10	Miscellaneous and general provisions: hazardous location.
Regulation 11.4 Regulation 11.5 Regulation 11.6 Regulation 11.7 Regulation 11.9	Noise. Asbestos dust. Coal dust. Crystalline silica dust. Record of hazardous work.
Regulation 14 (4) Regulation 14 (5)	Protection of the surface and the workings.
Regulation 16	Rescue, first aid and emergency preparedness and response.
Regulation 17 (5) Regulation 17 (6) Regulation 17 (19)	Surveying, mapping and mine plans.
Regulation 23 (1) Regulation 23 (4) (d, f, g, k, m)	Reporting of accidents and dangerous occurrences.

ANNEXURE B: MINIMUM REQUIREMENTS FOR A WEIGHING ROOM
(Mandatory and must be complied with)

1. The following points should be considered when selecting a weighing room:
 - 1.1. The location of the weighing room should be in an uncontaminated, dust free environment and away from any activity or equipment that can cause vibration.
 - 1.2. To avoid draughts and the ingress of dust; windows, if fitted, must at all times be kept closed (sealed) and the entrance to the weighing room must preferably be through an airlock or otherwise a self-closing door (any other condition that may affect a stabilised atmosphere must be addressed).
 - 1.3. The weighing room to be fitted with an air-conditioning device that is capable of maintaining constant relative humidity and temperature within the facility and where there is exceedance in accordance with the standard of the mine, corrective measures must be put in place by the employer.
 - 1.4. The weighing room and procedure must be designed to minimize generation and discharge of static electricity.
 - 1.5. Positioning of the micro-balance on rigidly designed object that will enable proper levelling with an anti-static surface covering.
 - 1.6. Both reference and field filters due to be weighed must be acclimatised for at least 12-hours with appropriate air circulation or exposure to acclimatising environment.
 - 1.7. A weighing procedure must include moisture correction on the sampling filters.
 - 1.8. This room must be dedicated to the weighing and preparation of filter cassettes.
 - 1.9. The following signs should be displayed at the entrance to the weighing room:
 - 1.9.1. Weighing room.
 - 1.9.2. No smoking.
 - 1.9.3. No eating.
 - 1.9.4. Acclimatisation in progress (when applicable).
 - 1.9.5. Weighing in progress (when applicable).

NOTE:

It is recommended that the employer refers to the Guideline for the Compilation of a Mandatory Code of Practice for an Occupational Health Programme (occupational hygiene and medical surveillance) on Personal Exposure to Airborne Pollutants (DMR 16/3/2/4-A1) for additional information.

ANNEXURE C: FIELD SAMPLING INFORMATION*(Mandatory and must be complied with)*

1. During sampling the following information must be recorded, where relevant, but it is not limited to:
 - 1.1. Unique survey number.
 - 1.2. Purpose of sampling and date of sampling.
 - 1.3. Hazards or parameters sampled.
 - 1.4. Unique identifier or serial number of monitoring equipment.
 - 1.5. Sample media reference number if applicable e.g. filter reference number.
 - 1.6. Measurement method or standard number and analytical method where applicable.
 - 1.7. Start and stop time of sampling, exposure duration and total duration of sampling where applicable.
 - 1.8. Pre- and post-sampling calibration readings where applicable.
 - 1.9. Date of last external calibration.
 - 1.10. Environmental factor(s) - wind direction, wind speed, humidity level, which might impact or influence on the sampling procedure.
 - 1.11. Control measures in place and the working conditions as per the design specifications.
 - 1.12. Personal protective equipment used by the employee whose exposure is measured.
 - 1.13. Details, position and signature of the person sampling.
 - 1.14. Details of the person and/or the area being sampled.
 - 1.15. Exposure sources.

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DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5100

2 August 2024



CO-OPERATIVES THAT HAVE BEEN DIRECTED TO CHANGE NAMES BY THE REGISTRAR OF CO-OPERATIVES IN TERMS OF SECTION 11 OF CO-OPERATIVES ACT NO. 14 OF 2005, AS AMENDED.

Notice is hereby given in terms of section 11 of the Co-operatives Act of 2005 as amended, that co-operative names have been amended as follows:

1. **SAFIKA MULTIPURPOSE CO-OPERATIVE LIMITED (2017/004524/24)** has been revoked and changed to **XURANA BAKERY CO-OPERATIVE LIMITED**.
2. **CHEESE CURLS AGRICULTURAL CO-OPERATIVES LIMITED (2022/605746/24)** has been revoked and changed to **BEWANA AGRICULTURAL CO-OPERATIVE LIMITED**.

REGISTRAR OF CO-OPERATIVES
Office of the Registrar of Co-operatives
The DTIC Campus
77 Meintjies Street
Sunnyside
0002

Private Bag X237
PRETORIA
0001

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5101

2 August 2024

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. NKOSI PHIRI FARMING AND PROJECTS (2010/005611/24)
2. SEBOMACHINE TRADING AND PROJECTS PRIMARY CO-OPERATIVE LIMITED (2012/010564/24)
3. UMBALA PAINTS PRIMARY CO-OPERATIVE LIMITED (2011/008836/24)
4. SCC AMERACHI (2022/606903/24)
5. NSC FASHION WORKER PRIMARY CO-OPERATIVE LIMITED (2020/004336/24)
6. HUNFUTURE AGRICULTURAL PRIMARY CO-OPERATIVE LIMITED (2017/006733/24)
7. LEFIKA 200 PRIMARY CO-OPERATIVE LIMITED (2015/015284/24)
8. NDENGEZA TOURISM PRIMARY CO-OPERATIVE LIMITED (2012/013814/24)
9. BANNKS FARMING AND MULTI-PURPOSE PRIMARY CO-OPERATIVE LIMITED (2013/001892/24)
10. PHEZULU CLOTHING WORKER (2022/601593/24)
11. LA FREIGHT BROKERS CO-OPERATIVE LIMITED (2011/005041/24)
12. PHEKOLANG MA-AFRIKA LOGISTICS AND STRATEGIC MULTI-PURPOSE PRIMARY (2018/009810/24)
13. MAZIBUYELE EMASISWENI SUPPLY PRIMARY CO-OPERATIVE LIMITED (2012/004048/24)
14. PARENTS COUSINS BROTHERS AND FUTURE GENERATION AGRICULTURAL (2017/010220/24)
15. INTOBEKO YEMBOKODO PRIMARY CO-OPERATIVE LIMITED (2019/010815/24)
16. WOMEN START PRIMARY CO-OPERATIVE LIMITED (2015/009485/24)
17. DIPHORORO MULTI-PURPOSE PRIMARY CO-OPERATIVE LIMITED (2017/009516/24)
18. NGENA EMPUMELELWENI (2022/600012/24)
19. LAFATA MULTIPURPOSE PRIMARY CO-OPERATIVE LIMITED (2018/002708/24)
20. GAABO-KGABO AGRICULTURAL PRIMARY CO-OPERATIVE LIMITED (2015/009213/24)
21. MASHUNGU WORKS PRIMARY CO-OPERATIVE 2012/022190/24
22. MASIVUME PRIMARY CO-OPERATIVE LIMITED (2017/004912/24)
23. SUNNY SHINE HONEYBUSH PLANTATION (2021/601887/24)
24. BYDEC LOGISTICS PRIMARY CO-OPERATIVE LIMITED (2012/005613/24)
25. SEKULUNGILE CO-OPERATIVE LIMITED (2014/018269/24)
26. AGRI-HYDROGEOLOGIST CONSTRUCTION AND MULTI-PURPOSE (2009/007562/24)
27. KHUTHALANI SENZELENI PRIMARY CO-OPERATIVE LIMITED (2013/019035/24)
28. BOTHO AGRICULTURAL ENTERPRISE COOPERATIVE 2022/603045/24)
29. LEBONE LA KAMOSO CO-OPERATIVE LIMITED 2012/019580/24
30. FHATANI TSWINGA BRICKS (2011/000209/24)
30. THOHYANDOU ORGANIC AGRICULTURAL (2011/000209/24)
31. MOUNTAIN BRAINS (2010/008665/24)

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 71A of the Co-operatives Amendment Act, No 6 of 2013.

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

REGISTRAR OF CO-OPERATIVES
Office of the Registrar of Co-operatives
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DEPARTMENT OF TRANSPORT

NO. 5102

2 August 2024

SOUTH AFRICAN CIVIL AVIATION AUTHORITY

INTERNATIONAL AIR SERVICES ACT 60 OF 1993

INVITATION TO SUBMIT PUBLIC COMMENTS ON APPLICATION FOR FOREIGN OPERATORS PERMIT

The International Air Services Council intends, in terms of section 24(3) of Act 60 of 1993 and regulation of 25(2) of the International Air Services Regulations, 1994 and hereby invites the members of the public to submit comments or objections on the application submitted by Air Tanzania Company Limited for a Foreign Operators Permit to operate, for a period of twelve (12) months, as follows:

- Class: I
- Type: S1
- Category of FOP: A1
- Routes: Dar es Salaam – O.R Tambo – Dar es Salaam
- Frequencies: (7) seven flights daily
- Purpose of flights: Scheduled air service in terms of BASA between South Africa and Tanzania
- Application for a renewal to a Foreign Operators Permit
- Aircraft type + Registration: B787-8: 5H – TCG, 5H-TCS; B767-300F: 5H -TCO; B737-9: 5H-TCP, 5H-TCQ; A220-300: 5H-TCH, 5H-TCI, 5H-TCM, 5H-TCL

Interested persons are hereby invited to submit written comments or objections to the application within 28 business days from the date of publication of this gazette to foreignoperatorpermit@yahoo.com to the Chairperson of the International Air Services Council: for the attention of:

Itumeleng Mogashoa or Nonjabulo Khumalo
Private Bag X73
Halfway house
1685
Email: iasapplication@caa.co.za

DEPARTMENT OF TRANSPORT

NO. 5103

2 August 2024

**INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)
GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE**

Pursuant to the provisions of section 17 (12) of Act No.60 of 1993 and Regulation 15 (1) and 15 (2) of the International Air Regulations,1994, it is hereby notified for general information that the application, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council). Representations in accordance with section 16(3) of the Act No. 60 of 1993 and regulation 25(1) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairperson of the International Air Services Council at the South African Civil Aviation, Private Bag X 73, Halfway house, 1685 or by email at: internationalairservicescouncil@yahoo.com within 28 days of the publication for the attention of: Itumeleng Mogashoa or Nonjabulo Khumalo at: iasapplication@caa.co.za It must be stated whether the party or parties making such representations is / are prepared to be present or represented at the possible hearing of the application.

APPENDIX I (New Applications)

- (A) Full name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of license applied for. (D) Type of air service to which application applies. (E) Category of aircraft to which application applies.

APPENDIX II (Amendment Applications)

- (A) Full Name and trade name of the applicant. (B) Full business or residential address the applicant. (C) The Class and number of licence in respect of which the amendment is sought (D) Type of air service and the amendment thereto which is being applied for (E) Category of aircraft and the amendment thereto which is being applied for. (F) Amendment referred to in section 14(2) (b) to (e).

- (A) **Swift Flite (Pty) Ltd trading as Swift Flite.** (B) Hangar 29, Gate 5, Lanseria International Airport, Krugersdrop
(C) Class II (I/N034). (D) Type N1 & N4 (E) Category A1, A2, A3 & A4 (F) Changes to Management Plan: LS. Msindo appointed as Responsible Person: Aircraft.

