

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 787

04 AUGUST 2017

AMENDING NOTICE NO: 185 OF 2006 IN THE GOVERNMENT GAZETTE NO: 28458 DATED 10 FEBRUARY 2006

Notice is hereby given in terms of **Section 11A (4) of the Restitution of Land Rights Act 1994 (ACT 22 OF 1994)** as amended, that the **Commissioner for Restitution of Land Rights** is amending the said gazette to only publish portion 21 and withdraw other portions as they were inadvertently included in the said gazette. The claim has been lodged by **Mr Kiwitt Boetie Mthimunye (Identity. NO. 520109 5322 086)** on behalf of Mthimunye Family. The property is situated in **Albert Luthuli Local Municipality** under **Gert Sibande District** under **Mpumalanga Province** as per reference **KRP No. 9935**.

CURRENT PARTICULARS OF THE PROPERTY
FRISCHGEWAAGD 409 JT

Description of Property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsement
Remaining extent of Portion 21	Oak Alley Farm Pty Ltd (92/00106/07)	T65882/1998	384 9336 ha	None	None	<ul style="list-style-type: none"> • K2828/1974 RM in favour of Pote Edga Mortimer • K929/1995S • VA3067/1998 • Consolidated from Portion 1 and 14

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 (thirty days)** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X 11330

Nelspruit

1200

or 30 Samora Machel Drive


Restitution House


Nelspruit

1200

TEL NO: 013 756 6000

FAX NO: 013 752 3859


CHECKED BY: MISS: CAROLINE FIPAZA
LEGAL OFFICER
DATE: 07/08/2017


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 20/07/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 788

04 AUGUST 2017

AMENDING NOTICE NO: 1591 OF 2006 IN THE GOVERNMENT GAZETTE NO: 29364 DATED 08 NOVEMBER 2006

Notice is hereby given in terms of **Section 11A(4) of the Restitution of Land Rights Act 1994 (ACT 22 OF 1994) as amended**, that the **Commissioner for Restitution of Land Rights** is amending the said gazette to withdraw other portions in the said gazette. The Commissioner is hereby amending the said gazette to only reflect Portion 9 of the farm Fountains 58 JU situated in **Mbombela Local Municipality** under **Ehlanzeni District** under **Mpumalanga Province** as follows:

NAME OF CLAIMANT	IDENTITY NUMBER	KRP
<ul style="list-style-type: none"> Mr. Mfana Nelson Lubisi on behalf of Mashele families 	<ul style="list-style-type: none"> 530714 5685 081 	<ul style="list-style-type: none"> 10347
<ul style="list-style-type: none"> Mr. Mlopetseng John Maile on behalf of Maile family 	<ul style="list-style-type: none"> 530728 5146 084 	<ul style="list-style-type: none"> 10004

CURRENT PARTICULARS OF THE PROPERTY
FOUNTAINS 58 JU

Description of Property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsement
Portion 9	Folly Farm Trust (12359/1993)	T33067/1990	142.3599ha	B7889/2015	First National Bank Ltd	<ul style="list-style-type: none"> K4245/2004L in favour of Folly Farm Trust K773/1951S VA956/2012 in favour of Investec Bank Ltd VA955/2012 in favour of Folly Farm Trust

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 (thirty days)** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X 11330

Nelspruit

1200

or 30 Samora Machel Drive


Restitution House


Nelspruit

1200

TEL NO: 013 756 6000

FAX NO: 013 752 3859


CHECKED BY: MISS: CAROLINE FIPAZA
LEGAL OFFICER
DATE: 07/08/2017


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 20/07/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 789

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of **Section 11(1) of the Restitution of the Land Rights Act 1994 [Act 22 of 1994]** as amended, that a **Land claim** for **Restitution of Land Rights** has been lodged by **Ms. Shonaphi Julia Shongwe (Identity No: 431025 0419 081)** on behalf of Shongwe family on the property mentioned hereunder situated in **Mkhondo Local Municipality in Gert Sibande District in Mpumalanga Province as per reference KRP: 6502**

CURRENT PARTICULARS OF THE PROPERTY
STAFFORD 399 IT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of the farm 399 IT	Sappi Southern Africa Ltd (195100318006)	T4164/2014	556.7686 ha (extent of claimed land is 50.0000 ha)	None	None	<ul style="list-style-type: none"> K4797/2003RM In favour of De Beers Consolidated Mines VA637/2013 in favour of Lotzaba Forests Ltd

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 (thirty days)** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X11330

Nelspruit

1200

Or 30 Samora Machel Drive

Restitution House

Nelspruit

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TEL NO: 013 – 756 6000

FAX NO: 013 – 752 3859

CHECKED BY: MISS: CAROLINE FIPAZA

LEGAL OFFICER

DATE: 07/08/2017

MR. L.H. MAPHUTHA

REGIONAL LAND CLAIMS COMMISSIONER

MPUMALANGA PROVINCE

DATE: 20/07/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 790

04 AUGUST 2017

AMENDING NOTICE NO: 1885 OF 2005 IN THE GOVERNMENT GAZETTE NO: 28122 DATED 21 OCTOBER 2005

Notice is hereby given in terms of Section 11A (4) of the Restitution of Land Rights Act 1994 (ACT 22 OF 1994) as amended, that the **Commissioner for Restitution of Land Rights** is hereby amending the said gazette to only reflect portion 21 of the farm 327 IS and withdraw other properties as they were inadvertently published. The property is situated in Govan Mbeki Municipality under Gert Sibande District under **Mpumalanga Province** as follows:

NAME OF THE FARM	CLAIMANTS	KRP	IDENTITY NUMBER	
RIETFontein 327 IS	<ul style="list-style-type: none"> Lucas Menzelwa Mahlangu (on behalf of Mahlangu family) 	<ul style="list-style-type: none"> 1255 	<ul style="list-style-type: none"> 621218 5408 080 	
	<ul style="list-style-type: none"> Mayedwa Edward Mahlangu (on behalf of Mahlangu family) 	<ul style="list-style-type: none"> 1207 	<ul style="list-style-type: none"> 4110075175086 	
	<ul style="list-style-type: none"> Mandlabo Albert Mthombeni (on behalf of Mthombeni family) 	<ul style="list-style-type: none"> 5417 	<ul style="list-style-type: none"> 5404135488087 	

**CURRENT PARTICULARS OF THE PROPERTY
RIETFontein 327 IS**

Description of Property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsement
Portion 1	F.D. Rietplaas Pty Ltd [94/04235/07]	T7301/1995	209,6811ha	None	None	<ul style="list-style-type: none"> • K2621/1990RM • K2980/1978RM in favour of W/omarans Magel Margaretha • K3367/1994S

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30(thirty days)** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X 11330

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or 30 Samora Machel Drive

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FAX NO: 013 752 3859

CHECKED BY: MISS: CAROLINE FIPAZA

LEGAL OFFICER

DATE: 07/08/2017

MR. L.H. MAPHUTHA

REGIONAL LAND CLAIMS COMMISSIONER

MPUMALANGA PROVINCE

DATE: 20/07/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 791

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of the Land Rights Act 1994 (Act 22 of 1994) as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Mr. Stephen Molelekwa Matsane (Identity No. 400103 5144 082)** on behalf of **Matsane family** on property mentioned hereunder situated in **Thaba Chweu Local Municipality in Ehlanzeni District, Mpumalanga Province** as per reference **KRP 341**

CURRENT PARTICULARS OF THE PROPERTIES
RHENOSTERHOEK 213 JT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 2	York Timbers Pty Ltd [199900641107]	T127464/2007	1689,9620 ha (Extent of Claimed Land is 13.5784 ha)	B153424/2007	Mica Wber 558 Pty Ltd	K7071/2007S K86/1950RM

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

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1200


Or 30 Samora Machel Drive

Nelspruit

1200

Tel No: 013 756 6000

Fax No: 013 752 3859

 **CHECKED BY: MISS: CAROLINE FIPAZA**

LEGAL OFFICER

DATE: 04/08/2017

 **MR. L.E. MAPHUTHA**
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE

DATE: 20/07/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 792

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11[1] of the Restitution of the Land Rights Act 1994 (Act 22 of 1994) as amended, that a Land claim for **Restitution of Land Rights** has been lodged by **Mr Daniel Ndoda Moela(Identity number 5912235660082)** on behalf of **Mapulana (Thabakgolo) Community** on the property mentioned hereunder situated in Bushbuckridge Local Municipality in Ehlanzeni District in Mpumalanga Province as per reference KRP: 11724

