

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
SPECIAL ECONOMIC ZONES
BILL**

[B 3—2013]

*(As agreed to by the Portfolio Committee on Trade and Industry
(National Assembly))*

[B 3A—2013]

ISBN 978-1-77597-032-3

No. of copies printed 800

PROPOSED AMENDMENTS TO

SPECIAL ECONOMIC ZONES BILL
[B 3—2013]

LONG TITLE

1. On page 2, in line 4 of the long title, to omit “empower the Minister to establish” and to substitute “provide for the establishment of”.

ARRANGEMENT OF SECTIONS

1. On page 3, in line 9, after second “of” to insert “Advisory”.
2. On page 3, in line 10, after “of” to insert “Advisory”.
3. On page 3, in line 11, after “on” to insert “Advisory”.
4. On page 3, in line 12, after “of” to insert “Advisory”.
5. On page 3, in line 13, after “of” to insert “Advisory”.
6. On page 3, in line 14, after “by” to insert “Advisory”.
7. On page 3, in line 15, after “of” to insert “Advisory”.
8. On page 3, in line 16, after “of” to insert “Advisory”.
9. On page 3, in line 17, after “of” to insert “Advisory”.
10. On page 3, in line 18, after “of” to insert “Advisory”.
11. On page 3, in line 19, after “of” to insert “Advisory”.
12. On page 3, in line 21, after “of” to insert “Advisory”.
13. On page 3, after line 25, to insert:
 22. Implementation protocol.
14. On page 3, in line 28, to omit “22” and to substitute “23”.
15. On page 3, in line 29, to omit “23” and to substitute “24”.
16. On page 3, in line 30, to omit “24” and to substitute “25”.
17. On page 3, in line 31, to omit “25” and to substitute “26”.
18. On page 3, in line 32, to omit “26” and to substitute “27”.
19. On page 3, in line 33, to omit “27” and to substitute “28”.
20. On page 3, in line 34, to omit “28” and to substitute “29”.
21. On page 3, in line 35, to omit “29” and to substitute “30”.
22. On page 3, in line 35, to omit “Suspension or withdrawal” and to substitute “Withdrawal”.

23. On page 3, in line 38, to omit “30” and to substitute “31”.
24. On page 3, in line 39, to omit “31” and to substitute “32”.
25. On page 3, in line 40, to omit “32” and to substitute “33”.
26. On page 3, in line 41, to omit “33” and to substitute “34”.
27. On page 3, in line 42, to omit “34” and to substitute “35”.
28. On page 3, in line 43, to omit “35” and to substitute “36”.
29. On page 3, in line 44, to omit “36” and to substitute “37”.
30. On page 3, in line 45, to omit “37” and to substitute “38”.
31. On page 4, in line 3, to omit “38” and to substitute “39”.
32. On page 4, in line 4, to omit “39” and to substitute “40”.
33. On page 4, in line 5, to omit “40” and to substitute “41”.
34. On page 4, in line 6, to omit “41” and to substitute “42”.

CLAUSE 1

1. On page 4, in line 11, to omit “**Board**” and to substitute “**Advisory Board**”.
2. On page 4, in line 13, to omit “has the meaning ascribed to it” and to substitute “means a company as defined”.
3. On page 4, in line 22, to omit “22(6)” and to substitute “23(6)”.
4. On page 4, in line 24, to omit “has the meaning ascribed to it” and to substitute “means a municipal entity as defined”.
5. On page 4, in line 31, to omit “31(4)” and to substitute “32(4)”.
6. On page 4, after line 31, to insert:

“operator permit” means an operator permit issued in terms of section 32(4);
7. On page 4, in line 32, to omit definition of “**person**”.
8. On page 4, from line 33, to omit the definition of “**port of entry**”.
9. On page 4, in line 35, to omit “40” and to substitute “41”.
10. On page 4, from line 36, to omit definition of “**public entity**” and to substitute:

“public entity” means a public entity as defined in section 1 of the Public Finance Management Act and listed in Schedules 2 and 3 to that Act;
11. On page 4, from line 44, to omit the definition of “regional development”.
12. On page 4, in line 48, to omit “23” and to substitute “23(6)”.