DEPARTMENT OF TRANSPORT

NO. 5104

2 August 2024

**INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)
GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE**

Pursuant to the provisions of section 17 (12) of Act No.60 of 1993 and Regulation 15 (1) and 15 (2) of the International Air Regulations,1994, it is hereby notified for general information that the application, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council). Representations in accordance with section 16(3) of the Act No. 60 of 1993 and regulation 25(1) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairperson of the International Air Services Council at the South African Civil Aviation, Private Bag X 73, Halfway house, 1685 or by email at: internationalairservicescouncil@yahoo.com within 28 days of the publication for the attention of: Itumeleng Mogashoa or Nonjabulo Khumalo at: iasapplication@caa.co.za It must be stated whether the party or parties making such representations is / are prepared to be present or represented at the possible hearing of the application.

APPENDIX I (New Applications)

- (A) Full name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of license applied for. (D) Type of air service to which application applies. (E) Category of aircraft to which application applies.

APPENDIX II (Amendment Applications)

- (A) Full Name and trade name of the applicant. (B) Full business or residential address the applicant. (C) The Class and number of licence in respect of which the amendment is sought (D) Type of air service and the amendment thereto which is being applied for (E) Category of aircraft and the amendment thereto which is being applied for. (F) Amendment referred to in section 14(2) (b) to (e).

(A) Airlink (Pty) Ltd. (B) Greenstone Hill Office Park, Emerald Boulevard, Greenstone Hill, Modderfontein. **(C)** Class I & I/S073**(D)** Type S1 & S2 **(E)** Category A1, A2, A3 & A4 **(F)** Kruger Mpumalanga International Airport, Victoria Falls International Airport, Oliver Tambo International Airport & Robert Gabriel Mugabe International Airport. **(G)** Mpumalanga – Victoria Falls & O.R Tambo – Harare. **(H)** MQP-VFA: 10 flights per week. JNB-HRE: 20 flights per week.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NOTICE 2667 OF 2024



Block A | 4th Floor | Meintjiesplein Building | 536 Francis Baard Street | Arcadia | 0002
 Private Bag X935 | Pretoria | 0001
 Tel: 012 341 1115 | Fax: 012 341 1811/1911
<http://www.namc.co.za>

APPLICATION FOR THE CONTINUATION OF STATUTORY MEASURES: LEVIES IN TERMS
 OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996, (ACT NO 47 OF 1996),
 (MAP ACT) AS AMENDED

....

**INVITATION TO DIRECTLY AFFECTED GROUPS IN THE OILSEEDS INDUSTRY
 TO FORWARD COMMENTS REGARDING THE REQUEST FROM THE
 SA CULTIVAR AND TECHNOLOGY AGENCY (SACTA), FOR THE CONTINUATION OF
 LEVIES ON SOYBEANS FOR BREEDING AND TECHNOLOGY PURPOSES**

On 13 June 2024, the National Agricultural Marketing Council (NAMC) received a request from the South African Cultivar and Technology Agency NPC (SACTA) on behalf of specific role players in the oilseeds industry, that the Minister of Agriculture, Land Reform and Rural Development approve the continuation and amendment of the statutory levy on soybeans for three years from March 2025 until February 2028. This application was made in terms of section 15 of the Marketing of Agricultural Products Act, Act No 47 of 1996 (MAP Act). The purpose of the statutory levy is to finance new breeding technology in the soybean industry.

The request includes the following periods and levy rates (VAT excluded) to be administered by SACTA, to be approved by the Minister:

Commodity	Period	Amount (VAT Excl)
Locally produced soybeans	1/3/2025 to 28/2/2026	R70,00 per metric ton
	1/3/2026 to 28/2/2027	R73,00 per metric ton
	1/3/2027 to 28/2/2028	R84,00 per metric ton

In approved, the levy will be payable to SACTA by buyers, processors and persons issuing a silo receipt, and will be recovered from producers. Persons / institutions who collect the statutory levies from producers and who pay it over to SACTA, may claim 2,5% commission on the amount of the levies recovered, in accordance with the conditions set by SACTA from time to time.

BACKGROUND

In 2016, grain and oilseeds industry role-players acknowledged the need for a sustainable industry research funding strategy in respect of self-pollinated crops. It was subsequently decided to introduce breeding and technology levies to ensure a sustainable research funding model. This model is based, *inter alia*, on the Australian end-point royalty system.

On 1 March 2019 a statutory levy was imposed on soybeans and subsequently extended to 28 February 2023. A further application for continuation was approved and extended until 28 February 2025.

According to the applicant, the levy is very effective and payments to the appropriate seed marketing companies have been made annually, and will again be made in respect of the 2023/24 marketing season. To date, payments totalling approximately R670 million across all SACTA administered crops, have been made to seed companies for the different breeding programmes. In particular, some R287 million has been paid to soybean seed and technology

companies and invested in their breeding and technology programmes. Continuation of the model is important in order to maintain investment for the continued development of new soybean seed technologies to improve yields and to sustain food security in South Africa.

According to the applicant, the following industry benefits have been realized since the inception of the statutory levy on soybeans:

- 74 new soybean varieties have been registered.
- Two new soybean technologies have been approved, of which one has been commercialized, and the second one will be commercialized in the near future.
- A third technology is awaiting final regulatory approval.
- South Africa has moved from being a net soybean importer, to a net soybean exporter.
- Following some consolidation, there are currently 12 soybean seed companies participating in the South African market.
- Transformation funding made available through the statutory levies have:
 - enabled the support of 120-150 developing farmers (varies from year to year), who produce crops on almost 10 000 hectares, and participate fully in the commercial marketing channels of these crops.
 - supported 107 students (PhD, MSc, Hons, Interns & TVET) to further their studies in agriculture.

SACTA was established to act as Administrator of the Breeding and Technology Levy System. The Board of Directors of SACTA includes industry role-players that are directly affected by the payment and/or utilisation of the levies, as well as two representatives appointed by the Minister of Agriculture, Land Reform and Rural Development. The aim is for SACTA to eventually administer breeding and technology levies on most self-pollinated crops.

PARTICULARS OF STATUTORY MEASURE REQUIRED UNDER SECTION 10 OF THE MAP ACT

The relevant particulars, as required in terms of section 10(2) of the MAP Act, to be included in a request for the establishment of a statutory measure of this nature, are as follows:

1. The proposed statutory levy would relate to soybeans that are produced in the Republic of South Africa;
2. The manner in which the objectives referred to in section 2(2) of the MAP Act will be advanced (namely increased market access for all market participants, promotion of the efficiency of the marketing of agricultural products, optimisation of export earnings from agricultural products and the enhancement of the viability of the agricultural sector) is summarised below:

The purpose and aim of the statutory measure are to compensate breeders of soybean varieties for their proportionate involvement and contribution towards obtaining and utilising improved international intellectual property to the benefit of the soybean industry in the Republic of South Africa.

SACTA distributes the levies that are collected to the seed breeders, in accordance with their proportionate market share, in terms of a formal Agency Agreement that is concluded with breeders.

Sustainable commercial farming of soybeans, the soybean industry at large, as well as food security in the country, are all dependent on the cultivation of high yielding soybean crops from seed varieties most suited to a particular production region.

The development of new cultivars, with improved quality and yield characteristics, constitutes an important part of breeding and technology research as undertaken by various organisations. The continuous development of new cultivars is indispensable to the sustained production of soybeans in South Africa.

Worldwide, the legislation concerning Plant Variety Protection ("PVP") and the protection of self-pollinated crops are insufficient to guarantee a return on investment on the intellectual property held by

the holders of Plant Breeders' Rights. This is due to PVP exceptions such as "Farmer's Privilege" and the fact that the grain produced from self-pollinated crops has the same genetic content as the parent seed. This means that seed can be harvested and replanted by farmers, which creates a situation where farmers could, for example, only purchase one season's seed, then lawfully save seed of their harvests for the next and subsequent planting seasons.

The consequence is that commercial seed sales are jeopardised by:

- low volumes (as it is cheaper for farmers to retain their own grain for seed); and
- low price levels (since any increase in seed prices triggers an increase in the use of farm saved seed).

The existence of international networks is critical in seed breeding, as most agriculture related intellectual property is owned by or falls under foreign control. Without an appropriate mechanism to receive adequate compensation, and to account for the risk of exploitation, South Africa will remain an unattractive destination for agriculture related intellectual property associated with self-pollinated crops. This means that access to international nurseries, markers, techniques and technologies is being constrained. The result is that South African farmers do not have access to improved agriculture related intellectual property that is available worldwide, which the breeding and technology levy aims to address.

3. The Administration of SACTA will take responsibility for the collection of the levy and for the administration of the functions associated with the proposed levy. The Board of Directors of SACTA appointed specific persons and institutions to carry out these functions.

BUSINESS PLAN:

The application included the following budget as proposed by SACTA. Crop estimates were based on the average crop size of soybeans over the past three years, but it is envisaged that yields may increase due to the release of new cultivars and technology.

SACTA Estimated budget: Current year and next proposed three-year levy term

Financial year	Estimated crop size (Tons)	Levy amount (R/Ton)	Budgeted levy income R	Seed breeders' distribution R	Transformation Expenditure 20% R	Administration cost R
2024/25	1 813 790	92	149 681 206	115 906 985	29 936 241	3 837 980
2025/26	1 813 790	70	113 887 874	87 606 057	22 777 575	3 504 242
2026/27	1 813 790	73	118 768 783	91 360 602	23 753 757	3 654 424
2027/28	1 813 790	84	136 665 449	105 127 268	27 333 090	4 205 091

The NAMC noted that the expected income by means of the proposed lower statutory levy is based on an expected success rate of 92% in the collection of the levy. The levy income for the proposed three years is estimated to be between R113 million to R137 million per year.

These statutory funds will be used to support breeding research functions, based on the following:

- The levy funds are earmarked for commercial breeding activities by seed companies based on their performance and utilisation in the seed market;
- These funds will be distributed according to the calculated market share of each seed company;
- At least 20% of the levy income will be used for transformation and development projects, of which the business plan will be considered by the NAMC;
- The budget for administration costs represents approximately 3% of the expected income by means of statutory levy on soybeans during the next years; and
- The levy is applicable on local production only and not on imported commodities.

INVITATION FOR COMMENTS:

As the proposed continuation of the breeding and technology levy is consistent with the objectives of the MAP Act, the NAMC is investigating the possible implementation of the proposed statutory levy.

Directly affected groups in the oilseeds industry are kindly requested to submit comments or objections regarding the proposed breeding and technology levy on soybeans to the NAMC in writing (e-mail lizetem@namc.co.za) on or before 16 August 2024, to enable the Council to formulate its recommendation to the Minister in this regard.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NOTICE 2668 OF 2024****INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA****GUIDELINES FOR THE IMPOSITION OF AN AGRICULTURAL SAFEGUARD
MEASURE PROVIDED FOR, IN ARTICLE 35 OF THE ECONOMIC PARTNERSHIP
AGREEMENT (EPA) BETWEEN THE EUROPEAN UNION AND ITS MEMBER
STATES, OF THE ONE PART, AND THE SOUTHERN AFRICAN DEVELOPMENT
COMMUNITY (SADC) EPA STATES, OF THE OTHER (EU-SADC EPA)**

Article 35 of the EU-SADC EPA provides for a reference and procedure guide for the implementation of an agricultural safeguard measure. This emanating from the Economic Partnership Agreement (EPA) between the European Union and its Member States, of the one part, and the Southern African Development Community (SADC) States EPA, of the other.

The International Trade Administration Commission of South Africa (“ITAC” or “the Commission”) has drafted the attached reference and procedural guide for the imposition of an agricultural safeguard measure under Article 35 of the EU-SADC EPA.