CURRENT PARTICULARS OF THE PROPERTY
ONVERWACHT 501 KT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining extent of the farm 501 KT	Republic of South Africa	T9104/1934	871.0853 ha	None	None	<ul style="list-style-type: none"> • K413A / 1934S • VA475 / 1977 – 9104 / 34T
Portion 1	National Government of the Republic of South Africa	T38419/2003	1166.7482ha	None	None	None
Portion 2	National Government of the Republic of South Africa	T38419/2003	T38419/2003	None	None	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 (thirty days)** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X 11330

Nelspruit

1200

or 30 Samora Machel Drive

Restitution House

Nelspruit

1200

TEL NO: 013 756 6000

FAX NO: 013 752 3859

CHECKED BY: MISS: CAROLINE FIPAZA

LEGAL OFFICER

DATE: 04/08/2017

MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE

DATE: 20/07/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 793

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended**, that a **Land claim for Restitution of Land Rights** has been lodged by **Mr. Phata Ezrom Shabangu (Identity No. 600101 7138 084)** on behalf of Shabangu family on the property mentioned hereunder situated in **Musukaligwa Local Municipality in Gert Sibande District in Mpumalanga Province as per reference KRP: 6495**

CURRENT PARTICULARS OF THE PROPERTY
DAVID DALE 255 IT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 3	Lereko Prop Co Pty Ltd {200503829507}	T15301/2008	558.7458 ha (extent of claimed land is 12.7711ha)	B14286/2008	Sappi Manufacturing Pty Ltd	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 (thirty days)** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X 11330

Nelspruit

1200

or 30 Samora Machel Drive


Restitution House

Nelspruit

1200

TEL NO: 013 756 6000

FAX NO: 013 752 3859

 **CHECKED BY: MISS: CAROLINE FIPAZA**

LEGAL OFFICER

DATE: 07/08/2017

 **MR. L.H. MAPHUTHA**

REGIONAL LAND CLAIMS COMMISSIONER

MPUMALANGA PROVINCE

DATE: 20/07/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 794

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended, that a Land claim for Restitution of Land Rights has been lodged by Mr. Zakeun Simele Masina (Identity No: 470402 5256 085) on behalf of Masina family on the property mentioned hereunder situated in Mkhondo Local Municipality in Gert Sibande District in Mpumalanga Province as per reference KRP: 204

CURRENT PARTICULARS OF THE PROPERTY
TWEEPOORT 404 IT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 7	Mondi Ltd [196701303806]	T70611/1999	528.1679 ha (extent of claimed land is 5,7757 ha)	None	None	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X11330

Nelspruit

1200

Or 30 Samora Machel Drive

Restitution House

Nelspruit

1200

TEL NO: 013 – 756 6000

FAX NO: 013 – 752 3859



CHECKED BY: MISS: CAROLINE FIPAZA

LEGAL OFFICER

DATE: 07/08/2017



MR. L.H. MAPHUTHA

REGIONAL LAND CLAIMS COMMISSIONER

MPUMALANGA PROVINCE

DATE: 20/07/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 795

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of the Land Rights Act 1994 (Act 22 of 1994) as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Ms. Bellina Poppie Malinga (Identity Number 370103 0162 085)** on behalf of **Malinga Family** on the property mentioned hereunder situated under **Lekwa Local Municipality in Gert Sibande District under Mpumalanga Provinces as per reference KRP 9112**

VLAKFONTEIN 484 IS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of Portion 4	Westend Boerdery Pty Ltd (198100399407)	T57057/1998	588,6117 ha (Extent of Claimed Land is 0.7274 ha)	B16717/2002 B6545/2014 B7110/2010	Land & Agricultural Development Bank of SA Land & Agricultural Development Bank of SA Land & Agricultural Development Bank of SA	K188/1983RM in favour of Van Dyk Lea Johanna VA12285/2008 in favour of Westend Boerdery Pty Ltd

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 (thirty days)** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X11330

Nelspruit

1200


Or 30 Samora Machel Drive

Nelspruit

1200

Tel No: 013 756 6000

Fax No: 013 752 3859

 CHECKED BY: MISS CAROLINE FIPAZA

LEGAL OFFICER

DATE: 02/06/2017

 MR. L.H. MAPHUTHA

REGIONAL LAND CLAIMS COMMISSIONER

MPUMALANGA PROVINCE

DATE: 2017/07/11

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 796

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of **Section 11(1) of the Restitution of the Land Rights Act 1994 (Act 22 of 1994)** as amended, that a land claim for **Restitution of Land Rights** has been lodged on the following property mentioned hereunder situated under **Lekwa Local Municipality, Gert Sibande District in Mpumalanga Province** as follows:

Name of Claimant	Identity Number	KRP
Ms. Bellina Poppie Malinga (on behalf of Malinga Family)	370103 0162 085	9112
Nomagoli Beauty Ndinisa (on behalf of Malinga Family)	460123 0474 083	9184

VLAKFONTEIN 484 IS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of Portion 4	Westend Boerdery Pty Ltd (198100399407)	T57057/1998	588 6117 ha, (Affected extent is 0. 2724ha)	B16717/2002 B6545/2014 B7110/2010	Land & Agricultural Development Bank of SA Land & Agricultural Development Bank of SA Land & Agricultural Development Bank of SA	K188/1983RM in favour of Van Dyk Lea Johanna VA12285/2008 in favour of Westend Boerdery Pty Ltd

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 (thirty days)** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X11330

Nelspruit

1200


Or 30 Samora Machel Drive


Nelspruit

1200

Tel No: 013 756 6000

Fax No: 013 752 3859


CHECKED BY: MISS CAROLINE FIPAZA
LEGAL OFFICER
DATE: 02/06/2017


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 2017/07/11

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 797

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11[1]** of the **Restitution of the Land Rights Act 1994 [Act 22 of 1994]** as amended, that a **Land claim** for **Restitution of Land Rights** has been lodged by **Mr But Jacob Nkosi(Identity NO. 370216 5240 084)** on behalf of Nkosi family on the property mentioned hereunder situated in **Msukaligwa Local Municipality in Nkangala District in Mpumalanga Province as per reference KRP: 6464**

CURRENT PARTICULARS OF THE PROPERTY
DINGLESIDE 397 IT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 1	<ul style="list-style-type: none"> Sappi Manufacturing Pty Ltd {195100318007} Lereko Prop Co Pty Ltd {200503829507} 	T14620/2008	514.8404 ha {affected extent 0.8528}	<ul style="list-style-type: none"> B13914/2008 B13915/2008 	<ul style="list-style-type: none"> Sappi Ltd Sappi Manufacturing Pty Ltd 	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X 11330

Nelspruit

1200

or 30 Samora Machel Drive


Restitution House


Nelspruit

1200

TEL NO: 013 756 6000

FAX NO: 013 752 3859


CHECKED BY: MISS: CAROLINE FIPAZA
LEGAL OFFICER
DATE: 07/06/2017


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 20/7/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 798

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of the Land Rights Act 1994 (Act 22 of 1994) as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Mr. Mbalekoa Mooiman Mthsweni** (Identity No. 2610105155083) on behalf of **Mthsweni Family** on the property mentioned hereunder situated in **Steve Tshwete Local Municipality in Nkangala District in the Mpumalanga Province as per reference KRP: 6450**

CURRENT PARTICULARS OF THE PROPERTY
WONDERHOEK 376 JS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of Portion 1	National Government of the Republic of South Africa	T6414/2012	192.7683ha	None	None	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 (thirty days) from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X7201