13. On page 4, in line 50, to omit “special economic zone licensee” and to substitute “Special Economic Zone entity”.
14. On page 4, in line 50, to omit “24(2)” and to substitute “25(5)”.
15. On page 4, from line 51, to omit the definition of “**support measures**”.
16. On page 4, from line 53, to omit the definition of “targeted investment”.
17. On page 4, in line 55, to omit “40” and to substitute “41”.
18. On page 4, in line 56, after “adding” to insert “or **“value added”**”.

CLAUSE 2

1. On page 5, in line 4, to omit “Special Economic Zones”.

CLAUSE 4

1. On page 5, in line 22, after “promote” to insert “national”.
2. On page 5, in line 26, after “strategic” to insert “national”.
3. On page 5, in line 36, to omit “and”.
4. On page 5, in line 38, after “located” to insert “, including the broadening of economic participation by promoting small, micro and medium enterprises and co-operatives,”.
5. On page 5, in line 38, after “transfer” to omit “.” and substitute “; and”.
6. On page 5, after line 38, to insert:
 - (i) the generation of new and innovative economic activities.
7. On page 5, after line 38, to insert:
 - (3) For the purpose of this section—
 - (a) **“regional development”** means linkages to, or integration with, the host province’s growth strategies, local economic development of the host municipality and any other relevant cross-provincial economic initiatives; and
 - (b) **“targeted investments”** includes investments in support of government’s economic and industrial development policies.

CLAUSE 5

1. On page 5, in line 41, after “the” to insert “Advisory”.

CLAUSE 6

1. On page 5, in line 45, after “the” to insert “Advisory”.

CLAUSE 7

1. On page 6, in line 5, after “the” to insert “Advisory”.
2. On page 6, in line 10, to omit paragraph (d).

3. On page 6, in line 11, to omit “(e)” and to substitute “(d)”.
4. On page 6, in line 12, to omit “(f)” and to substitute “(e)”.
5. On page 6, in line 13, to omit “(g)” and to substitute “(f)”.
6. On page 6, in line 14, to omit paragraph (h).
7. On page 6, in line 15, to omit “(i)” and to substitute “(g)”.
8. On page 6, in line 16, to omit “(j)” and to substitute “(h)”.
9. On page 6, in line 19, to omit “(k)” and to substitute “(i)”.
10. On page 6, in line 19, to omit “three” and to substitute “five”.
11. On page 6, in line 21, to omit “(j)” and to substitute “(h)”.
12. On page 6, in line 22, to omit “(k)” and to substitute “(i)”.
13. On page 6, in line 23, after “the” to insert “Advisory”.
14. On page 6, in line 27, to omit “(2)(j) and (k)” and to substitute “(2)(h) and (i)”.
15. On page 6, in line 28, after the first “the” to insert “Advisory”.
16. On page 6, in line 29, after the second “the” to insert “Advisory”.
17. On page 6, in line 32, after the second “the” to insert “Advisory”.
18. On page 6, in line 35, after “Director-General” to insert “or, where appropriate, Deputy Director-General”.
19. On page 6, in line 36, after “the” to insert “Advisory”.
20. On page 6, in line 36, to omit “(i)” and to substitute “(g)”
21. On page 6, from line 37, to omit subsection (7) and to substitute:
 - (7) (a) The Minister must appoint an alternate member for each of the members contemplated in subsection (2)(a) to (h) to attend a meeting of the Advisory Board in the event that a member concerned is unable to attend the meeting.
 - (b) In case of a member contemplated in subsection (2)(a) to (g), the alternate member may not be below the position of Deputy Director-General or an equivalent position.
22. On page 6, in line 42, after the first “the” to insert “Advisory”.
23. On page 6, in line 43, to omit “(2)(k)” and to substitute “(2)(i)”.