The SACU Council of Ministers has approved the attached guidelines. The Minister of Trade, Industry and Competition of South Africa instructed ITAC, in terms of Section 16(d)(i) of the International Trade Administration Act, 2002 (Act 71 of 2002) (“ITA Act”), to administer the agricultural safeguard provision provided for in Article 35 of the EU-SADC EPA, in accordance with ITAC’s reference and procedural guide about the imposition of an agricultural safeguard measure under Article 35 of the EU-SADC EPA.

It should be noted that these guidelines are published for implementation purposes.

For further information, please contact Mr Zuko Ntsangani, at zntsangani@itac.org.za or Mr Busman Makakola, at bmakakola@itac.org.za.

GUIDELINES FOR THE IMPOSITION OF AN AGRICULTURAL SAFEGUARD MEASURE PROVIDED FOR IN ARTICLE 35 OF THE ECONOMIC PARTNERSHIP AGREEMENT (EPA) BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) EPA STATES, OF THE OTHER (EU-SADC EPA)

1. PURPOSE

- 1.1 These Guidelines provide a reference and procedural guide for the imposition of an agricultural safeguard measure in terms of Article 35 of the EU-SADC EPA.

2. SCOPE

- 2.1 The scope of these Guidelines covers the process for imposition of an agricultural safeguard measure in terms of Article 35 of the EU-SADC EPA, which provides as follows:

“1. Notwithstanding Article 34 of this Agreement, a safeguard measure in the form of an import duty may be applied if, during any given twelve-month period, the volume of imports into SACU of an agricultural product listed in Annex IV originating in the EU exceeds the reference quantity for the product therein indicated.

2. A duty which shall not exceed 25 per cent of the current WTO bound tariff or 25 percentage points, whichever is higher, may be imposed to the agricultural products referred to in paragraph 1. Such duty shall not exceed the prevailing MFN applied rate.

3. Safeguard measures referred to in this article shall be maintained in place for the remainder of the calendar year or five (5) months, whichever is the longer.

4. *Safeguard measures referred to in this Article shall not be maintained or applied with respect to the same good at the same time as:*

- a) *a bilateral safeguard measure in accordance with Article 34;*
- b) *a measure under Article XIX of GATT 1994 and the Agreement on Safeguards; or*
- c) *a special safeguard measure under Article 5 of the Agreement on Agriculture.*

5. *Safeguard measures referred to in this Article shall be implemented in a transparent manner. Within ten (10) days after applying such a measure, SACU shall notify the EU in writing and shall provide relevant data concerning the measure. On request, SACU shall consult the EU regarding the application of the measure. SACU shall also notify the Trade and Development Committee within thirty (30) days after such imposition.*

6. *The implementation and operation of this Article may be the subject of discussion and review in the Trade and Development Committee. On request of either Party, the Trade and Development Committee may review the reference quantities and agricultural products as provided for in this Article.*

7. *The provisions of this Article may only be applied during the period of twelve (12) years from the date of entry into force of this Agreement.”*

3. MANDATE

The SACU Council has mandated the International Trade Administration Commission of South Africa (ITAC) to administer the agricultural safeguard provision provided for in Article 35 of the EU-SADC EPA on behalf of SACU in line with these Guidelines.

4. PROCEDURE

- 4.1 The SACU Member States will submit import volumes for the products listed in the attached Annexure to the SACU Secretariat by the 5th of each month. The SACU Secretariat shall collate the Member States' import volumes and by the 10th of each month, provide all SACU Member States and ITAC with the collated import volumes for the products listed in the attached Annexure.
- 4.2 When the import volumes as per the collated data for the SACU market indicate that the trigger volume for a specific product as contained in the attached Annexure has been reached, the SACU Secretariat shall immediately inform all SACU Member States and ITAC of the following:
- (a) that the trigger volume for a specific product has been reached;
 - (b) the relevant rate of safeguard duty to be applied, which shall be the maximum possible rate; and
 - (c) the duration of the measure as provided for in Article 35 of the EU-SADC EPA.
- 4.3 Within five (5) days of receipt of the communication referred to in paragraph 4.2 from the SACU Secretariat, ITAC will prepare a Ministerial Minute for the Minister of Trade, Industry and Competition of South Africa indicating that the trigger volume for a specific product has been reached, the specific amount of the duty and the specific period for the duty to be imposed, in line with the relevant provisions in Article 35 of the EU-SADC EPA.
- 4.4 The Minister of Trade, Industry and Competition of South Africa will request the Minister of Finance of South Africa, to make the necessary amendments to the SACU Tariff Book as set out in the Ministerial Minute. The amendment to the relevant schedule to the Customs and Excise Act will be published by the South African Revenue Service.

- 4.5 Within ten (10) working days after applying the measure, SACU shall notify the EU in writing and shall provide relevant data concerning the measure. SACU shall also notify the Trade and Development Committee within thirty (30) days after such imposition.

ADOPTED BY THE SACU COUNCIL OF MINISTERS ON THE 28th DAY OF JUNE 2023.

ANNEX IV
AGRICULTURAL SAFEGUARDS

The agricultural products and respective reference quantities referred to in Article 35 are listed in the following table.

Reference quantities (metric tons)													
Tariff lines	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	
<u>Edible offals</u>													
1	02061090	100	110	121	133	146	161	177	195	214	236	259	285
2	02062100	100	110	121	133	146	161	177	195	215	237	261	287
3	02062900	1 005	1 106	1 206	1 307	1 407	1 508	1 609	1 709	1 810	1 910	2 011	2 111
4	02063000	100	110	121	133	146	161	177	195	214	236	259	285
5	02064900	5 000	5 500	6 000	6 500	7 000	7 500	8 000	8 500	9 000	9 500	10 000	10 500
<u>Worked cereals</u>													
6	11041910	150	165	182	200	220	242	266	293	322	354	390	429
7	11042910	100	110	121	133	146	161	177	195	214	236	259	285
8	11071010	2 373	2 613	2 874	3 161	3 478	3 825	4 204	4 628	5 089	5 595	6 152	6 771
9	11072010	100	110	121	133	146	161	177	195	214	236	259	285
10	11081110	100	110	121	133	146	161	177	195	214	236	259	285
<u>Meat preparations</u>													

11	16021000	100	110	121	133	146	161	177	195	214	236	259	285
12	16025030	100	110	121	133	146	161	177	195	214	236	259	285
13	16025040	100	110	121	133	146	161	177	195	214	236	259	285
14	16029020	100	110	121	133	146	161	177	195	214	236	259	285
	<u>Ultra high temperature (UHT) or long-life" milk</u>												
15	04011007	100	110	121	133	146	161	177	195	214	236	259	285
16	04012007	2 373	2 613	2 874	3 161	3 478	3 825	4 204	4 628	5 089	5 595	6 152	6 771
17	04014007	100	110	121	133	146	161	177	195	214	236	259	285
18	04015007	100	110	121	133	146	161	177	195	214	236	259	285
	<u>Preserved cucumbers and olives</u>												
19	20011000	1 302	1 432	1 576	1 732	1 905	2 096	2 305	2 536	2 791	3 069	3 376	3 714
20	20019010	270	297	328	360	396	436	480	527	580	638	701	771
	<u>Chocolate</u>												
21	180631	3 046	3 350	3 655	3 959	4 264	4 569	4 873	5 178	5 482	5 787	6 091	6 396
22	180632	938	1 032	1 126	1 220	1 314	1 408	1 501	1 595	1 689	1 783	1 877	1 971
23	180690	7 196	7 916	8 635	9 355	10 074	10 794	11 514	12 233	12 953	13 672	14 392	15 112

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NOTICE 2669 OF 2024****INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA****GUIDELINES FOR THE IMPOSITION OF AN AGRICULTURAL SAFEGUARD
MEASURE PROVIDED FOR IN ARTICLE 35 OF THE ECONOMIC PARTNERSHIP
AGREEMENT BETWEEN THE SOUTHERN AFRICAN CUSTOMS UNION MEMBER
STATES AND MOZAMBIQUE, OF THE ONE PART, AND THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART (SACUM-
UK EPA)**

Article 35 of the SACUM-UK EPA provides for a reference and procedure guide for implementing an agricultural safeguard measure. This emanates from the Economic Partnership Agreement (EPA) between the United Kingdom and its Member States, of the one part, and the Southern African Customs Union (SACU) Member States and Mozambique, of the other.

The International Trade Administration Commission of South Africa (“the Commission” or “ITAC”) has drafted the attached reference and procedural guide for the imposition of an agricultural safeguard measure under Article 35 of the SACUM-UK EPA.

The SACU Council of Ministers has approved the attached guidelines. The Minister of Trade, Industry and Competition of South Africa instructed ITAC, in terms of Section 16(d)(i) of the International Trade Administration Act, 2002 (Act 71 of 2002) (“ITA Act”), to administer the agricultural safeguard provision provided for in Article 35 of the SACUM-UK EPA, in accordance with ITAC’s reference and procedural guide about the imposition of an agricultural safeguard measure under Article 35 of the SACUM-UK EPA.

It should be noted that these guidelines are published for implementation purposes.

For further information, please contact Mr. Zuko Ntsangani, at zntsangani@itac.org.za
or Mr. Busman Makakola at bmakakola@itac.org.za

GUIDELINES FOR THE IMPOSITION OF AN AGRICULTURAL SAFEGUARD MEASURE PROVIDED FOR IN ARTICLE 35 OF THE ECONOMIC PARTNERSHIP AGREEMENT BETWEEN THE SOUTHERN AFRICAN CUSTOMS UNION MEMBER STATES AND MOZAMBIQUE, OF THE ONE PART, AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART (SACUM-UK EPA)

1. PURPOSE

- 1.1 These Guidelines provide a reference and procedural guide for the imposition of an agricultural safeguard measure in terms of Article 35 of the SACUM-UK EPA.

2. SCOPE

- 2.1 The scope of these Guidelines covers the process for imposition of an agricultural safeguard measure in terms of Article 35 of the SACUM-UK EPA, which provides as follows:

"1. Notwithstanding Article 34 of this Agreement, a safeguard measure in the form of an import duty may be applied if, during any given twelve-month period, the volume of imports into SACU of an agricultural product listed in Annex IV originating in the UK exceeds the reference quantity for the product therein indicated.

2. A duty which shall not exceed 25 per cent of the current WTO bound tariff or 25 percentage points, whichever is higher, may be imposed to the agricultural products referred to in paragraph 1. Such duty shall not exceed the prevailing MFN applied rate.

3. Safeguard measures referred to in this article shall be maintained in place for the remainder of the calendar year or five (5) months, whichever is the longer.

4. Safeguard measures referred to in this Article shall not be maintained or applied with respect to the same good at the same time as:

- a) *a bilateral safeguard measure in accordance with Article 34;*
- b) *a measure under Article XIX of GATT 1994 and the Agreement on Safeguards;*
or
- c) *a special safeguard measure under Article 5 of the Agreement on Agriculture.*

5. *Safeguard measures referred to in this Article shall be implemented in a transparent manner. Within ten (10) days after applying such a measure, SACU shall notify the UK in writing and shall provide relevant data concerning the measure. On request, SACU shall consult the UK regarding the application of the measure. SACU shall also notify the Trade and Development Committee within thirty (30) days after such imposition.*

6. *The implementation and operation of this Article may be the subject of discussion and review in the Trade and Development Committee. On request of either Party, the Trade and Development Committee may review the reference quantities and agricultural products as provided for in this Article.*

7. *The provisions of this Article may only be applied during the period of twelve (12) years from the date of entry into force of this Agreement.”*

3. MANDATE

The SACU Council has mandated the International Trade Administration Commission of South Africa (ITAC) to administer the agricultural safeguard provision provided for in Article 35 of the SACUM-UK EPA on behalf of SACU in line with these Guidelines.