Witbank

1035

or Shop No. E 8

Saveways Crescent Centre

Cnr OR Tambo and Mandela Street

Witbank

1035

TEL NO: 013 655 1000

FAX NO: 013 690 2438

CHECKED BY: MISS: CAROLINE FIPAZA

LEGAL OFFICER

DATE: 07/08/2017

MR. L.H. MAPHUTHA

REGIONAL LAND CLAIMS COMMISSIONER

MPUMALANGA PROVINCE

DATE: 20/07/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 799

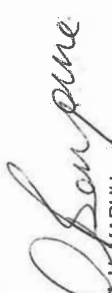
04 AUGUST 2017

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

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

REF NO.	CLAIMANT	PROPERTY	LOT NUMBER	DISTRICT	CURRENT OWNER	LAND	INTERESTED PARTIES
D 0215	AHMED DOCRAT	PAGEVIEW	STAND 415(95)	JOHANNESBURG METROPOLITAN	JOHANNESBURG METROPOLITAN		The Restitution Claimants and Committee Department of Rural Development and Land Reform Johannesburg Metropolitan Municipality Land Claimants

has/have been submitted to the office of the Regional Land Claim Commission. The Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of Rule 5 of the Rules Regarding Procedure of Commission Established in terms of section 16 of Restitution of Land Rights Act as amended. Any interested party on the claim is hereby invited to submit, representations in terms of section 11A of the Restitution of Land Rights Act No. 22 of 1994 as amended within 21 (twenty one) working days from the publication date of this notice, any comments/information may be send to:


 MR. L.H. MAPHELE
 The Regional Land Claims Commissioner
 Gauteng Province
 Private Bag X 03
 ARCADIA
 0007
 TEL: (012) 310-6500/6620
 FAX: (012) 323-2961

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 800

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of **Section 11(1) of the Restitution of the Land Rights Act 1994 (Act 22 of 1994)** as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Mr. Mosotho Meetse Geelbooi (Identity No. 150730 5051 081)** on behalf of **Mosotho Community** on property mentioned hereunder situated in **Highlands Local Municipality in Emakhazeni District, Mpumalanga Province** as per reference **KRP 433**

CURRENT PARTICULARS OF THE PROPERTIES
WAGENBETJIESHOEK 991 JT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of the farm 991 JT	Autum Star Trading 630 Pty Ltd (200503296607)	T9809/2010	948.4021 ha	B4821/2010	Absa bank Ltd	K469/2012S
Portion 24	S A Greeff Family Trust (12806/2007)	T11780/2013	3000.0000sqm	B4821/2010	None	None
Portion 44	Niemand Chris (5210285096087)	T168/2011	3000.0000sqm	B5314/2015 B53/2011 B4821/2010	Investec Bank Ltd Investec Bank Ltd	None
Portion 96	Chabula Palesa Pamela (7402260588083)	T7653/2012	3000.0000sqm	None	None	None
Portion 110	Becker Leonard Hermanus (3404075014085)	T169/2011	3.3000 ha	None	None	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X11330

Nelspruit

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Or 30 Samora Machel Drive


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Fax No: 013 752 3859


CHECKED BY: MISS: CAROLINE FIPAZA
LEGAL OFFICER
DATE: 04/08/2017


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 20/07/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 801

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of the Land Rights Act 1994 (Act 22 of 1994) as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Mr. Mosotho Meetse Geelbooi (Identity No. 150730 5051 081)** on behalf of **Mosotho Community** on property mentioned hereunder situated in **Highlands Local Municipality in Emakhazeni District, Mpumalanga Province** as per reference **KRP 433**

CURRENT PARTICULARS OF THE PROPERTIES

WAGENBIETJIESHOEK 991 JT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of the farm 991 JT	Autum Star Trading 630 Pty Ltd (200503296607)	T9809/2010	948.4021 ha	B4821/2010	Absa bank Ltd	K469/2012S
Portion 24	S A Greeff Family Trust (12806/2007)	T11780/2013	3000.0000sqm	B4821/2010	None	None
Portion 44	Niemand Chris (5210285096087)	T168/2011	3000.0000sqm	B5314/2015 B53/2011 B4821/2010	Investec Bank Ltd Investec Bank Ltd	None
Portion 96	Chabula Palesa Pamela (7402260588083)	T7653/2012	3000.0000sqm	None	None	None
Portion 110	Becker Leonard Hermanus (3404075014085)	T169/2011	3.3000 ha	None	None	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X11330

Nelspruit

1200


Or 30 Samora Machel Drive


Nelspruit

1200

Tel No: 013 756 6000

Fax No: 013 752 3859


CHECKED BY: MISS: CAROLINE FIPAZA
LEGAL OFFICER
DATE: 07/08/2017


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 20/07/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 802

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of the Land Rights Act 1994 (Act 22 of 1994) as amended, that a land claim for **Restitution of Land Rights** has been lodged on the property mentioned hereunder situated in **Thaba Chweu Local Municipality in Ehlanzeni District in Mpumalanga Province** as follows:

Particulars of the Claimants	Identity Number	KRP
• Mr. Josiah John Zumane (on behalf of Mwenya Family)	• 4508255200089	• 6529
• Mr. Mfana Ephraim Maloka (on behalf of Maloka Family)	• 0910015058084	• 1455

CURRENT PARTICULARS OF THE PROPERTY
RIETSPRUIT 572 KT

Description of Property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of the Farm 572 KT	• Lereko Prop Co Pty Ltd (200503829507)	T18055/2008	2572.8765ha	• B16220/2008 • B162221/2008	• Sappi Manufacturing Pty Ltd • Sappi Ltd	• K1243/1973S • K127/1952RM • K4256/1997R M in favor of Sappi Manufacturing Pty Ltd

CONTINUES ON PAGE 130 - PART 2



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PART 2 OF 3

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The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X11330

Nelspruit

1200


or 30 Samora Machel Drive

Nelspruit

1200

TEL NO: 013 756 6000

FAX NO: 013 752 3859


CHECKED BY: MISS CAROLINE FIPAZA
LEGAL OFFICER
DATE: 08/06/2017


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 20/07/17

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 803

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of **Section 11(1) of the Restitution of the Land Rights Act 1994 (Act 22 of 1994)** as amended, that a **Land claim for Restitution of Land Rights** has been lodged by the **Mr. Sigwadi Piet Radebe (Identity. NO. 261128 5113 082) on behalf Mthimunye family** on the property mentioned hereunder situated in Emakhazeni Local Municipality under Nkangala District in Mpumalanga Province as per reference KRP: 3807

CURRENT PARTICULARS OF THE PROPERTY
BLYVOORUITZICHT 383 JT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 23	Exxaro Coal Pty Ltd (200001107807)	T2415/2016	1061.8413ha (Extent of claimed land is 145.7668ha)	None	None	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X7201

Witbank

1035

or Shop No. E 8

Saveways Crescent Centre


Cnr OR Tambo and Mandela Street

Witbank

1035

TEL NO: 013 – 655 1000

FAX NO: 013 – 690 3438


CHECKED BY: MISS CAROLINE FIPAZA
LEGAL OFFICER
DATE: 08/06/2017


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 2017/07/11

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 804

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of the Land Rights Act 1994 (Act 22 of 1994) as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Mr. Mkhulu Jan Skhosana (Identity No. 5310095511083)** on behalf of **Skhosana Family** on the property mentioned hereunder situated in **Steve Tshwete Local Municipality in Nkangala District in the Mpumalanga Province as per reference KRP: 1718**

CURRENT PARTICULARS OF THE PROPERTY
OPTIMUM 554 IS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of The Farm 554 IS	Optimum Coal Mine Pty Ltd (200700530807)	T7200/2009	982,4489ha	B4954/2009	Optrix Security Co Pty Ltd	<ul style="list-style-type: none"> • K2203/1998S • K2424/1977S • K2682/1995S • K2683/1995S • K4094/1995S in favor of B H P Billiton Energy Coal South Africa Ltd • K4674/1991S • K5045/2000S • K5262/1997S in favor of Roetebeepaling Van K2683/95S • K620/1982 • K621/1982S • K792/1961S • K982/1979S

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [thirty days] from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X7201

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or Shop No. E 8

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Cnr OR Tambo and Mandela Street

Witbank

1035

TEL NO: 013 655 1000

FAX NO: 013 690 2438


CHECKED BY: MISS CAROLINE FIPAZA
LEGAL OFFICER
DATE: 08/06/2017


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 21/07/17

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 805

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of the Land Rights Act 1994 (Act 22 of 1994) as amended, that a land claim for **Restitution of Land Rights** has been on the following property mentioned hereunder situated under Albert Luthuli Local Municipality in Gert Sibande District, Mpumalanga Province as follows:

Name of Claimants	Identity Number	KRP
Bantwini Liesbet Nkosi (on behalf of Nkosi Family)	Identity No. 270909 0112 081	6476
Nomsombuluko Lekina Dube (on behalf of Nkosi Family)	Identity No. 470415 0538083	9118

Vlakfontein 484 IS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 25	Lombard Johannes Jacobus (5011235042084)	T76235/1993	214.1330 ha, (Extent of Claimed land is 13.6814)	None	None	K2517/1978 RM in favour of Cloete Susanna Otilia Mullerine

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X11330

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Or 30 Samora Machel Drive


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Tel No: 013 756 6000

Fax No: 013 752 3859


CHECKED BY: MISS CAROLINE FIPAZA
LEGAL OFFICER
DATE: 20/06/2017


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 20/07/17

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 806

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of the Land Rights Act 1994 (Act 22 of 1994) as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Mr. Molateng Peter Ike Maphanga (Identity No. 5207075710083)** on behalf of **Maphanga Family** on the property mentioned hereunder situated in **Greater Tubatse Local Municipality in Sekhukhune District in the Limpopo Province as per reference KRP: 9039**

CURRENT PARTICULARS OF THE PROPERTY
NOOITGEDACHT 487 KT

Description of Property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of the Farm 487 KT	Farm Nooitgedaght 487 KT (CK96/21608/23)	T72332/1996	2000.2061ha	None	None	<ul style="list-style-type: none"> • I-8140/2006C • K486/1948RM • VA5356/2015 in favor of Farm Nooitgedaght 487 KT CC
Portion 1	Papenfus Ethel (Identity No. 4207100014080)	T 54807/2015	112.3603ha	None	None	I-8140/2006C

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X11330

Nelspruit

1200

or 30 Samora Machel Drive

Nelspruit

1200

TEL NO: 013 756 6000

FAX NO: 013 752 3859

CHECKED BY: MISS CAROLINE FIPAZA

LEGAL OFFICER

DATE: 08/06/2017

MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE

DATE: 2017/07/11

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 807

04 AUGUST 2017

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Mr. Mthetwa Boy Mtsweni** (Identity No. 460820 5265 081) on behalf of **Mtsweni Family** on the property mentioned hereunder situated in **Emakhazeni Local Municipality in Nkangala District in the Mpumalanga Province as per reference KRP: 10712**

CURRENT PARTICULARS OF THE PROPERTY

ONGEZEIN 365 JS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of Portion 2	Martiq 756 CC [200207231123]	T9259/2013	357.9358 ha	B5718/2013	Nedbank Ltd	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [thirty days] from the date of publication of this notice to submit any comments, or further information to:

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FAX NO: 013 690 2438



CHECKED BY: MISS: CAROLINE FIPAZA

LEGAL OFFICER

DATE: 07/08/2017



MR. L.H. MAPHUTHA

REGIONAL LAND CLAIMS COMMISSIONER

MPUMALANGA PROVINCE

DATE: 20/07/2017

DEPARTMENT OF TRADE AND INDUSTRY

NO. 808

04 AUGUST 2017

CO-OPERATIVES TO BE REMOVED FROM THE REGISTER

1. MPUNZI TRADING SERVICES AND INDUSTRIAL CO-OP LTD
2. KHINDLIMUKA AGRICULTURAL CO-OP LTD
3. STOP 8 CO-OP LTD
4. MFUNDENI COMMERCIAL FARMERS CO-OP LTD
5. RIDGE FARM PRODUCE CO-OP LTD
6. READIRA CO-OP LTD
7. ITIRELENG BAKUBUNG CO-OP LTD
8. MARULENG STONE CRUSHING CO-OP LTD
9. MAKOKO POULTRY FARMERS CO-OP LTD
10. LUNCEDULWETU FARMERS CO-OP LTD
11. RAINBOW HOUSING CO-OP LTD
12. CHITHINDLALA FARMER TRADING CO-OP LTD
13. NOKUPHILA POULTRY CO-OP LTD
14. MAKADIKWE PRIMARY TRADING CO-OP LTD
15. ARGENTEUM AGRICULTURAL CO-OP LTD
16. NTSIKA YEZWE FRUITS AND VEGETABLES CO-OP LTD
17. MASITHEMBANE CO-OP LTD
18. MATJEBA FARMERS ASSOCIATION CO-OP LTD
19. BHEK'EKHAYA AGRICULTURAL CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation.

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 sixty days.

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives

Dti Campus

77 Meintjies Street

Pretoria

0002

Private Bag X237

Pretoria

0001

DEPARTMENT OF TRADE AND INDUSTRY

NO. 809

04 AUGUST 2017

CO-OPERATIVES TO BE REMOVED FROM THE REGISTER

1. MASISEBENZE PROJECT CO-OP LTD
2. MAKHASANE CO-OP LTD
3. SIYAPHUTHUMA PIGGERY CO-OP LTD
4. MASINCEDISANE CO-OP LTD
5. ROD-THEM-JOE CO-OP LTD
6. CEBE COMMUNAL CO-OP LTD
7. AGANANG YOUTH CONSTRUCTORS CO-OP LTD
8. KOPANO CLOTHING AND TRADING PRIMARY CO-OP LTD
9. LEKGOPHUNG BUILDING MAINTENANCE CONSTRUCTORS CO-OP LTD
10. METALWORKERS CO-OP LTD
11. QHURU FARMERS TRADING CO-OP LTD
12. EZIBELENI BRICK MAKERS AND CONSTRUCTORS CO-OP LTD
13. BOKAMOSO YOUTH CO-OP LTD
14. ZIZANDLA ZETHU AGRICULTURAL CO-OP LTD
15. SILINDOKUHLE MULTI PURPOSE CO-OP LTD
16. LETSEME CO-OP LTD
17. MGAMPUNZI FARMER TRADING CO-OP LTD
18. MASHABA LIVESTOCK FARMERS AGRICULTURAL CO-OP LTD
19. GUGULETHU CO-OP LTD
20. SIBIZUNDLOMBANE CO-OP LTD
21. SIYOVUNA CO-OP LTD
22. ZAMANI CO-OP LTD
23. KAMO DEVIL'S CLAW AGRICULTURAL CO-OP LTD
24. REKOPANE OSTRICH AGRICULTURAL CO-OP LTD
25. INGQUBELA CO-OP LTD
26. LEHURUTSHE FRESH PRODUCE MARKET AGRICULTURAL CO-OP LTD
27. NORTH WEST YOUTH AGRICULTURAL CO-OP LTD
28. UNION 2000 CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation. 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 sixty days.

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives
Dti Campus
77 Meintjies Street
Pretoria
0002

Private Bag X237
Pretoria
0001

DEPARTMENT OF TRADE AND INDUSTRY

NO. 810

04 AUGUST 2017

CO-OPERATIVES TO BE REMOVED FROM THE REGISTER

1. ITHUTENG COMMUNITY PROJECT CO-OP LTD
2. RAKGONYANE PHELA KE PHELE AGRICULTURAL CO-OP LTD
3. MASIBUMBANE PEOPLE CO-OP LTD
4. THOKOZA CO-OP LTD
5. KENAKO COTTAGE INDUSTRIES CO-OP LTD
6. FANANG DIATLA HOUSING CO-OP LTD
7. STEYNSBURG BRICK-MAKERS ASSOCIATION CO-OP LTD
8. SIYATHUTHUKA POULTRY FARMING CO-OP LTD
9. SISONKE MASIPHATHISANE BRICK MAKERS CO-OP LTD
10. JIKELEZA RECYCLING CO-OP LTD
11. KHULA-KHULA AGRICULTURAL CO-OP LTD
12. SUKUMANI FARMERS ASSOCIATION CO-OP LTD
13. STERKSTROOM MASINCEDANE BRICK MAKERS ASSOCIATION CO-OP LTD
14. LUVATSI PRIMARY AGRICULTURAL CO-OP LTD
15. AGRILANQ AGRICULTURAL CO-OP LTD
16. SIYATHOKOZA YOUTH PIGGERY CO-OP LTD
17. TSALAGOGO SEWING PROJECT CO-OP LTD
18. SIYAZENZELA POULTRY CO-OP LTD
19. WISDOM AGRICULTURAL CO-OP LTD
20. MOGOTO YOUTH CO-OP LTD
21. SIQINISEKO CO-OP LTD
22. GRAAFF-REINET EMERGING WOOL GROWERS CO-OP LTD
23. MASIZIZAMELE GREEN GARDEN CO-OP LTD
24. KWADUKUZA POULTRY PRODUCE CO-OP LTD
25. IZWELISHA CO-OP LTD
26. SINELISA-UZULU CO-OP LTD
27. POTSANE CO-OP LTD
28. MPUMELELO LABOUR AND TECHNOLOGY INDUSTRIAL HIVE CO-OP LTD
29. SISONKE MZANSI CO-OP LTD
30. REKAKGONA CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation.