CLAUSE 8

1. On page 6, in line 44, after the second “of” to insert “**Advisory**”.
2. On page 6, in line 45, after “the” to insert “Advisory”.
3. On page 6, in line 45, after “Board” to insert “contemplated in section 7(2)(h) and (i)”.
4. On page 6, in line 48, to omit “are” and to substitute “may be”.

5. On page 6, in line 48, to omit “only”.
6. On page 6, in line 49, after “office” to insert “only”.
7. On page 6, after line 49, to insert:

(2) Members of the Advisory Board contemplated in section 7(2)(a) to (g) are appointed to office by virtue of their offices.
8. On page 6, in line 50, to omit “(2)” and to substitute “(3)”.
9. On page 6, in line 51, to omit “all” and to substitute “such”.
10. On page 6, in line 51, after “the” to insert “Advisory”.

CLAUSE 9

1. On page 6, in line 52, after “**of**” to insert “**Advisory**”.
2. On page 6, in line 53, to omit “appointed as”.
3. On page 6, in line 53, after “the” to insert “Advisory”.

CLAUSE 10

1. On page 7, in line 10, after “**on**” to insert “**Advisory**”.
2. On page 7, in line 11, after the first “the” to insert “Advisory”.
3. On page 7, in line 13, to omit “appointment to the” and to substitute “membership of the Advisory”.
4. On page 7, in line 16, after “the” to insert “Advisory”.

CLAUSE 11

1. On page 7, in line 23, after “**of**” to insert “**Advisory**”.
2. On page 7, in line 24, after “The” to insert “Advisory”.
3. On page 7, in line 38, to omit “licensees and operators” and to substitute “a Special Economic Zone Board and an operator”.
4. On page 7, from line 42, to omit paragraph (h) and to substitute:

(h) advise the Minister on minimum norms and standards required for the provision of a one stop shop in a Special Economic Zone;
5. On page 7, in line 47, after “The” to insert “Advisory”.

CLAUSE 12

1. On page 7, in line 52, after “**of**” to insert “**Advisory**”.
2. On page 7, in line 53, after “the” to insert “Advisory”.
3. On page 7, in line 56, after the second “the” to insert “Advisory”.
4. On page 8, in line 2, after “the” to insert “Advisory”.

CLAUSE 13

1. On page 8, in line 4, after “**by**” to insert “**Advisory**”.
2. On page 8, in line 5, after second “the” to insert “Advisory”.
3. On page 8, in line 6, after “the” to insert “Advisory”.
4. On page 8, in line 7, after “the” to insert “Advisory”.
5. On page 8, in line 9, after “the” to insert “Advisory”.
6. On page 8, in line 10, after “the” to insert “Advisory”.
7. On page 8, in line 12, after “the” to insert “Advisory”.
8. On page 8, in line 13, after “the” to insert “Advisory”.
9. On page 8, in line 19, after the first “,” to insert “a”.
10. On page 8, in line 19, after the second “,” to insert “or the”.
11. On page 8, from line 19, to omit all the words from “or” up to and including “Zone” in line 20.
12. On page 8, in line 25, after “the” to insert “Advisory”.
13. On page 8, in line 26, after “the” to insert “Advisory”.
14. On page 8, in line 27, after the second “the” to insert “Advisory”.
15. On page 8, in line 28, after the second “the” to insert “Advisory”.

CLAUSE 14

1. On page 8, in line 33, after “**of**” to insert “**Advisory**”.
2. On page 8, in line 34, after “The” to insert “Advisory”.
3. On page 8, in line 35, after the second “the” to insert “Advisory”.
4. On page 8, in line 36, after “the” to insert “Advisory”.
5. On page 8, in line 37, after “the” to insert “Advisory”.
6. On page 8, in line 39, after “of” to insert “the Advisory”.
7. On page 8, in line 42, after “the” to insert “Advisory”.
8. On page 8, in line 44, after the second “the” to insert “Advisory”.
9. On page 8, in line 46, after the second “the” to insert “Advisory”.
10. On page 8, in line 48, after the first “the” to insert “Advisory”.
11. On page 8, in line 50, after the second “the” to insert “Advisory”.
12. On page 8, in line 53, after the second “the” to insert “Advisory”.
13. On page 8, in line 55, after “The” to insert “Advisory”.