4. PROCEDURE

- 4.1 The SACU Member States will submit import volumes for the products listed in the attached Annexure to the SACU Secretariat by the 5th of each month. The SACU Secretariat shall collate the Member States' import volumes and by the 10th of each month, provide all SACU Member States and ITAC with the collated import volumes for the products listed in the attached Annexure.

- 4.2 When the import volumes as per the collated data for the SACU market indicate that the trigger volume for a specific product as contained in the attached Annexure has been reached, the SACU Secretariat shall immediately inform all SACU Member States and ITAC of the following:
- (a) that the trigger volume for a specific product has been reached;
 - (b) the relevant rate of safeguard duty to be applied, which shall be the maximum possible rate; and
 - (c) the duration of the measure as provided for in Article 35 of the SACUM-UK EPA.
- 4.3 Within five (5) days of receipt of the communication referred to in paragraph 4.2 from the SACU Secretariat, ITAC will prepare a Ministerial Minute for the Minister of Trade, Industry and Competition of South Africa indicating that the trigger volume for a specific product has been reached, the specific amount of the duty and the specific period for the duty to be imposed, in line with the relevant provisions in Article 35 of the SACUM-UK EPA.
- 4.4 The Minister of Trade, Industry and Competition of South Africa will request the Minister of Finance of South Africa, to make the necessary amendments to the SACU Tariff Book as set out in the Ministerial Minute. The amendment to the relevant schedule to the Customs and Excise Act will be published by the South African Revenue Service.
- 4.5 Within ten (10) working days after applying the measure, SACU shall notify the UK in writing and shall provide relevant data concerning the measure. SACU shall also notify the Trade and Development Committee within thirty (30) days after such imposition.

ADOPTED BY THE SACU COUNCIL OF MINISTERS ON THE 28th DAY OF JUNE 2023.

ANNEX IV

AGRICULTURAL SAFEGUARDS

The agricultural products and respective reference quantities referred to in Article 35 are listed in the following table:

Tariff lines	Reference quantities (metric tons) ⁹											
	Year 1 2016	Year 2 2017	Year 3 2018	Year 4 2019	Year 5 2020	Year 6 2021	Year 7 2022	Year 8 2023	Year 9 2024	Year 10 2025	Year 11 2026	Year 12 2027
<i>Edible offals</i>												
1	12	13	15	16	18	19	21	23	26	28	31	34
2	82	90	9	107	11	123	131	139	148	156	164	172
3	570	627	6	741	79	855	912	969	1026	1083	1140	1197
4	12	13	15	16	18	19	21	23	26	28	31	34
5	572	629	6	744	801	858	915	972	1030	1087	1144	1201
<i>Worked cereals</i>												
6	151	166	18	201	221	243	268	294	324	356	392	431
7	12	13	15	16	18	19	21	23	26	28	31	34
8	55	61	67	73	81	89	97	107	118	130	143	157
9	12	13	15	16	18	19	21	23	26	28	31	34
10	12	13	15	16	18	19	21	23	26	28	31	34

⁹ In the case that the date of entry into force of this Agreement corresponds to a date after 1 January and before 31 December of the same calendar year, the reference quantity, which shall be applicable for the remainder of that calendar year, shall be reduced pro rata for the remaining number of days in that calendar year.

<u>Meat preparations</u>													
11	16021000	1	13	15	16	18	19	21	23	26	28	31	34
12	16025030	12	13	15	16	18	19	21	23	26	28	31	34
13	16025040	12	13	15	16	18	19	21	23	26	28	31	34
14	16029020	12	13	15	16	18	19	21	23	26	28	31	34
<u>Ultra high temperature (UHT) or long-life" milk</u>													
15	04011007	12	13	15	16	18	19	21	23	26	28	31	34
16	04012007	690	759	835	918	1010	1111	1222	1345	1479	1627	1790	196
17	04014007	12	13	15	16	18	19	21	23	26	28	31	34
18	04015007	12	13	15	16	18	19	21	23	26	28	31	34
<u>Preserved cucumbers and olives</u>													
19	20011000	120	132	145	160	176	193	213	234	257	283	311	34
20	20019010	42	46	51	56	61	68	74	82	90	99	109	12
<u>Chocolate</u>													
21	180631	321	353	385	417	449	482	514	546	578	610	642	67
22	180632	181	199	217	235	253	272	290	308	326	344	362	380
23	180690	833	916	1000	1083	1166	1250	1333	1416	1499	1583	1666	174

DEPARTMENT OF TRANSPORT

NOTICE 2670 OF 2024

NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

SECOND AMENDMENT TO THE NATIONAL LAND TRANSPORT
REGULATIONS, 2009

The Minister of Transport, after consultation with the MECs, has made the regulations in the Schedule under sections 8(1)(a), (w) and (cc), 54(5) and (6) and 82(1) of the National Land Transport Act, 2009 (Act No. 5 of 2009).


MS S CHIKUNGA, MP

MINISTER OF TRANSPORT

DATE: 2024/06/17

SCHEDULE

GENERAL EXPLANATORY NOTE:

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

_____ Words underlined with a solid line indicate insertions in existing Regulations.

Definitions

1. In this Schedule “the Regulations” means the National Land Transport Regulations, 2009 published under Notice R.1208 of 17 December 2009 as amended by Notice R.399 of 14 May 2010 and as further amended from time to time.

Amendment of regulation 17 of the Regulations

3. Regulation 17 of the Regulations is hereby amended by –

(a) substituting paragraph (d) of subregulation (1) with the following:

“(d) the route or routes or area or areas of operation for which the applicant has applied as reflected in the application form.

(b) inserting the following subregulation after subregulation (3):

“(3A) The regulatory entity must ensure that details concerning the routes or areas contemplated in subregulation (1)(d) are available for inspection by interested persons at the offices of the entity and on the Website used by the entity and supply such details by electronic mail (e-mail) to any person who requests them in writing within seven days of the request.”

Amendment of regulation 25 of the Regulations

4. Regulation 25 of the Regulations is hereby amended by substituting subregulation (1) with the following:

“(1) Where an operating licence was issued for more than 30 days and the holder wishes to renew it, the holder must apply [**not later than 30 days**] before expiry of the licence for its renewal, provided that a grace period of 21 days after the date of expiry of the licence will be granted for such application to be made.”

Amendment of regulation 26 of the Regulations

5. Regulation 26 of the Regulations is hereby amended by inserting the following subregulation after subregulation (2):

“(3) The authorisation must specify that it is valid for the period determined by the regulatory entity, which date is specified in the authorisation, and which period may not be longer than six months from the date that the authorisation was issued.”

Amendment of regulation 27 of the Regulations

6. Regulation 27 of the Regulations is hereby amended by substituting the introductory portion of subregulation (3) thereof with the following:

“(3) Where such a decal was issued to a holder in terms of the Act, the Transition Act or a previous law that holder may not operate the vehicle for a public transport service on a public road–“

Amendment of regulation 30 of the Regulations

7. Regulation 30 of the Regulations is hereby amended by substituting subregulation (1) thereof with the following:

“(1) An application for accreditation as a tourist transport operator under section 82 of the Act must be lodged by completing the application form shown in Schedule 1 and submitting it to the NPTR with the application fee specified in Schedule 2, subject to regulation 34A.”

Amendment of regulation 32 of the Regulations

8. Regulation 32 of the Regulations is hereby amended by–

(a) substituting paragraph (a) of subregulation (1) with the following:

“(a) Whether the applicant complies with section 81(2) of the Act and these regulations, based on the applicant's past record as an operator, *inter alia* as regards safety and compliance with legislation, but without discriminating against persons [**operators**] who are new to [**in**] the

industry, and with due regard to the need to promote small business and persons previously disadvantaged by unfair discrimination;”

- (b) substituting paragraph (d) of subregulation (1) with the following:
- “(d) that the applicant has a programme of maintaining and servicing all vehicles operated or to be operated by the applicant, that is acceptable to the NPTR either–
- (i) by producing records of regular servicing by an acceptable garage or service centre or mechanic; [in accordance with the specifications of the manufacturer of the vehicle] or
- (ii) in appropriate cases, by [suitably qualified] adequately trained or experienced staff of the operators in workshops or other facilities that have been inspected and approved by or on behalf of the NPTR;”

Insertion of regulation 34A of the Regulations

9. The following regulation is hereby inserted in the Regulations after regulation 34:

“Applications for operating licences for tourist transport services

34A. (1) A person who–

- (a) has not yet been accredited under section 82(4) of the Act; and
- (b) has not yet applied for accreditation, and
- (b) wishes to operate tourist transport services by means of vehicles for which operating licences have not yet been issued,

must apply simultaneously for accreditation in terms of regulation 30 and for the necessary operating licences in terms of section 54 of the Act by completing form 5AA as shown in Schedule 1 and paying the application fee specified in Schedule 2 and supplying the documents contemplated in regulation 35(3).

(2) An operator who already holds operating licences authorising tourist transport services but has not yet been accredited under section 82(4) of the Act–

- (a) may continue to operate such vehicles in terms of such licences, but
- (b) must apply for accreditation if he, she or it has not already done so without delay to avoid being barred from operating such services when the Minister determines the date contemplated in section 81(1) of the Act.

(3) An operator contemplated in subregulation (2) who wishes to renew an operating licence contemplated in that subregulation, must apply

simultaneously for renewal of the licence in terms of regulation 25 and for accreditation in terms of regulation 30.

(4) Where the NPTR refuses an application for accreditation, the operator must—

- (a) cease to operate tourist transport services forthwith; and
- (b) submit any operating licences held by him, her or it which authorise tourist transport services to the NPTR for amendment or cancellation, as the case may be, within 21 days of the date that such accreditation was refused, subject to subregulation (6) and (7).

(5) Where an operating licence authorizes services other than tourist transport services in addition to tourist transport services, the NPTR must carry forward the authorisation for all the relevant services when issuing a new operating licence; provided that the validity period of the new licence must be aligned with the period of validity of the operator's accreditation.

(6) When cancelling an operating licence in terms of subregulation (4)(b) the NPTR must follow the procedure contemplated in section 79(4) of the Act, reading in the necessary changes.

(7) Where an operator contemplated in subregulation (4) has lodged an appeal, or a review application in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), to a competent court or tribunal, as the case may be, against the decision to refuse accreditation, subregulation (4) will not apply unless the appeal or review application is withdrawn or is dismissed by the court or tribunal.”

Amendment of regulation 35 of the Regulations

10. Regulation 35 of the Regulations is hereby amended by –

- (a) substituting subregulation (1) thereof with the following:

“(1) When accrediting an operator under section 82(4) of the Act, the NPTR must verify the validity and authenticity of the particulars and documents relating to the operator's vehicles as supplied on the application form for accreditation, and if satisfied that the vehicle or vehicles comply with section 84(3) of the Act, must certify such vehicle and issue an operating licence for it if proper application has been made for such licence as contemplated in regulation 35A(1) [in the manner set out in subregulation (5)].”

- (b) substituting subregulation (2) thereof with the following:

“(2) An accredited operator may apply for certification of and issuing of an operating licence for additional vehicles under section 84 of the Act by completing the application form shown as Form 5AA in Schedule 1 and submitting it to the NPTR with the application fee specified in Schedule 2, and such an application may be lodged electronically.”

- (c) inserting the following subregulation after subregulation (2) thereof:

“(2A) An accredited operator may not operate a vehicle that has been certified in terms of subregulation (1) or (2), unless an operating licence has been issued for the vehicle in terms of regulation 36.”