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 sixty days.

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives
Dti Campus
77 Meintjies Street
Pretoria
0002

Private Bag X237
Pretoria
0001

DEPARTMENT OF TRADE AND INDUSTRY

NO. 811

04 AUGUST 2017

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. SINOKUTHULA CO-OP LTD
2. PGENI AGRICULTURAL CO-OP LTD
3. MOYA MUNYE CHEM CO-OP LTD
4. MAHLEPHULA CO-OP LTD
5. SWEET HOME CO-OP LTD
6. SIYANGQOBA POULTRY FARM CO-OP LTD
7. SIBUYISIZWE CO-OP LTD
8. OCEANS TWELVE CO-OP LTD
9. SHAYIMAMBA TRANSPORTATION CO-OP LTD
10. PROSPERITY CO-OP LTD
11. ODADEWETHU CO-OP LTD
12. SILINDOKUHLE CO-OP LTD
13. SKOM CO-OP LTD
12. UMDONI SEWING CO-OP LTD
14. LERETLHABETSE CO-OP LTD
15. EMANQELENI CO -OP LTD
16. UHLABA USAMILA CO-OP LTD
17. UBHAQA- MGUNGUNDLOVU CO-OP LTD
18. UQANDUQANDU CO-OP LTD
19. FUNDA NGOLWAZI CO-OP LTD
20. HLALANATHI CO-OP LTD
21. DZOTHE CULTURES CO-OP LTD
21. UNYENDLE CO-OP LTD
22. UMDONI CO-OP LTD
23. QHUBUTHANDO BAKERY CO-OP LTD
24. VUKA-VUKA CO-OP LTD
25. UKHOZI NGELETHU CO-OP LTD
26. ZAMUKUKHANYA CATERING CO-OP LTD
27. UMSIMBITHI CO-OP LTD

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 73(1) of the Co-operatives Act, 2005.

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives
Dti Campus
77 Meintjies Street
Pretoria
0001

Private Bag X237
Pretoria
0002

DEPARTMENT OF TRADE AND INDUSTRY

NO. 812

04 AUGUST 2017

CODES OF GOOD PRACTICE ON BROAD-BASED BLACK ECONOMIC EMPOWERMENT

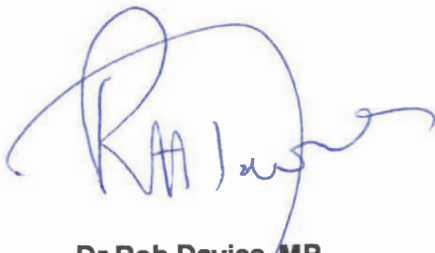
I, Dr Rob Davies, Minister of Trade and Industry, hereby:

- a) Issue the following Draft Defence Sector Codes of Good Practice for public commentary in terms of Section 9 (5) of the Broad-Based Black Economic Empowerment Amendment Act No. 46 of 2013; and
- b) Invite interested persons and the public to submit comments on the Draft Defence Sector Codes of Good Practice within 60 days from the date of this publication.

Interested parties are requested to forward their comments in writing for the attention of Mr Jacob Maphutha and Ms Mologadi Leshiba to any of the following addresses:

1. E-mail: defencesectorcode@thedti.gov.za
2. The dti Campus, 77 Meintjies street, Sunnyside, Pretoria, 0002
3. c/o BEE Unit, Private Bag X 84, Pretoria, 0002

Enquiries: 012 394 1609/3430



Dr Rob Davies, MP

Minister of Trade and Industry, MP

30 June 2017

**BROAD - BASED BLACK ECONOMIC EMPOWERMENT DEFENCE
SECTOR CODE IN TERMS OF SECTION 9 (1) OF THE BROAD - BASED
BLACK ECONOMIC EMPOWERMENT ACT 53 OF 2003 AS AMENDED
BY ACT 46 OF 2013**

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1. PREAMBLE

Colonialist and apartheid policies and practices in South Africa excluded Black people from the economy and deprived them of equal educational opportunities and equal access to the economy of the country. This resulted in a myriad of socio-economic problems which have resulted in high levels of poverty and inequality, significant shortage of skills, the reliance of the economy on a small number of people and the continued exclusion of Black people from the South African economy, resulting in an economy that performs below its potential.

To help deal with the inherited problems, South Africa adopted a Constitution which aimed to establish a society based on democratic values, social justice and fundamental human rights, improve the quality of life of all citizens and free the potential of each person, build a united and democratic South Africa, able to take its rightful place as a sovereign state in the family of nations; and to promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination.

Section 9 of the Bill of Rights states: “***Equality includes the full and equal enjoyment of all rights and freedoms.***” This right to equality includes the right of all South Africans to participate fully in the economy of the country. The Broad – Based Black Economic Empowerment Act no 53 of 2003 and the Amended Codes of Good Practice seek to give effect to this right. The SADI, like other industries in South Africa is negatively affected by problems of the past and needs a framework which finds solutions that will address the negative impact of racially skewed rule and development and which will grow the defence industry in order for it to make a sustainable and meaningful contribution to the economy. A strong economy in which all citizens have an equal opportunity to participate will contribute towards the strengthening of South Africa as a democratic developmental state. In this regard, the need for effective and significant economic transformation is essential. Such transformation must include access to economic opportunities and productive resources for previously excluded groups, the promotion of local businesses and entrepreneurship, manufacture, the development of skills for a knowledge based economy and the development of innovative indigenous technology and Intellectual Property.

The Defence Sector Code aims, within the defence industry, to give effect to the constitutionally enshrined right to equality by addressing the systemic past exclusion of Black people from participating in the economy, which effects remain firmly in place.

2. VISION

A fully transformed, revitalized defence industry with effective and sustainable economic participation by black people as employees, managers, entrepreneurs, industrialists, developers, and shareholders.

3. MISSION

To create a framework for the meaningful and sustainable transformation and growth of the South African defence industry through ownership, management, skills development, enterprise and supplier development programmes.

4. INTERPRETATIONS AND DEFINITIONS

- 4.1. **"The Act"** means the Broad - Based Black Economic Empowerment Act no 53 of 2003 as amended from time to time;
- 4.2. **"Associated Enterprise"** means an entity with which a Measured Entity has concluded a Qualifying Transaction;
- 4.3. **"B-BBEE Enterprises"** means enterprises whose B-BBEE score, in terms of a sector scorecard which has been issued as a sector code of practice or in terms of the DTI's generic scorecard, has been verified by an accredited verification agency or in the case of Exempt Micro Enterprises or Qualifying Small Enterprise that are at least 51% black owned, produced an affidavit verifying their status;
- 4.4. **"B-BBEE Facilitator Status"** means Organs of State or Public Entities or State-Owned Enterprises that have been designated as B-BBEE Facilitators by the Minister of Trade and Industry by notice in the Government Gazette. In calculating their Ownership score, Measured Entities must treat B-BBEE Facilitators as having rights of Ownership held –

- 4.4.1. 100% by Black People;
- 4.4.2. 40% by Black women;
- 4.4.3. 20% by designated groups;
- 4.4.4. without any acquisition of debts; and
- 4.4.5. without any third party rights;
- 4.5. **"Black Designated Groups"** means black people who are unemployed, black people who live in rural areas, black people who are youth, black people who are persons with disabilities, black women, and black military veterans;
- 4.6. **"Black People with Disabilities"** means Black People who also satisfy the criteria in the definition of 'persons with disabilities' set forth in paragraph 5.1 of the 'Code of Good Practice on the Employment of Persons with Disabilities' (as amended or substituted from time to time) issued in terms of section 54(1)(a) of the Employment Equity Act 55 of 1998;
- 4.7. **"Black Owned Enterprises"** means enterprises that are at least 51% owned by black people. 51% Black owned means an Entity in which –
 - 4.7.1. Black people hold at least 51% of the exercisable voting rights as determined under Code Series 100;
 - 4.7.2. Black people hold at least 51% of the economic interest as determined under Code series 100; and
 - 4.7.3. has earned all the points for Net Value under statement 100;