14. On page 9, in line 2, after “the” to insert “Advisory”.
15. On page 9, in line 3, after “The” to insert “Advisory”.

CLAUSE 15

1. On page 9, in line 5, after “of” to insert “Advisory”.
2. On page 9, in line 6, after “The” to insert “Advisory”.
3. On page 9, in line 8, after “the” to insert “Advisory”.

CLAUSE 16

1. On page 9, in line 11, after “of” to insert “Advisory”.
2. On page 9, in line 12, after “The” to insert “Advisory”.
3. On page 9, in line 15, after “The” to insert “Advisory”.
4. On page 9, in line 18, after “the” to insert “Advisory”.

CLAUSE 17

1. On page 9, in line 19, after “of” to insert “Advisory”.
2. On page 9, in line 21, after the second “the” to insert “Advisory”.

CLAUSE 18

1. On page 9, in line 26, after “of” to insert “Advisory”.
2. On page 9, in line 28, after the third “the” to insert “Advisory”.
3. On page 9, in line 31, after the first and second “the” to insert “Advisory”.
4. On page 9, in line 33, to omit “approval” and to substitute “concurrence”.

CLAUSE 19

Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Dissolution of Advisory Board

19. (1) The Minister may, after consultation with the Advisory Board, dissolve the Advisory Board on any reasonable ground.

(2) Within 30 days of the dissolution of the Advisory Board, the Minister must appoint an interim Advisory Board consisting of at least four persons contemplated in section 7(2)(a) to (g).

(3) The interim Advisory Board assumes, and must perform, the functions of the Advisory Board in terms of this Act.

(4) The Minister must, within six months of the appointment of the interim Advisory Board, appoint the members of the new Advisory Board.

CLAUSE 20

1. On page 9, in line 49, to omit “source,” and to substitute “source of money for the fund, and the”.

CLAUSE 21

1. On page 10, after line 8, to insert:
 - (3) Nothing in this section precludes a municipality, provincial government or public entity from designing its own support measures and incentive schemes to support the development and operation of a Special Economic Zone.

NEW CLAUSE

1. To insert the following clause after clause 21:

Implementation protocol

22. (1) The Minister may, in terms of section 35 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), enter into an implementation protocol with any organ of state that the Minister may deem appropriate, including—

- (a) the Minister responsible for environmental affairs;
- (b) the Minister responsible for home affairs;
- (c) the Minister responsible for labour; or
- (d) the Minister responsible for finance.

(2) The implementation protocol may deal with—

- (a) implementation and operation of a one stop shop; or
- (b) any other matter requiring the co-ordination of the functions of organs of state that may be appropriate or required for the proper regulation and development of Special Economic Zones.

(3) The Minister must, in the annual report of the Department referred to in section 40(1)(d) of the Public Finance Management Act, include a report on the conclusion and implementation of the protocols contemplated in subsection (1), if any, and the implementation of one stop shops in Special Economic Zones.

CLAUSE 22

1. On page 10, in line 12, to omit “22” and to substitute “23”.
2. On page 10, in line 17, after “further” to insert “national”.
3. On page 10, in line 27, to omit “and” and to substitute “or”.
4. On page 10, in line 33, after “The” to insert “Advisory”.
5. On page 10, in line 37, after “The” to insert “Advisory”.
6. On page 10, in line 39, after the second “the” to insert “Advisory”.
7. On page 10, in line 39, after “Board” to insert “and after consultation with the Minister of Finance”.

8. On page 10, after line 43, to insert:
 - (7) Before designating an area as a Special Economic Zone, the Minister must—
 - (a) publish his or her intention to do so in the *Gazette* for public comment; and
 - (b) give the public 30 days to make written comment on his or her intention to designate.