- (d) replacing the introductory portion of subregulation (3) with the following:

“(3) **[The applicant]** An accredited operator applying for an operating licence contemplated in subregulation (2) must submit with the application—“

Amendment of regulation 36 of the Regulations

11. Regulation 36 of the Regulations is hereby amended by –

- (a) substituting subregulation (1) with the following:

“(1) Where the NPTR has certified a tourist transport vehicle in terms of section 84 of the Act and regulation 35 for an operator that has been accredited in terms of section 81 of the Act, **such accredited operator must apply for an operating licence for that vehicle to operate tourist transport as contemplated in regulation 35, by completing Form 5AA in Schedule 1 [it must issue an operating licence for that vehicle to operate tourist transport, which will replace any permit or operating licence already issued for that vehicle].**

- (b) inserting the following subregulation after subregulation (1):

“(1A) On compliance by the operator with subregulation (1) and regulation 35(1) and (2), the NPTR **[it]** must issue an operating licence for the **[that]** vehicle, which will replace any permit or operating licence already issued for that vehicle.”

- (c) substituting subregulation (3) with the following:

“(3) **When issuing an operating licence to an operator who is accredited in terms of section 81 of the Act, that operator must submit to the NPTR any permit or operating licence previously issued for the relevant vehicle which authorizes services other than tourist transport services, and the NPTR must include such authorisations in the licence issued pursuant to the accreditation, subject to regulation 34A (5).**”

Amendment of regulation 38 of the Regulations

12. Regulation 38 of the Regulations is hereby amended by substituting the following for subregulation (1) thereof:

“(1) If satisfied that the applicant is accredited and that the vehicle complies with the requirements set out in these Regulations and **[regulation**

32(1)] section 84(3) of the Act, and after proper application for an operating licence having been made in terms of regulation 34A(1) or 36(1) as the case may be, the NPTR must issue an operating licence to the applicant within 14 days of the application having been made, subject to all granting requirements having been met, and [the same day if the application was lodged before 12:00, or on the following day if it was lodged on or after 12:00,] subject to subregulation (2).”

Amendment of regulation 42 of the Regulations

13. Regulation 42 of the Regulations is hereby amended by:
- (a) substituting the following for paragraph (a) of subregulation (1) thereof:

“(a) Where applicable a contract between the operator and the school or other educational institution or department or a certified copy thereof, or a letter from the principal or authorized administrative officer of [the] such institution [approving] confirming that the operator [and] will provide the transport, a copy of which must be kept in each vehicle being used for such a service;”
 - (b) substituting the following for the introductory portion of subregulation (4) thereof:

“(4) As from a date to be published by the Minister in the Gazette, all vehicles used for scholar transport must—”
 - (c) by the repeal of subregulations (6) and (7) thereof;

Amendment of regulation 49 of the Regulations

14. The following regulation is hereby substituted for regulation 49 of the Regulations:

“49. (1) The Department may amend the forms shown in Schedule 1 **[or the fees specified in Schedule 2]** from time to time without the need to amend these regulations.

(2) The fees specified in Schedule 2 must be increased on 1st of April each year after this subregulation comes into operation, i.e. with effect from the beginning of the relevant financial year, according to any increase reflected in the Consumer Price Index as published from time to time.”

Amendment of Schedule 1 of the Regulations

15. Schedule 1 to the Regulations is hereby amended:
- (a) by inserting the following in the list of forms after Form 5A:

“Form 5AA Application for Operating Licence for Tourist Transport Services”

- (b) by inserting the following form 5AA titled *Application for Operating Licence for Tourist Transport Services* after Form 5A:



transport

Department:
Transport
REPUBLIC OF SOUTH AFRICA

FORM 5AA

DEPARTMENT OF TRANSPORT

National Public Transport Regulator

NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

APPLICATION FOR OPERATING LICENCE FOR TOURIST TRANSPORT SERVICES

A. Particulars of applicant

Name of applicant: (Company, close corporation, partnership, trust or other legal entity or full names if a sole proprietor)

.....

Type of identification:

RSA identity document	Temporary identify certificate	
Passport	Foreign identity document	
Founding statement	Partnership agreement	
Certificate of incorporation	Letters of authority (trust)	
Other (specify)		

Identity/passport/business registration number:

Trade name (if applicable):

Type of business:

Postal address and code:

Street address (if different from postal address) (to be used as *domicilium citandi et executandi*):

.....

Telephone number(s) and code:

E-mail address (if any) :

Income tax registration number:

[Attach original tax clearance certificate or pin]

Accreditation number (if already accredited).....

[Copy of Accreditation Certificate to be attached if applicable]

Contact person (full names, telephone number(s) and e-mail address if applicable):

.....

B. Particulars of vehicles for which operating licences are required:

[Certified copies of service records to be supplied]

Vehicle 1

Vehicle registration number:

Vehicle identification number (VIN):

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Vehicle 2

Vehicle registration number:

Vehicle identification number (VIN):

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Vehicle 3

Vehicle registration number:

Vehicle identification number (VIN):

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

[In the case of more vehicles, provide the same particulars on a separate sheet or sheets. C.

Declaration

[Declaration to be made by the operator or his/her/its authorized representative]

I, the undersigned (full names)

Certify that the information supplied in this application form is true and correct.

Accept that if any of such information is found to be false, the application will be rejected and I may be disqualified from applying for operating licences in the future and my accreditation may be cancelled in terms of section 83 of the Act.

Signature Date

D. For office use

Details captured in OLAS on (date)

OLAS reference number

Amount paid R.....

Full names of official

Signature of official Date

E. Checklist for office use

Application form properly completed	
Copy of accreditation certificate (if applicable)	
Proof of registration and licensing of each vehicle	
Proof of roadworthy certificate for each vehicle	
Copies of service records for each vehicle	

Replacement of Schedule 2 of the Regulations

16. Schedule 2 to the Regulations is hereby replaced by the following:

“SCHEDULE 2: TABLE OF FEES

Regulation	Description	Fee
2(1), 3(1), 6(1), 7(1), 10(1), 11(1), 15(2), 16(1)	Application for new operating licence, or for renewal, amendment, transfer or conversion of an operating licence or permit	R600,00
6(6)	Submission of application to the NPTR in terms of section 21(4) of the Act	R600,00
17(4)(b) and (c)	Inspection of documents or requesting copies	R100,00 per request
17(4)(d)	Providing copies	R2,00 per folio
20	Application for temporary operating licence	R100,00
26	Application for written authorization to replace a vehicle temporarily	R100,00
28, 36(8)	Application for duplicate operating licence or decal	R600,00
29(3)	Notification of courtesy service to NPTR	R600,00
30(1), 35(1)	Application for accreditation, or renewal of accreditation of a tourist transport operator or for amendment of conditions of accreditation	R2 000,00

Short title and commencement

17. These Regulations are called the Second Amendment of the National Land Transport Regulations, 2024.

UMNYANGO WEZOKUTHUTHA**UMTHETHO KAZWELONKE WEZOKUTHUTHA EZIHAMBA PHANSI, WEZI-2009
(UMTHETHO 5 WEZI-2009)****ISICHIBIYELO SESIBILI SEMITHETHONQUBO KAZWELONKE
YEZOKUTHUTHA EZIHAMBA PHANSI, YEZI-2009**

UNgqongqoshe Wezokuthutha, ngemva kokubonisana noNgqongqoshe Bezifundazwe, wenze imithethonqubo kwiSheduli ngaphansi kwezigaba esesi-8(1)(a), (w) no-(cc), esama-54(5) nesesi-(6) kanye nesama-82(1) zoMthetho kaZwelonke Wezokuthutha Ezihamba Phansi, wezi-2009 (uMthetho 5 wezi-2009).



NKZ. S CHIKUNGA, MP

UNgqongqoshe Wezokuthutha

USUKU: 2024/08/17

ISHEDULI

INCAZELO EFINGQIWE EJWAYELEKILE:

[] Amagama agqamile akubakaki abayisikwele abagqamile amele okukhishiwe kwimithethonqubo esebenzayo.

_____ Amagama adweshelwe ngomugqa ogqamile amele okufakiwe kwimithethonqubo esebenzayo.

Izincazelo

1. kule Sheduli "iMithethonqubo" ichaza iMithethonqubo Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009 ekhishwe ngaphansi kweSaziso R.1208 sangomhla ziyi-17 kuZibandlela wezi-2009 njengoba ichitshiyelwe iSaziso R.399 sangomhla ziyi-14 kuNhlaba wezi-2010 futhi njengoba iqhubeka ichitshiyelwa izikhathi ngezikhathi.

Ukuchibiyela umthethonqubo we-17 weMithethonqubo

3. Ngakho-ke uMthethonqubo we-17 weMithethonqubo uchitshiyelwe-
(a) ngokufaka lokhu okulandelayo endaweni yesigatshana (d) somtheshwananqubo woku-(1):

"(d) umzila noma imizila noma indawo noma izindawo zokusebenza umfakisicelo azifakele isicelo njengoba kuvezwe efomini lesicelo.

(b) ngokufaka lomtheshwananqubo ngemva komtheshwananqubo wesi-(3):

"(3A) Umnyango olawulayo kufanele uqinisekise ukuthi iminingwane emayelana nemizila noma izindawo ezihlongozwe kwisigatshana somtheshwananqubo woku-(1)(d) iyatholakala ukuze ihlolwe abantu abanentshisekelo emahhovisi omnyango kanye nakwiSizindalwazi somnyango futhi unikeze leyo mininingwane nge-imeyili kunoma yimuphi umuntu oyicela ngokubhalela umnyango zingakapheli izinsuku eziyisikhombisa zesicelo."

Ukuchibiyela umthethonqubo wama-25 weMithethonqubo

4. Ngakho-ke uMthethonqubo wama-25 weMithethonqubo uchtshiyelwe ngokufaka lokhu okulandelayo endaweni yomtheshwananqubo woku-(1):

“(1) Lapho ilayisense yokuthutha yayikhishelwe izinsuku ezingaphezu kwezingama-30 futhi umnikazi efisa ukuyivuselela, umnikazi kufanele afake isicelo **[kungakapheli izinsuku ezingama-30]** ngaphambi kokuphelelwa yisikhathi sokuvuselelwa kwelayisensi, inqobo nje uma kuzonikezwa isikhathi somusa esiyizinsuku ezingama-21 ngemuva kosuku lokuphela kwesikhathi selayisensi ukuthi isicelo senziwe.”

Ukuchibiyela umthethonqubo wama-26 weMithethonqubo

5. Ngakho-ke uMthethonqubo wama-26 weMithethonqubo uchtshiyelwe ngokufaka lomtheshwananqubo olandelayo ngemuva komtheshwananqubo wesi-(2):

“(3) Incwadi yemvume kufanele icacise ukuthi isebenza isikhathi esinqunywe umnyango olawulayo, usuku lushiwo encwadini yemvume, futhi isikhathi akumele sibe ngaphezu kwezinyanga eziyisithupha kusukela ngosuku okwakhishwa ngalo incwadi yemvume.”

Ukuchibiyela umthethonqubo wama-27 weMithethonqubo

6. Ngakho-ke uMthethonqubo wama-27 weMithethonqubo uchtshiyelwe ngokufaka lokhu okulandelayo endaweni yengxenyeye yesingeniso somtheshwananqubo wesi-(3):

“(3) Lapho leyo dikheli yanikezwa umnikazi ngokoMthetho, uMthetho woGuquko noma umthetho wangaphambilini ukuthi umnikazi angeke asebenzise imoto ukuthutha umphakathi emgwaqeni womphakathi. –“

Ukuchibiyela umthethonqubo wama-30 weMithethonqubo

7. Ngakho-ke uMthethonqubo wama-30 weMithethonqubo uchtshiyelwe ngokufaka lokhu okulandelayo emtheshwananqubo woku-(1):

“(1) Isicelo sokugunyazwa njengominimoto wezokuthutha izivakashi ngaphansi kwesigaba sama-82 soMthetho kufanele sifakwe ngokugcwalisa ifomu lesicelo elikhonjiswe kwiSheduli 1 bese silithumela kwi-NPTR nemali yesicelo eshiwo kwiSheduli 2, kuncike kumthethonqubo wama-34A.”