- 4.8. **"Black People"** means Africans, Coloureds and Indians in terms of the Act and read in conjunction with the definition in the Code of Good Practice, which limits the definition to natural persons who are citizens of the Republic of South Africa by birth or by descent as well as natural persons who acquired citizenship by naturalization prior to 27 April 1994 or on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;
- 4.9. **"Black Youth"** means black people who are also youth as defined in the National Youth Commission Act 19 of 1996, as amended or substituted;
- 4.10. **"Broad-Based Black Economic Empowerment"** means the economic empowerment of all black people including women, workers, youth, people with disabilities, people living in rural areas and military veterans through diverse but integrated socio-economic strategies that include, but are not limited to –
- 4.10.1. increasing the number of black people who manage, own and control enterprises and productive assets;
 - 4.10.2. facilitating ownership and management of enterprises and productive assets by communities, workers, co-operatives and other collective enterprises;
 - 4.10.3. targeted procurement and investment in enterprises that are owned and managed by black people;
 - 4.10.4. human resources and skills development;
 - 4.10.5. achieving equitable representation in all occupational categories and levels in the workforce; and
 - 4.10.6. facilitating the provision of additional skills to black employees at all levels in the workforce;
- 4.11. **"Broad-Based Ownership Scheme"** means a juristic person, a trust or a common-law association of persons constituted with a view to facilitating the

participation of specified natural persons, in the benefit flowing from the ownership by that scheme or its fiduciaries of an Equity Interest in an Enterprise(s);

- 4.12. **"Charter Council"** means the Defence Sector Charter Council established in terms of paragraph 17 of this Sector Code;
- 4.13. **"Defence Industry"** means the commercial industry involved in research and development, engineering, production, and the servicing of military material, equipment, and facilities, including Military Veterans;
- 4.14. **"Defence Industrial Participation" (DIP)** means the Department of Defence policy framework for the retention and development of the South African defence industry, which is regarded as a national strategic and economic asset;
- 4.15. **"DOD"** means the Department of Defence and Military Veterans;
- 4.16. **"DTI"** means the Department of Trade and Industry;
- 4.17. **"Economic Interest"** means a Participant's Claim against the Enterprise representing a return on ownership of the Enterprise, measured in accordance with the Flow-Through and Modified Flow-Through Principles;
- 4.18. **"Element"** means the measurable quantitative or qualitative elements of B-BBEE compliance specified in applicable legislation;
- 4.19. **"Empowering Supplier"** means subject to Notice 708 of 2016 and any further Notices issued by the DTI, a B-BBEE compliant entity, which is a good South African citizen and comply with all regulatory requirements of the country and should meet at least three if It is a large enterprise or one if it is a Qualifying Small Enterprise of the following criteria –

- 4.19.1. at least 25% of cost of sales excluding labour cost, finance cost and depreciation must be procured from local producers or local supplier in SA, for service industry labour cost are included but capped to 15%;
- 4.19.2. job creation – 50% of jobs created are for Black people provided that the number of Black employees since the immediate prior verified B-BBEE measurement is maintained;
- 4.19.3. at least 25% transforming of raw material/beneficiation which include local manufacturing, production and/or assembly, and/or packaging;
- 4.19.4. skills transfer – at least spend 12 days per annum of productivity deployed in assisting Black EME's and QSE's beneficiaries to increase their operation or financial capacity;
- 4.19.5. labour Costs – at least 85% of labour costs are paid to South African employees, for service industry;
- 4.21.6. Exempted Micro Enterprise and Start-Ups are automatically recognized as Empowering Suppliers;
- 4.22 **"Enterprise"** means a natural or a juristic person, or any form of Co-operative, conducting a business, trade or profession in the Republic of South Africa;
- 4.23 **"Enterprise Development"** means the development of black owned enterprises through investment, mentoring, skills development, systems transfer, etc.;
- 4.24 **"Enterprise Development Contributions"** means monetary or non-monetary contributions carried out for the benefit of Exempted Micro Enterprise or Qualifying Small Enterprises which are at least 51% Black owned;
- 4.25 **"Equity Equivalent Investment Programme"** means –
 - 4.25.1. public program or scheme of any government department, provincial government or local government in the Republic of South Africa which has been approved by the Minister of Trade and Industry as entitling that

Multinational Enterprise to indicative points under the Ownership Scorecard;

- 4.26 **"Equity Interest"** means the entitlement of a Participant to receive an Economic Interest and to exercise a Voting Right in an Enterprise;
- 4.27 **"Exempted Micro-Enterprise"** means an entity with an annual turnover of R5 million or less
- 4.28 **"Flow-through Principle"** means the principle which determines the entitlement of black people to exercise voting rights in an enterprise or to share in the economic interest of an enterprise. Regard is solely to voting rights and/or economic interest to which black people, who are natural persons, are entitled. In cases where an entitlement to voting rights and/or economic interest is held by juristic persons, regard will be to voting rights and/or economic interest to which black people, who are natural persons, are entitled in that juristic person. The same principle will apply throughout the chain of ownership by juristic persons, until such time as that chain terminates in a natural person, who is a black person, or who represents black women or black designated groups, as the case may be. The natural black person(s) shall be entitled to such voting rights and/or economic interest;
- 4.29 **"Fronting"** means any practice, arrangement, transaction or conduct that directly or indirectly undermines or frustrates the achievement of the objectives of the Act or the implementation of any of the provisions of the Act, including but not limited to practices in connection with a B-BBEE initiative:
- 4.29.1 in terms of which black persons who are appointed to an enterprise are discouraged or inhibited from substantially participating in the core activities of that enterprise;
- 4.29.2 in terms of which the economic benefits received as a result of the broad-based black economic empowerment status of an enterprise do not flow to black people in the ratio specified in the relevant legal documentation;

4.29.3 involving the conclusion of a legal relationship with a black person for the purpose of that enterprise achieving a certain level of broad-based black economic empowerment compliance without granting that black person the economic benefits that would reasonably be expected to be associated with the status or position held by that black person; or

4.29.4 involving the conclusion of an agreement with another enterprise in order to achieve or enhance broad-based black economic empowerment status in circumstances in which -

4.29.4.1. there are significant limitations, whether implicit or explicit, on the identity of suppliers, service providers, clients or customers;

4.29.4.2. the maintenance of business operations is reasonably considered to be improbable, having regard to the resources available;

4.29.4.3. the terms and conditions were not negotiated at arm's length and on a fair and reasonable basis;

4.30 **"Generic Scorecard"** means the balanced B-BBEE scorecard included in Code 000 Statement 000 of the DTI Codes of Good Practice;

4.31 **"Global Policy"** means a globally and uniformly applied restriction upon the alienation of Equity in or the sale of businesses of the Multinational Affiliates of a Multinational Business imposed by that Multinational Business or by a regulator which has lawful jurisdiction over that Multinational Business or by any law of application to the Multinational Business. Where the Global Policy is imposed by a regulator or by law, such Global Policy must substantially have been in existence prior to the date of promulgation of the Act;

4.32 **"Local Enterprise"** means an enterprise that is incorporated in South Africa, whose majority shareholders are South African citizens and which sources and manufactures its products locally sourcing not less than 50% of its raw material locally;

4.33 **"Large Enterprise"** means an entity with an annual turnover of more than R50 million;

4.34 **"Multinational Enterprise"** means a South African based Enterprise which is a Multinational Affiliate of a Multinational Business it being recorded as a branch of an external company as defined in the Companies Act of 71 of 2008;

4.35 **"Management"** means –

4.35.1. executive management, which includes the Chief Executive Office, Managing Director, Chief Financial Officer, Executive Directors and those managers who have a significant leadership role in the enterprise, have control over day to day operations, have decision-making powers and report directly to the Chief Executive Officer, Managing Director and/or the Board of Directors;

4.35.2. senior manager, which includes the heads of all major functions not represented on the main board and within the executive management and who are responsible for programming decisions;