CLAUSE 23

1. On page 10, in line 45, to omit “**23**” and to substitute “**24**”.
2. On page 10, from line 45, to omit subsections (1) and (2) and to substitute:
 - (1) Despite section 23, the Minister may, on his or her own accord, designate an area as a Special Economic Zone in pursuance of strategic national interests.
3. On page 10, in line 55, to omit “(3)” and to substitute “(2)”.
4. On page 11, in line 5, to omit “(4)” and to substitute “(3)”.
5. On page 11, in line 9, to omit “(5)” and to substitute “(4)”.
6. On page 11, in line 9, after first “may” to insert “, after consultation with the Minister of Finance,”.
7. On page 11, in line 12, to omit “(6)” and to substitute “(5)”.
8. On page 11, in line 15, to omit “subsequent transshipment,”.
9. On page 11, in line 19, to omit “transshipment or re-export; and” and to substitute “export;”.
10. On page 11, after line 19, to insert:
 - (c) “**port of entry**” means a place designated as a place of entry for the control of vessels, aircraft, trains, vehicles, goods and persons entering the Republic; and
11. On page 11, in line 20, to omit “(c)” and to substitute “(d)”.

CLAUSE 24

1. On page 11, in line 25, to omit “**24**” and to substitute “**25**”.
2. On page 11, from line 26, to omit paragraphs (a) and (b) and to substitute:
 - (a) establish an entity to manage the Special Economic Zone; and
 - (b) provide the entity with resources and means necessary to manage the Special Economic Zone including the transfer of ownership or control of land comprising the area designated as a Special Economic Zone.
3. On page 11, from line 33, to omit paragraph “(c)”.

4. On page 11, after line 34, to insert:
 - (2) In the case of a national or provincial government or a public entity licensee, the entity must be established as a national government business enterprise or a provincial government business enterprise contemplated in section 1 of the Public Finance Management Act.
 - (3) In the case of a municipality or municipal entity licensee, the entity must be established as a municipal entity contemplated in section 1 of the Municipal Systems Act.
 - (4) In the case of a public-private partnership licensee, the entity must be established as a company.
5. On page 11, in line 35, to omit “(2)” and to substitute “(5)”.
6. On page 11, in line 36, to omit the second “and”.
7. On page 11, in line 37 after “zone” to insert “entity”.
8. On page 11, in line 38, to omit “(3)” and to substitute “(6)”.
9. On page 11, in line 42, after “a” to insert “municipality or”.

CLAUSE 25

1. On page 11, in line 51, to omit “**25**” and to substitute “**26**”.
2. On page 11, in line 51, to omit “licensee” and to substitute “Special Economic Zone Board”.
3. On page 12, in line 1, to omit “licensee” and to substitute “Special Economic Zone Board”.
4. On page 12, in line 3, after “zone” to insert “entity”.

CLAUSE 26

1. On page 12, line 5, to omit “**26**” and to substitute “**27**”.
2. On page 12, in line 5, to omit “licensee must, at least three” and to substitute “Special Economic Zone Board must, at least two”.
3. On page 12, in line 9 after “zone” to insert “entity”.
4. On page 12, in line 10 after “zone” to insert “entity”.
5. On page 12, in line 10, to omit “three” and to substitute “two”.

CLAUSE 27

1. On page 12, in line 13, to omit “**27**” and to substitute “**28**”.
2. On page 12, in line 13, to omit “licensee” and to substitute “Special Economic Zone Board”.
3. On page 12, in line 14, to omit “its financial affairs” and to substitute “the financial affairs of the Special Economic Zone entity contemplated in section 25”.
4. On page 12, in line 20 after “zone” to insert “entity”.
5. On page 12, in line 22 after “zone” to insert “entity”.
6. On page 12, in line 26 after “zone” to insert “entity”.