Ukuchibiyela umthethonqubo wama-32 weMithethonqubo

CONTINUES ON PAGE 130 OF BOOK 2

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8. Ngakho-ke uMthethonqubo wama-32 uchitshiyelwe-

(a) ngokufaka lokhu okulandelayo endaweni yendima (a) yomtheshwananqubo woku-(1):

“(a) Ukuthi umfakisiselo uyahambisana yini nesigaba sama-81(2) soMthetho kanye nale mithethonqubo, ngokubheka irekhodi langaphambilini lomfakisiselo njengomqhubi, phakathi kokunye maqondana nokuphepha kanye nokuhambisana nomthetho, kodwa ngaphandle kokubandlulula abantu [abaninizimoto] abasha embonini, futhi ngokubheka isidingo sokuthuthukisa amabhizinisi amancane kanye nabantu ababencishwe amathuba ngaphambilini ngenxa yobandlululo olungenabulungiswa;”

(b) ngokufaka lokhu okulandelayo endaweni yendima (d) yomtheshwananqubo woku-(1):

“(d) ukuthi umfakisiselo unohlelo lokunakekela kanye nelokulungisa zonke izimoto ezisetshenziswayo noma ezizosetshenziswa ngumfakisiselo, olwamukelekile kwi-NPTR-

(i) kungaba ngokukhiqiza amarekhodi okulungiswa kwemoto okuvamile kwegaraji elamukelekile noma isikhungo sekulungisa noma umakhenikha; [ngokuhambisana neminingwane yomkhiqizi wemoto] noma

(ii) ezimeni ezifanele, kungaba ngabasebenzi [abaqeqeshwe ngokufanele] abaqeqeshwe ngokwanele noma abanolwazi lwemishini kumashabhu noma ezinye izikhungo ezihloliwe futhi zagunyazwa i-NPTR noma egameni layo;”

Ngokufaka uMthethonqubo wama-34A weMithethonqubo

9. Ngakho-ke umthethonqubo olandelayo ufakwe kwiMithethonqubo ngemuva koMthethonqubo wama-34:

“Izicelo zamalaysensi okuthutha okuhlinzeka izinsizakalo zokuthutha izivakashi

34A. (1) Umuntu-

(a) ongakamukelwa ngaphansi kwesigaba sama-84(4) soMthetho; futhi

(b) ongakafaki isicelo sokwamukelwa, futhi

(b) ofisa ukuhlinzeka ngezinsizakalo zokuthutha izivakashi ngezimoto ezingakakhishelwa amalaysensi okuthutha,

Kumele afake izicelo kanye kanye, esokwamukelwa ngaphansi komthethonqubo wama-30 kanye namalaysensi okuthutha/okusebenza anesidingo ngokwesigaba sama-54 soMthetho ngokugcwalisa ifomu 5AA njengoba kukhonjisiwe kwiSheduli 2 futhi akhiphe amaphepha ahlongozwe kumthethonqubo wama-35(3).

(2) Umninimoto osevele enamalaysense okusebenza agunyaza ukuthi ahlinzeke ngezinsizakalo zokuthutha izivakashi kodwa ngakagunyazwa ngaphansi kwesigaba sama-82(4) soMthetho. –

(a) angaqhubeka nokusebenzisa lezo zimoto ngokwalawo malaysensi, kodwa

(b) kufanele afake isicelo sokugunyazwa ngaphandle kokulibala uma engakakwenzi lokho ukuze aqweme ukuvinjelwa ekusebenziseni lezo zinsizakalo lapho uNggongqoshe enquma usuku oluhlongozwe esigabeni sama-81(1) soMthetho.

(3) Umninimoto ohlongozwe kwisigatshana somthethonqubo sesi-(2) ofisa ukuvuselela ilayisense yokuthutha ehlongozwe kuleso sigatshana somthethonqubo, kufanele afake kanyekanye isicelo sokuvuselela ilayisensi ngokomthethonqubo wama-25 kanye nesokugunyazwa ngokomthethonqubo wama-30.

(4) Lapho i-NPTR yenqaba isicelo sokugunyazwa, umninimoto kufanele –

(a) ayeke ngokushesha ukuhlinzeka ngezinsizakalo zokuthutha izivakashi; futhi

(b) athumele noma yimaphi amalaysense okuthutha anawo, agunyaza ukuhlinzeka ngezinsizakalo zokuthutha izivakashi kwi-NPTR ukuze achitshiyelwe noma asulwe, kuye ngokuthi yikuphi, zingakapheli izinsuku ezingama-21 kusukela ngosuku okwanqatshwa ngalo lokho kugunyazwa, kuncike kwisigatshana somthethonqubo sesi-(6) kanye nesesi-(7).

(5) Lapho ilayisense yokuthutha igunyaza ukuhlinzekwa kwezinye izinsizakalo ngaphezu kwezinsizakalo zokuthutha izivakashi, i-NPTR kufanele iqhubekisele phambili ukugunyazwa kwazo zonke izinsizakalo ezifanele lapho ikhipha ilayisense yokuthutha entsha; ingobo nje uma isikhathi sokusebenza kwelayisensi entsha kufanele kuhambisane nesikhathi sokusebenza kokugunyazwa komninimoto.

(6) Lapho kusulwa ilayisense yokuthutha ngokwesigatshana somthethonqubo sesi-(4)(b) i-NPTR kufanele ilandele inqubo ehlongozwe esigabeni sama-79(4) soMthetho, ifunde/yenze izinguquko ezidingekayo.

(7) Lapho umninimoto ohlongozwe esigatshaneni somthethonqubo wesi-(4) efake isikhalo, noma isicelo sokubuyekeza ngokoMthetho Wokukhuthaza Ukuphatha Okunobulungiswa, wezi-2000 (uMthetho 3 wezi-2000), enkantolo enamandla noma enkantolo ekhethekile, kuye ngokuthi yikuphi, ngokumelene nesinqumo sokwenqaba ukugunyazwa, isigatshana somthethonqubo sesi-(4) angeke sisebenze ngaphandle uma isikhalo noma isicelo sokubuyekeza sihoxiswa noma sichithwa yinkantolo ekhethekile.”

Ukuchibiyela umthethonqubo wama-35 weMithethonqubo

10. Ngakho-ke uMthethonqubo wama-35 weMithethonqubo uchtshiyelwe-

(a) ngokufaka lokhu okulandelayo endaweni yomtheshwanonqubo woku-(1):

“(1) Lapho igunyaza umnimumo ngaphansi kwesigaba sama-82(4) soMthetho, i-NPTR kufanele iqinisekise ubuqiniso bemininingwane kanye nemibhalo ephathelene nezimoto zomninizimoto njengoba zihlinzekwe efomini lesicelo sokugunyazwa, futhi uma yenelisekile ukuthi imoto noma izimoto ziyahambisana nesigaba sama-84(3) soMthetho, kufanele igunyaze leyo moto futhi ikhiphe ilayisense yokuthutha uma senziwe isicelo esifanele saleyo layisense njengoba kuhlangozwe kumthethonqubo wama-35A(1) [ngendlela ebekwe esigatshaneni somthethonqubo wesi-(5)] .”

(b) ngokufaka lokhu okulandelayo esigatshaneni sesi-(2):

“(2) Umnimumo ogunyaziwe angafaka isicelo sokugunyazwa nokukhishwa kwelayisense yokuthutha kwezimoto ezengeziwe ngaphansi kwesigaba sama-84 soMthetho ngokugcwalisa ifomu lesicelo elikhonjiswe njengeFomu 5AA kwiSheduli yoku-1 futhi alithumele kwi-NPTR nemali yesicelo eshiwo kwiSheduli yesi-2, futhi isicelo esinjalo singafakwa ngokwe-inthanethi.”

(c) ngokufaka lomtheshwananqubo olandelayo ngemuva komtheshwananqubo wesi-(2):

“(2A) Umnimumo ogunyaziwe angeke aqhube imoto egunyazwe ngokwesigatshana somthethonqubo woku-(1) noma wesi-(2), ngaphandle uma ilayisensi yokuthutha ikhishelwe leyo moto ngokomthethonqubo wama-36.”

(d) ngokususa ingxenye yesingeniso somtheshwananqubo wesi-(3) ngalokhu okulandelayo :

“(3) **[Umfakisicelo]** Umnimumo ogunyaziwe ofaka isicelo selayisense yokuthutha ehlongozwe esigatshaneni somthethonqubo wesi-(2) kufanele alethe kanye nesicelo—“

Ukuchibiyela umthethonqubo wama-36 wemithethonqubo

11. Ngakho-ke uMthethonqubo wama-36 weMithethonqubo uchtshiyelwe -

(a) ngokufaka lokhu okulandelayo endaweni yomtheshwananqubo woku-(1):

“(1) Lapho i-NPTR igunyaze imoto yokuthutha izivakashi ngokwesigaba sama-84 soMthetho kanye nomthethonqubo wama-35 womqhubi ogunyazwe ngokwesigaba sama-81 soMthetho, lowo mqhubi ogunyaziwe kufanele afake isicelo selayisense yokuthutha ukuze leyo moto isebenze kwezokuthutha izivakashi njengoba kuhlangozwe kumthethonqubo wama-35, ngokugcwalisa iFomu 5AA kwiSheduli yoku-1 [kufanele ikhiphe ilayisense yokuthutha ukuze leyo moto ihlinzeke ezokuthutha izivakashi, ezothatha indawo yanoma iyiphi imvume noma ilayisense yokuthutha esivele isikhishelwe leyo moto].

(b) ngokufaka lomtheshwananqubo olandelayo ngemuva komtheshwananqubo woku-(1):

“(1A) Uma umninimoto ethobela isigatshana somthethonqubo woku-(1) kanye nomthethonqubo wama-35(1) kanye neses-2), iNPTR kufanele ikhiphe ilayisense yokuthutha yemoto [yaleyo moto], ezothatha indawo yanoma iyiphi imvume noma ilayisense yokuthutha esivele isikhishelwe leyo moto.”

(c) ngokufaka lokhu okulandelayo endaweni yomtheshwananqubo wesi-(3):

“(3) Lapho enikeza ilayisense yokuthutha kumninimoto ogunyazwe ngokwesigaba sama-81 soMthetho, lowo mqhubi kufanele athumele kwi-NPTR noma iyiphi imvume noma ilayisense yokuthutha eyayikhishwe ngaphambili yemoto efanele egunyaza izinsizakalo ngaphandle kwezinsizakalo zokuthutha izivakashi, futhi ne-NPTR kufanele ifake lokho kugunyazwa kwilayisensi ekhishwe ngokulandela ukugunyazwa, kuncike kumthethonqubo wama-34A (5).”