4.35.3. middle management, which includes the professionally qualified and experience specialists in an enterprise who are responsible for interpretive decisions; and

4.35.4. junior managers, which includes skilled, technical and academically qualified employees, supervisors, foremen and superintendents, who make routine and process decisions;

4.36. **"Measured Entity"** means an enterprise or entity including an organ of state or public entity subject to measurement under this Sector Code;

4.37. **"Military Veterans"** means any Black South African citizen who —

4.37.1. rendered military service to any of the non-statutory military organisations, which were involved in South Africa's Liberation War from 1960 to 1994;

4.37.2. served in the Union Defence Force before 1961;

4.37.3 became a member of the new South African National Defence Force after 1994; and

4.37.4. has completed his or her military training and no longer performs military service, and has not been dishonourably discharged from that military organization or force,

provided that this definition does not exclude any person referred to in paragraph 4.37.1 or 4.37.2 who could not complete his or her military training due to an injury sustained during military training or a disease contracted or associated with military training;

4.38 **"National Development Plan"** means the detailed blueprint for how the Republic of South Africa can eliminate poverty and reduce inequality by the year 2030;

4.39 **"Net Profit after Tax"** means the operating profit of a measure entity after tax. It incorporates both equity /loss figure and abnormal items , but excludes extraordinary items as determined by (GAAP) Generally Accepted Accounting Practices;

4.40 **"Ownership"** means ownership of an equity interest in an enterprise;

4.41 **"Organs of State"** means –

4.41.1 A national or provincial department as defined in the Public Finance Management Act 1999 (Act no 1 of 1999)

4.41.2 a municipality contemplated in the Constitution;

4.41.3 a provincial legislature; and

4.41.4 a constitutional institution listed in Schedule 1 of the Public Finance Management Act 1999 (Act no 1 of 1999)

- 4.42 **"Participant"** means a natural person having an Equity Interest in an enterprise;
- 4.43 **"Procurement"** means all expenditure for goods, products, equipment and services, including capital expenditure and excluding where the expenditure is on municipal rates and taxes or part of payroll;
- 4.44 **"Qualifying Small Enterprise"** means an entity whose annual turnover is R5 million or more but less than R50 million;
- 4.45 **"Qualifying Transaction"** means a sale of business and/or assets from a measured enterprise to an associated enterprise. A qualifying transaction shall not be included under the enterprise development element of this Sector Code. In addition, in order for such a transaction to be regarded as a qualifying transaction, it must comply with the following requirements –
- 4.45.1 the qualifying transaction must ultimately result in the creation of sustainable businesses and/or business opportunities for black people and in the transfer of specialized skills and/or productive capacity to black people; and
- 4.45.2 the associated enterprise arising from the qualifying transaction must be a fully-fledged enterprise in its own right and as such, should at a minimum –
- 4.45.2.1 have no unreasonable limitations imposed upon it in relation to the identity of its clients and/or customers; and
- 4.45.2.2 have clients and/or customers and suppliers other than the enterprise with which the qualifying transaction was undertaken; and
- 4.45.2.3 have no operational outsourcing arrangements with the initiating enterprise, which were not concluded at arm's length and on a fair and reasonable basis;
- 4.46 **"SADI"** means the South African Defence Industry;

- 4.47 **"SMME"** means small, medium and micro enterprises namely Exempt Micro Enterprises and Qualifying Small Enterprises;
- 4.48 **"Sovereign Capability"** means such products whether corporeal or incorporeal or services that are partially or wholly owned or controlled by the government and/or identified by the government/ DoD as vital to national security and/or strategic interests of the country;
- 4.49 **"Stakeholders"** means Measured Entities, organs of state, public entities, state-owned enterprises and suppliers who are involved in the defence industry;
- 4.50 **"Start – Up Enterprise"** means a recently formed or incorporated Entity that has been in operation for less than 1 year. A start-up enterprise does not include any newly constituted enterprise which merely a continuation of a pre-existing enterprise;
- 4.51 **"State-Owned Enterprise"** means a business enterprise that is registered in terms of the Companies Act 71 of 2008 as a company, is wholly owned by the South African government and accounts to Parliament;
- 4.52 **"Supplier"** means a statutory registered enterprise or individual who has the capacity to deliver goods and/or services required, in the time frames specified;
- 4.53 **"Voting Rights"** means the votes attached to an instrument owned by a black participant or held on behalf of a black participant, that may be exercised at a general meeting of the shareholders of a company having share capital or any similar rights in any other form of enterprise, measured in accordance with the flow-through principle or control principle, provided that –
- 4.53.1 to the extent that the provisions of the Codes of Good Practice Issued by DTI on 11 October 2013 and as amended from time to time provide further definition as to the nature of voting rights in an enterprise other than a

company having share capital, those provisions should be read in conjunction with this definition in relation to such enterprises; and

4.53.2 voting rights exercised on behalf of a black participant, by another natural person who acts in a fiduciary capacity or in terms of specific mandate or proxy, shall be deemed to be exercised by that participant; and

4.54 **"Weighting"** means the weighting attributed to the various elements in the Sector Code and the Act.

5 OBJECTIVES

The Objectives of the Defence Sector Code are to provide the SADI with a framework within which to implement B-BBEE and to give practical effect to national policy imperatives as set out in The National Development Plan (Vision 2030), the Defence Industrial Participation Programme, the National Industrial Policy Framework, the Industrial Policy Action Plan, the Black Industrialists Policy and the South African Defence Review 2014.

5.1. More specifically, the Sector Code aims to achieve the following objectives:

5.1.1. to implement measures that will ensure the effective participation of Black people in SADI and in the broader economy;

5.1.1. to encourage the participation of and growth of SMME's in SADI;

5.1.2. to promote the growth of technical innovation within SADI;

5.1.3. to promote the growth of SADI as a profitable, sustainable industry;

5.1.4. to promote local manufacturing capability in the SADI for local and export purposes;

5.1.5. to advance the acquisition, retention and transfer of critical, technical and scarce skills in SADI;

5.1.6. to protect South Africa's sovereign capability in the SADI;

5.1.7. to actively promote entrepreneurship especially among the Black designated groups;

5.1.8. to promote entrepreneurship and new enterprises in the defence industry; and

5.1.9. to contribute to job creation.

6. CHALLENGES FACING THE DEFENCE INDUSTRY

6.1. Declining local spending in the defence industry;

6.2. A South African economy that is growing at a slow rate;

6.3. The rising threat of socio-political instability as a result of income inequality;

- 6.4. The exclusion of military veterans of non-statutory forces (former liberation fighters) from the economy;
- 6.5. The inability of South African businesses to meaningfully expand into the rest of the African continent defence industry;
- 6.6. Continued over-reliance of the South African defence industry on monopolies, oligopolies and foreign-owned enterprises;
- 6.7. Lack of adequate protection and preferential access for local defence manufacturers over international competition; and
- 6.8. Regulatory constraints.

7. COMMITMENT

- 7.1. The stakeholders acknowledge that the SADI is vital for the maintenance of South Africa's strategic capability and it plays a critical role in the Republic's economic growth, through manufacturing and technological innovation.
- 7.2. The stakeholders further acknowledge that B-BBEE is a business imperative which is essential for the sustainability and growth of the industry.
- 7.3. The stakeholders therefore commit themselves fully –
 - 7.3.1. to implement the provisions of this Sector Code and the provisions of the Act in both substance and in form;
 - 7.3.2. to create an enabling environment for the proper implementation of the measures in this Sector Code;

- 7.3.3. to display the highest degree of good faith in all matters relating to the implementation of the Sector Code and neither do anything nor refrain from doing anything that has the effect (either directly or indirectly) of hampering the implementation of the Sector Code; and
- 7.3.4. to comply fully with the provisions of the Act especially and without limitation to avoid practices that frustrate the implementation of the Act and Sector Code including fronting.

8. APPLICATION

- 8.1. This Sector Code is legally binding on all entities in the South African defence industry, in its entirety, including national or provincial departments, organs of state, state owned enterprises, private enterprises providing supplies, products and services to the state – whether they are procured from local or foreign-owned enterprises – defence manufacturing enterprises, research and development enterprises and other entities, as well as any role-player and stakeholder that might opt in.
- 8.2. Notwithstanding any other Sector Code that the entities in paragraph 8.1. may be subject to at the date of gazetting of this Sector Code, such entities shall be obliged to be measured in terms of this Sector Code.
- 8.3. In the event of this Sector Code not providing specifically for a particular aspect or in the event of a lack of clarity, the provisions of the Broad-Based Black Economic Empowerment Act and the Generic Scorecard as amended from time to time shall be used as a reference and guide. In addition, the interpretation of the provisions of this Code shall be made having regard to the Preamble, the Objectives, Key Principles and Commitments as the case may be.