CLAUSE 28

1. On page 12, in line 38, to omit “28” and to substitute “29”.
2. On page 12, in line 38, to omit “Board” and to substitute “Advisory Board, the Special Economic Zone Board”.
3. On page 12, in line 40, to omit “licensee” and to substitute “Special Economic Zone Board”.
4. On page 12, in line 41, to omit “licensee” and to substitute “Special Economic Zone Board”.
5. On page 12, in line 42, to omit “23(4)(b)” and to substitute “24(3)(b)”.
6. On page 12, in line 43, to omit “licensee” and to substitute “Special Economic Zone Board”.
7. On page 12, in line 44 after “zone” to insert “entity”.
8. On page 12, in line 46, to omit “and” and to substitute “,”.
9. On page 12, in line 46, after “duties” to insert “and the term of appointment”.
10. On page 12, in line 47, to omit “Board” and to substitute “Advisory Board, the Special Economic Zone Board”.
11. On page 12, in line 49 after “zone” to insert “entity”.
12. On page 12, in line 50 after “zone” to insert “entity”.
13. On page 12, after line 50, to insert:

(4) Where the Minister acts in terms of subsection (3), the Minister must review the appointment of the administrator within 90 days of the appointment and after consultation with the Advisory Board, the Special Economic Zone Board, and the licensee concerned.

(5) The costs associated with the appointment of the administrator in terms of this section will be for the Special Economic Zone entity concerned.

CLAUSE 29

1. On page 12, in line 51, to omit “**Suspension or withdrawal**” and to substitute “**Withdrawal**”
2. On page 12, in line 52, to omit “29” and “28” and to substitute “30” and “29” respectively.
3. On page 12, in line 53, after the first “the” to insert “Advisory”.
4. On page 12, in line 53, to omit “suspend or”.
5. On page 12, from line 54, to omit “government’s industrial development objectives” and to substitute “the purpose set out in section 4”.

6. On page 13, from line 1 to line 9, to omit subsections (2) and (3) and to substitute:
 - (2) Before withdrawing a designation in terms of subsection (1), the Minister must—
 - (a) inform the affected licensee, Special Economic Zone Board, operator and businesses located in the affected Special Economic Zone of the intention to withdraw the designation and the reasons for the intended withdrawal; and
 - (b) give the affected licensee, Special Economic Zone Board, operator and businesses 30 days to submit written comments to the Minister.
 - (3) The lawful activities of any business located within a Special Economic Zone that has entered into a written agreement with the operator are not affected by the withdrawal of the designation of that Special Economic Zone in terms of this section.
 - (4) Nothing contained in this Act precludes the Minister from re-designating an area whose designation as a Special Economic Zone has been withdrawn.

CLAUSE 30

1. On page 13, in line 13, to omit “**30.**” and to substitute “**31. (1)**”.
2. On page 13, in line 13, to omit “licensee must, following” and to substitute “Special Economic Zone Board must follow”.
3. On page 13, in line 14, to omit “appoint” and to substitute “when appointing”.
4. On page 13, in line 15, to omit “licensee” and to substitute “Special Economic Zone entity”.
5. On page 13, after line 15, to insert:
 - (2) Notwithstanding subsection (1), only a Special Economic Zone entity established by a public-private partnership licensee may also develop, operate and manage the Special Economic Zone concerned.

CLAUSE 31

1. On page 13, in line 17, to omit “**31**” and to substitute “**32**”.
2. On page 13, in line 20, to omit “licensee” and to substitute “Special Economic Zone Board”.
3. On page 13, in line 21, to omit “30” and to substitute “31”.
4. On page 13, in line 22, to omit “(herein after referred to as an operator permit)”.
5. On page 13, from line 24, to omit subsection (3) and to substitute:
 - (3) The Advisory Board—
 - (a) must consider the application;
 - (b) may require an applicant to supply additional information necessary to consider the application;
 - (c) may request an applicant to appear before it for the purpose of making an oral submission at the applicant’s expense;

- (d) may require any interested party, including an organ of state affected by such application to comment on the application in writing; and
 - (e) must recommend to the Minister whether or not the applicant is eligible for an operator permit.
6. On page 13, in line 31, after the second “the” to insert “Advisory”.

CLAUSE 32

1. On page 13, in line 39, to omit “**32**” and to substitute “**33**”.
2. On page 13, in line 40, to omit “licensee” and to substitute “Special Economic Zone Board”.
3. On page 13, in line 41, to omit “30” and to substitute “31”.
4. On page 13, in line 43, to omit “capital” and to substitute “financial resources”.