Ukuchibiyela umthethonqubo wama-38 weMithethonqubo

12. Ngakho-ke uMthethonqubo wama-38 weMithethonqubo uchtshiyelwe ngokufaka lokhu okulandelayo endaweni yomtheshwananqubo woku-(1):

“(1) I-NPTR uma yanelisekile ukuthi umfakisicelo ugunyaziwe nokuthi imoto iyahambisana nezidingo ezibekwe kule Mithethonqubo kanye [nomthethonqubo wama-32(1)] nesigaba sama-84(3) soMthetho, nangemva kokufakwa kwesicelo esifanele selayisensi yokuthutha ngokomthethonqubo wama-34A(1) noma wama-36(1) kuye ngokuthi yikuphi, kumele inike umfakisicelo ilayisense yokuthutha zingakapheli izinsuku eziyi-14 isicelo senziwe, kuncike ekutheni kuhlangukshenzenwe nazo zonke izidingo ezifunekayo zokukhishwa kwelayisensi, futhi [ngalo lolosuku uma isicelo sifakwe ngaphambi kuka-12:00, noma ngakusasa uma sifakwe ngo-12:00 noma ngemva kwawo,] kuncike esigatshaneni somthethonqubo wesi-(2).”

Ukuchibiyela umthethonqubo wama-42 weMithethonqubo

13. Ngakho-ke uMthethonqubo wama-42 weMithethonqubo uchtshiyelwe:

(a) ngokufaka lokhu okulandelayo endaweni yendima (a) yomtheshwananqubo woku-(1):

“(a) Lapho kufanele khona isivumelwano phakathi komqhubi nesikole noma esinye isikhungo semfundo noma umnyango noma ikhophi yaso eqinisekisiwe, noma incwadi evela kuthishanhlolo noma isikhulu sokuphatha esigunyaziwe saleso sikhungo [esivuma] esiqinisekisa ukuthi umininimoto [kanye] uzohlizeka ezokuthutha, ikhophi yaso okufanele igcinwe emotweni ngayinye esetshenziselwa lowo msebenzi;”

- (b) ngokufaka lokhu okulandelayo endaweni yengxenye yesingeniso somtheshwananqubo wesi-(4):

“(4) Kusukela osukwini oluzokhishwa uNggongqoshe kuSomqulu, zonke izimoto ezisetshenziselwa ukuthutha abezemfundo kufanele –“

- (c) ngokuchithwa kwemitheshwananqubo yesi(6) neyesi-(7);

Ukuchibiyela uMthethonqubo wama-49 weMithethonqubo

14. Ngakho-ke lo mthethonqubo olandelayo ufakwe endaweni yomthethonqubo wama-49 weMithethonqubo:

“49. (1) UMnyango ungachibiyela amafomu akhonjiswe kwiSheduli yoku-1 [noma izimali ezikhokhwayo ezibalulwe kwiSheduli yesi-2] ngezikhathi ezithile ngaphandle kwesidingo sokuchibiyela le mithethonqubo.

(2) Izimali ezikhokhwayo ezishiwo kwiSheduli yesi-2 kufanele zinyuswe ngomhla ziyi-1 kuMbasa unyaka ngamunye ngemva kokuba lomtheshwananqubo uqale ukusebenza, okungukuthi, kusukela ekuqaleni konyaka wezimali ofanele, ngokwanoma yikuphi ukwenyuka okubonakala Kwinkomba Yamanani Abathengi njengoba ishicilelwe ngezikhathi ezithile.”

Ukuchibiyela iSheduli yoku-1 yeMithethonqubo

15. Ngakho-ke iSheduli yoku-1 yeMithethonqubo ichitshiyelwe:

- (a) ngokufaka lokhu okulandelayo ohlwini lwamafomu ngemva kweFomu 5A:
“Ifomu 5AA Isicelo Selayisense Yokuthutha Yezinsizakalo Zokuthutha Izivakashi “
- (b) ngokufaka ifomu 5AA elilandelayo, isihloko salo esithi *Isicelo Selayisense Yokuthutha Yezinsizakalo Zokuthutha Izivakashi* ngemuva kweFomu 5A:



transport

Department:
Transport
REPUBLIC OF SOUTH AFRICA

IFOMU 5AA

UMNYANGO WEZOKUTHUTHA

Umlawuli Kazwelonke Wezokuthutha Zompakathi

UMTHETHO WEZOKUTHUTHA EZIHAMBA PHANSI, WEZI-2009 (UMTHETHO 5 WEZI-2009)

**ISICELO SELAYISENSI YOKUHLINZEKA NGEZINSIZAKALO ZOKUTHUTHA
IZIVAKASHI**

A. Imininingwane yomfakisicelo

Igama lomfakisicelo: (Inkampani, ibhizinisi ledlanzana, ubambiswano ebhizinisini, ibhizinisi lezomthetho noma amagama aphelele uma engumninibhizinisi ozimele yedwa)

.....

Uhlobo lokuhlonza:

Umazisi waseNingizimu Afrika	Umazisi weskhashana	
Iphasiphothi	Umazisi wangaphandle	
Isitatimende sokusungula	Isivumelwano sobambiswano ebhizinisini	
Isitifiketi sebhizinisi	Izincwadi zegunya	
Okunye (cacisa)		

Umazisi/iphasisiphothi/ inombolo yokubhalisa ibhizinisi:

Igama lohwebo (uma kusebenza):

Uhlobo lwebhizinisi:

Ikheli leposi kanye nekhodi:

Ikheli lomgwaqo (uma lingefani neleposi) (lizosetshenziswa njengekheli lendawo yokuhlala):

.....

Izinombolo zocingo kanye nekhodi:

Ikheli le-imeyili (uma likhona):

Inombolo yokubhalisa yentela yemalingeniso:

[namathisela isitifiketi soqobo sobumsulwa kwezentela noma iphini]

Inombolo yokugunyazwa (uma sekugunyaziwe).....

[Ikhophi Yesitifiketi Sokugunyazwa okufanele sinamathiselwe uma sikhona]

Umuntu okungaxhunyanwa naye (amagama aphelele, izinombolo zocingo kanye nekheli le-imeyili uma likhona):

.....

B. Imininingwane yezimoto ezidingelwa amalayisense okuthutha:

[Amakhophi aqinisekisiwe amarekhodi ensizakalo ezohlinzekwa]

Imoto 1

Inombolo yokubhaliswa kwemoto:

Inombolo yokuhlonzwa kwemoto (phecelezi iVIN):

Uhlobo lwemoto

Unyaka eyakhqizwa ngayo.....

Uhlobo lwemoto

Inani labagibeli abazothwalwa

Imoto 2

Inombolo yokubhaliswa kwemoto:

Inombolo yokuhlonzwa kwemoto (phecelezi iVIN):

Uhlobo lwemoto

Unyaka eyakhqizwa ngayo

Uhlobo lwemoto

Inani labagibeli abazothwalwa

Imoto 3

Inombolo yokubhaliswa kwemoto:

Inombolo yokuhlonzwa kwemoto (phecelezi i-VIN):

Uhlobo lwemoto

Unyaka eyakhqizwa ngayo

Uhlobo lwemoto

Inani labagibeli abazothwalwa

[Ezimweni lapho kukhona ezinye izimoto, nikeza imininingwane efanayo ekhasini elihlukile noma emakhasini ahlukene.

C. Isifungo

[Isifungo senziwa umninimoto noma ummeleli wakhe ogunyaziwe]

Mina, osayine ngezansi (amagama aphelele).....

Ngiyaqinisekisa ukuthi imininingwane enikezwe kuleli fomu lesicelo iyiqiniso futhi ilungile.

Ngiyamukela ukuthi uma noma yini yaleyo mininingwane etholakala ingamanga, isicelo sizonqatshwa futhi ngingase ngihoxiswe ekufanelekeni ukufaka isicelo samalayisense okuthutha esikhathini esizayo futhi ukugunyazwa kwami kungase kusulwe ngokwesigaba sama-83 soMthetho.

Isiginesha Usuku

D. Okwehhovisi

Imininingwane ifakwe kwi-OLAS (usuku)

Inombolo yereferensi ye-OLAS

Imali ekhokhiwe R.....

Amagama aphelele esikhulu

Isiginesha yesikhulu Usuku

E. Uhlu lokudingekayo lwehhovisi

Ifomu lesicelo ligcwaliswe kahle	
Ikhophi yesitifiketi sokugunyazwa (uma kusebenza)	
Ubufakazi bokubhaliswa kanye nelayisensi yemoto ngayinye	
Ubufakazi besitifiketi sokufaneleka ukuba semgwaqweni semoto ngayinye	
Amakhophi amarekhodi okulungiswa kwemoto ngayinye	

Ukushintshwa kweSheduli yesi-2 yeMithethonqubo

16. Ngakho-ke iSheduli 2 yeMithethonqubo ikhishwe ngalokhu okulandelayo:

“ISHEDULI 2: ITHEBULA LEZIMALI

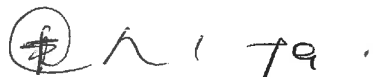
Umthethonqubo	Incazelo	Imali
2(1), 3(1), 6(1), 7(1), 10(1), 11(1), 15(2), 16(1)	Isicelo selayisense entsha yokuthutha, noma sokuvuselela, ukuchitshiyelwa, ukudluliswa noma ukuguqulwa kwelayisensi yokuthutha noma imvume	R600,00
6(6)	Ukuhanjiswa kwesicelo kwi-NPTR ngokwesigaba sama-21(4) soMthetho	R600,00
17(4)(b) and (c)	Ukuhlolwa kwemibhalo noma ukucela amakhophi	R100,00 isicelo ngasinye
17(4)(d)	Ukuhlinzeka ngamakhophi	R2,00 ikhophi ngayinye
20	Isicelo selayisensi yokuthutha yesikhashana	R100,00
26	Isicelo sokugunyazwa okubhalwe phansi sokushintshwa kwemoto okwesikhashana	R100,00
28, 36(8)	Isicelo selayisense yokuthutha ephindiwe noma idekhali	R600,00
29(3)	Isaziso sensizakalo yokubonelela kwi-NPTR	R600,00
30(1), 35(1)	Isicelo sokugunyazwa, noma sokuvuselela ukugunyazwa komnimoto wezokuthutha izivakashi noma sokuchitshiyelwa kwemibandela yokugunyazwa	R2 000,00

Isihloko esifushane kanye nokuqaliswa

17. Le Mithethonqubo ibizwa ngokuthi Isichibiyelo Sesibili Semithetho Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2024.

DEPARTMENT OF TRANSPORT**NOTICE 2671 OF 2024****MERCHANT SHIPPING ACT, 1951 (ACT NO. 57 OF 1951)****AMENDMENTS TO REGULATIONS RELATING TO MERCHANT SHIPPING (COLLISION AND DISTRESS SIGNALS), 2024.**

The Minister of Transport has, under section 356(2) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made Regulations set out in the Schedule.



MS SINDISIWE CHIKUNGA, MP

MINISTER OF TRANSPORT

DATE: 2024/06/14

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold typed in square brackets indicate omissions/deletions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Definitions

1. In these Regulations-

“the Annex” means the Annex to the Merchant Shipping (Collision and Distress Signals) Regulations, 2005, published by Government Notice No. R. 566 of 17 June 2005;

“the Regulations” means the Merchant Shipping (Collision and Distress Signals) Regulations, 2005, published by Government Notice No. R. 566 of 17 June 2005.

Amendment of Note to the Annex

2. The Annex is hereby amended by the substitution for the Note of the following Note:

“This text incorporates the original text as amended by the following amendments adopted by the indicated IMO Assembly resolutions: 1981 amendments (A.464(XII)), in force 1 June 1983; 1987 amendments (A.626(15)), in force 19 November 1989; 1989 amendments (A.678(16)), in force 19 April 1991; 1993 amendments (A.736(18)), in force 4 November 1995; 2001 amendments (A.910(22)), in force 29 November 2003, 2007 amendments(A.1004(25)), in force 01 December 2009; 2013 amendments (A.1085(28)) in force 01 January 2016.”

Addition of Part F, Rules 39, 40 and 41 to the Annex

3. The Annex is hereby amended by the addition after Part E of the Annex of the following Rules:

“PART F

VERIFICATION OF COMPLIANCE WITH THE PROVISIONS OF THE CONVENTION

Rule 39

Definitions

“In this Part, unless the context otherwise indicates-

‘Audit’ means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled;

‘Audit Scheme’ means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization under Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28);

‘Audit Standard’ means the Code for Implementation;

‘Code for Implementation’ means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28); and

‘Framework and Procedures’ means the IMO Member State Audit Scheme adopted by the Organization by resolution A.1067(28).”.

Rule 40

Application

“Contracting Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.”.

Rule 41

Verification of compliance

“(a) Every Contracting Party shall be subjected to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.

“(b) The Secretary-General of the Organization shall have the responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization under Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28).

“(c) Every Contracting Party shall have the responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization under Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28).

“(d) The Audit of all Contracting Parties shall be-

- (i) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization under Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28); and
- (ii) conducted at periodic intervals, taking into account the guidelines developed by the Organization under Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28).”.

Amendment of Annex IV (Distress Signals) to the Annex

4. Annex IV (Distress Signals) to the Annex is hereby amended –

(a) by the substitution for paragraph (d) of section 1 of the following paragraph:

(d) a signal made **[by radiotelegraphy or]** by any signalling method consisting of the group ...---... (SOS) in the Morse Code;”;

(b) by the substitution for paragraph (l) of section 1 of the following paragraph:

“(l) **[the radiotelegraph alarm signal;]** a distress alert by means of digital selective calling (DSC) transmitted on:

- (i) VHF channel 70; or
- (ii) MF/HF on the frequencies 2187.5 kHz, 8414.5 kHz, 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz.”.

(c) by the substitution for paragraph (m) of section 1 of the following paragraph:

“(m) **[the radiotelephone alarm signal;]** ship-to-shore distress alert transmitted by the ship’s Inmarsat or other mobile satellite service located on board ship.”.

(d) by the substitution for paragraph (n) of section 1 of the following paragraph:

“(n) signals transmitted by the emergency position-indicating radio beacons; and;”

Repeal of Amendment Regulations

5. The Amendments to Regulations, relating to the Merchant Shipping (Collision and Distress Signals), 2022 published in the Government Gazette No.47448 under Notice No.1384 are hereby repealed.

Short title

6. These Regulations are called Regulations Relating to Merchant Shipping (Collision and Distress Signals) Amendment Regulations, 2024.

UMNYANGO WEZOKUTHUTHA**Umthetho wokuthuthwa kwempahla, wango 1951**

Ukuchibiyelwa kwalomthetho omayelana nokuthuthwa kwempahla (okwimpawu zokungqubuzana kanye nokucindazeleka) 2024.

UNgqongqoshe Wezokuthutha, ngaphansi kwesigaba 356(2) soMthetho Wokuthuthwa Kwemikhumbi, 1951 (uMthetho No. 57 ka-1951), wenza iMithethonqubo ebekwe oHlelweni.



NKK SINDISIWE CHIKUNGA, MP

UNGQONGQOSHE WEZOKUTHUTHA

USUKU: 2024/06/14

UHLELO

INCAZELO EJWAYELEKILE:

[] Amagama abhalwe ngokugqamile kubakaki abayisikwele abonisa okushiye/ukususwa emithethweni ekhona.

_____ Amagama adwetshelwe ngomugqa oqinile akhombisa okufakiwe emithethweni ekhona.

Izincazelo

1. Kule Mithetho-

"iSijobelelo" sichaza iSijobelelo seMithethonqubo yeMithethonqubo Yemikhumbi Yokuthengisa (Ukushayisana Nezimpawu Zokucindezeleka), 2005, eshicilelwe ngeSaziso sikhulumeni No. R. 566 somhla ziyi-17 kuJuni 2005;

"iMithetho" ichaza iMithethonqubo Yokuhamba Ngemikhumbi (Ukushayisana Nezimpawu Zokucindezeleka), 2005, eshicilelwe yiSaziso sikhulumeni No. R. 566 somhla ziyi-17 kuNhlangulana wezi-2005.

Ukuchitshiyelwa *Kwenothi* Lesengezo

2. Ngakho-ke Isithasiselo siyachitshiyelwa ngokufaka Inothi Lenothi elilandelayo:

"Lo mbhalo uhlanganisa umbhalo wasekuqaleni njengoba uchitshiyelwe yizichibiyelo ezilandelayo ezamukelwe izinqumo ezikhonjisiwe zeSishayamthetho se-IMO: izichibiyelo zika-1981 (A.464(XII)), ezisebenza mhla lu-1 kuNhlangulana 1983; 1987 izichibiyelo (A.626(15)), ezisebenza mhla ziyi-19 kuLwezi 1989; 1989 izichibiyelo (A.678(16)), ezisebenza 19 kumbasa 1991; 1993 izichibiyelo (A.736(18)), ezisebenza 4 kuLwezi 1995; 2001 izichibiyelo (A.910(22)), ukusebenza 29 kuLwezi 2003,

izichibiyelo zango-2007(A.1004(25)), ezisebenza mhla lu-1 kuZibandlela wezi-2009; izichibiyelo zika-2013 (A.1085(28)) zisebenza mhla lu-1 kuMasingana 2016.”.

Ukwengezwa kweNgxenywe F, Imithetho 39, 40 kanye no-41 kuSijobelelo

3. Ngakho- ke iSithasiselo siyachitshiyelwa ngokwengeza le Mithetho elandelayo ngemva kweNgxenywe E Yesijobelelo:

“INGXENYE F

UKUQINISEKISWA KOKUTHOBELANA NEZINHLELO ZOMHLANGANO

Umthetho 39

Izincazelo

“Kule Ngxenywe, ngaphandle uma umongo ubonisa okuhlukile-

'Ukucwangingwa kwamabhuku' kusho ingubo ehlelekile, ezimele kanye nebhalwe phansi ukuze kutholwe ubufakazi bocwanningomabhuku kanye nokubucubungula ngendlela efanele ukuze kutholwe izinga okufezwa ngalo imibandela yokucwangingwa kwamabhuku;

'Uhlelo Lokucwangingwa Kwamabhuku' kushiwo uHlelo Lokucwangingwa Kwamabhuku Lwezifundazwe ezingamaLungu e-IMO olusungulwe yiNhlango futhi lubheka imihlahlandlela ethuthukiswe yiNhlango Uhlaka kanye Nezinqubo Zohlelo Lokucwangingwa Kwamabhuku Lwesifunda Selungu Le-IMO, olwamukelwe Inhlango ngesinqumo A.1067(28);

'Izinga Lokucwangingwa Amabhuku' lisho Ikhodi Yokusetshenziswa;

'Ikhodi Yokuqalisa' isho Ikhodi Yokuqaliswa Kwezinsimbi ze-IMO (Ikhodi III) eyamukelwe yiNhlango ngesinqumo A.1070(28); futhi

'Uhlaka kanye Nezingubo' kusho uHlelo Lokucwaningwa Kwamabhuku Lwesifunda Selungu Le-IMO olwamukelwe yiNhlango ngesinqumo A.1067(28)."

Umthetho 40

Isicelo

Amaqembu Enkontileka azosebenzisa izinhlinzeko zeKhodi Yokusetshenziswa ekwenzeni izibopho zawo kanye nezibopho eziqokethwe kuSivumelwano samanje.

Umthetho 41

Ukuqinisekisa ukuhambisana

"(a) Wonke Umuntu Osenkontilekeni uyohlolwa ngezikhathi ezithile yiNhlango ngokuhambisana nezinga lokucwaningwa ukuze kuqinisekise ukuthotshelwa kanye nokuqaliswa kweNqungquthela yamanje.

(b) UNobhala-Jikelele Wenhlango uyoba nesibopho sokuphatha iSikimu Sokucwaningwa Kwamabhuku, ngokusekelwe eziqondisweni ezithuthukiswe yiNhlango Uhlaka kanye Nezingubo Zohlelo Lokucwaningwa Kwamabhuku Lwesifunda Selungu Le-IMO, olwamukelwe Inhlango ngesinqumo A.1067(28).

(c) Wonke Umuntu Okwenkontileka uzoba nesibopho sokusiza ukuqhutshwa kocwaningomabhuku kanye nokusetshenziswa kohlelo lwezenzo zokubhekana nokutholiwe, ngokusekelwe kumhlahlandlela othuthukiswe yiNhlango Uhlaka kanye Nezingubo Zohlelo Lokucwaningwa Kwamabhuku Lwesifunda Selungu Le-IMO, olwamukelwe Inhlango ngesinqumo A.1067(28).

(d) Ukucwaningwa kwamabhuku awo wonke amaQembu Ezinkontileka kuzoba-

- (i) ngokusekelwe ohlelweni lulonke olwakhiwe uNobhala-Jikelele Wenhlango, ecabangela iziqondiso ezakhiwe yiNhlango Uhlaka kanye Nezingubo

Zohlelo Lokucwaningwa Kwamabhuku Lwesifunda Selungu Le-IMO, olwamukelwe Inhlangano ngesinqumo A.1067(28); futhi

- (ii) okwenziwa ngezikhathi ezithile, kucatshangelwa iziqondiso ezakhiwe yiNhlangano Uhlaka kanye Nezinqubo Zohlelo Lokucwaningwa Kwamabhuku Lwesifunda Selungu Le-IMO, olwamukelwe Inhlangano ngesinqumo A.1067(28) .".

Ukuchitshiyelwa Kwesijobelelo IV (Izimpawu Zokucindezeleka) kuSijobelelo

4. Isijobelelo IV (Izimpawu Zokucindezeleka) kuSijobelelo sithi –

(a) ngokufaka esikhundleni isigaba (d) sesigaba 1 sale ndima elandelayo:

“(d) eyenziweE [nge-radiotelegraphy noma] nganoma iyiphi indlela yokusayina ehlanganisa iqembu---...(SOS) ku-Morse Code;”.

(b) ngokufaka esikhundleni indima (l) sesigaba 1 sale ndima elandelayo:

" (l) [isignali ye-alamu ye-radiotelegraph;] Isexwayiso sokucindezeleka ngokusebenzisa i-digital selective call (DSC) esakazwa ku- :

- (i) Isiteshi se-VHF 70; noma
- (ii) I-MF/HF kumafrikhwensi 2187.5 kHz, 8414.5 kHz, 4207.5 kHz, 6312 kHz, 12577 kHz noma 16804.5 kHz."

(c) ngokufaka esikhundleni sendima (m) yesigaba 1 sale ndima elandelayo:

“(m) [isiginali ye-alamu ye-radiotelephone;] isixwayiso senhlekelele yomkhumbi uye oqwini esisakazwa i-Inmarsat yomkhumbi noma enye insizakalo yesathelayithi ephathwayo etholakala emkhunjini;”.

(d) Ngokufaka esikhundleni sendima (n) yesigaba 1 sale ndima elandelayo:

“(n) amasignali asakazwa amabhakhoni omsakazo akhombisa indawo yesimo esiphuthumayo; futhi;”

Ukuchitshiyelwa Kwemithethonqubo

5. Izichibiyelo Zemithethonqubo, eziphathelene Nokuthunyelwa Kwempahla Yokuthengisa (Izimpawu Zokushayisana Nezinhlekelele), 2022 ezishicilelwe kuGazethi Kahulumeni No.47448 ngaphansi kweSaziso No.1384 ngalokhu ziyachithwa.

Isihloko esifushane

6. Le Mithetho ibizwa ngokuthi Imithetho Ehlobene Nokuthumela Kwabathengisi (Izimpawu Zokushayisana Nokucindezeleka) Izichibiyelo Zomthetho, 2024.

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