CLAUSE 33

1. On page 14, in line 2, to omit “**33**” and “31(4)” and to substitute “**34**” and “32(4)” respectively.
2. On page 14, in line 3, after the second “the” to insert “Advisory”.
3. On page 14, in line 3, after the third “the” to insert “written”.
4. On page 14, in line 4, to omit “licensee” and to substitute “Special Economic Zone Board”.
5. On page 14, in line 12, after the third “the” to insert “Advisory”.

CLAUSE 34

1. On page 14, in line 21, to omit “**34**” and to substitute “**35**”.
2. On page 14, in line 21, to omit “licensee” and to substitute “Special Economic Zone Board”.
3. On page 14, in line 25, to omit “plans approved by the Minister” and to substitute “written agreement contemplated in section 34(1)”.
4. On page 14, in line 41, after “the” to insert “Advisory”.
5. On page 14, from line 42, to omit paragraph (i) and to substitute:
 - (i) recommend to the Special Economic Zone Board whether or not to approve an application by a business to locate within the Special Economic Zone in terms of section 38.

CLAUSE 35

1. On page 14, in line 55, to omit “**35**” and to substitute “**36**”.
2. On page 15, in line 10, to omit “make representations” and to substitute “submit written comments”.

7. On page 15, after line 10, to insert:

(3) The Minister must inform the Special Economic Zone Board in writing of the decision to suspend or withdraw an operator permit in terms of this section.

8. On page 15, in line 11, to omit “(3)” and to substitute “(4)”

CLAUSE 36

1. On page 15, in line 16, to omit “36” and to substitute “37”.
2. On page 15, in line 16, after “may” to insert “, subject to section 31(1),”
3. On page 15, in line 23, after the second “the” to insert “Advisory”.

CLAUSE 37

1. On page 15, in line 34, to omit “37” and substitute “38”.
2. On page 15, in line 35, to omit “Minister” and to substitute “Special Economic Zone Board”
3. On page 15, in line 39, to omit “23(5)” and to substitute “24(4)”.
4. On page 15, in line 42, to omit “criterion” and to substitute “criteria”.
5. On page 15, from line 43, to omit subsection (3) and to substitute:

(3) The Special Economic Zone Board may, after considering the recommendations of the operator, approve the application of a business to locate within that Special Economic Zone, with or without conditions.

CLAUSE 38

1. On page 15, in line 49 to omit “38” and to substitute “39”.
2. On page 16, in line 1, to omit the first “IDZ” and to substitute “industrial development zone”.
3. On page 16, from line 2, to omit all the words after “force” up to and including “31(4)” in line 4 and to substitute “and must be regarded as a Special Economic Zone operator permit issued under this Act”.
4. On page 16, after line 4, to insert:

(4) Any industrial development zone enterprise approved to be located in an industrial development zone under the IDZ Regulations before this Act comes into operation, must be regarded as a business approved to be located in a Special Economic Zone in terms of this Act: Provided that such a business must comply with the criteria in section 24(4) and section 38(3).

(5) Notwithstanding subsections (2), (3) and (4), any industrial development zone operator must ensure that the industrial development zone complies with the framework regulating Special Economic Zones in terms of this Act, within three years of commencement of this Act.

5. On page 16, in line 5, to omit “(4)” and to substitute “(6)”.

CLAUSE 39

1. On page 16, in line 11, to omit “**39**” and to substitute “**40**”.
2. On page 16, in line 11, after “the” to insert “Advisory”.

CLAUSE 40

1. On page 16, in line 19, to omit “**40**” and to substitute “**41**”.
2. On page 16, in line 19, after “the” to insert “Advisory”.
3. On page 16, in line 28, to omit “make written representation” and substitute “submit written comments”.
4. On page 16, in line 30, to omit “written representation” and substitute “the written comments”.

CLAUSE 41

1. On page 16, in line 32, to omit “**41**” and to substitute “**42**”.