9. KEY PRINCIPLES

- 9.1. The fundamental principle for measuring B-BBEE compliance is that substance takes precedence over legal form.
- 9.2. In the interpreting the provisions of this Sector Code any reasonable interpretation consistent with the objectives of the B-BBEE Act as amended must take precedence.
- 9.3. The basis for measuring B-BBEE initiatives under this Sector Code is the B-BBEE compliance of the Measured Entity at the date of Measurement.
- 9.4. Any misrepresentation or attempt to misrepresent a Measured Entity's true B-BBEE status will be dealt with in accordance with the provisions as set out in the B-BBEE Act as amended, and they may lead to the disqualification of the entire scorecard of the entities concerned.
- 9.5. The optimization of local intellectual property, research and development, as well as manufacturing capacity must be encouraged.
- 9.6. All measures taken in terms of this Sector Code herein shall be implemented in a manner that promotes local manufacturing and the stimulation of indigenous technology and products and must be underpinned by a firm commitment to promote South Africa, its interests and its economy.

10. PRIORITY ELEMENTS, SUBMISSION AND DISCOUNTING PRINCIPLE

- 10.1. The Priority Elements are as follows –

10.1.1. OWNERSHIP:

10.1.1.1. The Sub-minimum requirement for Ownership is 40% of net value.

10.1.2. SKILLS DEVELOPMENT:

10.1.2.1. The sub-minimum requirement for Skills Development is 40% of the total weighting points for Skills Development.

10.1.3. ENTERPRISE AND SUPPLIER DEVELOPMENT:

10.1.3.1 The sub-minimum requirement for Enterprise and Supplier Development is 40% for each of the three categories, within the Enterprise and Supplier Development element, namely Preferential Procurement; Supplier development and Enterprise development.

10.2. COMPLIANCE WITH PRIORITY ELEMENTS

10.2.1. A Large Enterprise is required to comply with all the Priority Elements.

10.2.2. A Qualifying Small Enterprise is required to comply with Ownership as a compulsory element and either Skills Development or Enterprise and Supplier Development.

10.3. DISCOUNTING PRINCIPLE EFFECT

- 10.3.1. Non-compliance with the 40% sub-minimum requirements of any of the priority elements, as per paragraphs 10.2.1 and 10.2.2. above, will result in the following outcomes for both Large Enterprises and Qualifying Small Enterprises;
- 10.3.2. The actual points scored by the Measured Entity and the consequent level that the Measured Entity would have achieved were it not for non-compliance with 40% sub-minimum requirements will be recognized by the Verification Agency ("the Recognition Level");
- 10.3.3. Notwithstanding the recognition in the 10.3.2. above, the Measured Entity's B-BBEE status level will be discounted by one level down until the next applicable verification period in which the Measured Entity can demonstrate compliance with the 40% sub-minimum requirements, at which point the Recorded Level will become the applicable ratings level for that Measured Entity in that verification period; and
- 10.3.4. The requirement to submit data to the Department of Labour under the Employment Equity Act 55 of 1998 is only applicable to 'designated employers' who employ 50 or more employees. However, for the purpose of measurement in terms of this Sector both Generic and Qualifying Small Enterprises that employ less than 50 employees are required to submit sufficient evidence for verification purposes.

11. ELIGIBILITY AS AN EXEMPTED MICRO-ENTERPRISE (EME)

- 11.1. Any enterprise with an annual Total Revenue of R5 Million or less qualifies as an Exempted Micro-Enterprise.
- 11.2. An Exempted Micro-Enterprise is deemed to have a B-BBEE Status of "Level Four Contributor" having a B-BBEE recognition level of 100%

11.3. Enhanced B-BBEEE recognition level for an Exempted Micro-Enterprise –

11.3.1. Despite paragraph 11.2 an EME which is 100% Black owned qualifies for elevation to “Level One Contribution” having a B-BBEE recognition level of 135%;

11.3.2. Despite paragraph 11.2 and 11.3.1, an EME which is at least 51% Black owned qualifies for elevation to “Level Two Contributor” having a B-BBEE recognition level of 125%; and

11.3.3. Despite paragraphs 11.2 and 11.3, an EME is allowed to be measured in terms of the QSE scorecard should they wish to maximize their points and move to a higher B-BBEE recognition level.

11.4. An EME is only required to obtain a sworn affidavit or CIPC issued certificate on an annual basis, confirming the following –

11.4.1. Annual total Revenue/Allocated Budget/Gross Receipts of R5 million or less; and

11.4.2. Level of Black Ownership.

11.5. Any misrepresentation in terms of Paragraph 11.3 above constitutes a criminal offence as set out in the B-BBEE Act as amended.

12. ELIGIBILITY AS A QUALIFYING SMALL ENTERPRISE (QSE)

- 12.1. Any Measured Entity with Total Revenue of between R5 million and R50 million qualifies as a Qualifying Small Enterprise provided its qualification does not arise as a result of circumvention of the relevant Scorecard.
- 12.2. Entities that are Qualifying Small Enterprises must use Scorecard in this Sector Code.
- 12.3. Enhanced B-BBEE recognition level for QSE –
 - 12.3.1. A Qualifying Small Enterprise which is 100% Black owned qualifies for a Level One B-BBEE recognition;
 - 12.3.2. Despite paragraph 12.2, a qualifying Small Enterprise which is at least 51% Black owned qualifies for a Level Two B-BBEE recognition level of 125%; and
 - 12.3.3. Despite paragraph 12.2, a QSE that is at least 51% Black owned is only required to obtain a sworn affidavit on an annual basis, confirming the following –
 - 12.3.3.1. Annual Total Revenue/Allocated Budget/Gross Receipts of R50 million or less; and
 - 12.3.3.2. Level of Black Ownership.
- 12.4. Any misrepresentation in terms of Para 12.3 above constitutes a criminal offence as set out in the B-BBEE Act as amended.
- 12.5. Any matter concerning the application of the Specialised Qualifying Small Enterprise Scorecard that is not dealt with explicitly in this Sector Code must be dealt with in terms of codes 100-500.

13. START-UP ENTERPRISES

- 13.1. Start-Up Enterprise must be measured as an Exempted Micro –Enterprise under this statement for the first year following their formation or incorporation. This provision applies regardless of the expected total revenue of the Start-up enterprise.
- 13.2. Start-up Enterprise is deemed to have the qualifying B-BBEE status in accordance with the principles of paragraph 11 of this Sector Code.
- 13.3. In order to qualify as a Start-up Enterprise, the enterprise must provide an independent confirmation of its status in accordance with paragraph 11.4.
- 13.4. Despite paragraphs 13.1 and 13.2, Start-Up and Exempted Micro Enterprise, must submit a QSE scorecard when tendering for any contract, or seeking any other economic activity covered by Section 10 of the Act, with a value higher than R5 million but less than R50 million. The preparation of such scorecards must use annualized data.

14. THE DEFENCE SECTOR SCORECARD

- 14.1. The Ownership Element, measures effective ownership of entities by Black people.
- 14.2. The Management Control Element measures the effective control by entities by Black people.
- 14.3. The Skills Development Element measures the extent to which employers carry initiatives designed to develop the competencies of Black employees and Black people internally and externally.

- 14.4. The Enterprise and Supplier Development Element, measures the extent to which entities buy goods and services from Empowering Suppliers preferably between level 1 and level 4 B-BBEE recognition levels. This element also measures the extent to which enterprises carry out supplier development and enterprise development initiatives intended to assist and accelerate the growth and sustainability of black enterprises.
- 14.5. The Socio-Economic Development and Sector Specific Contributions Element, measures the extent to which entities carry out initiatives that contribute toward Socio-Economic Development or Sector Specific initiatives that promote access to the economy for Black people.
- 14.6. Organs of State and State-Owned Enterprises shall be measured using the Specialised Defence Scorecard but shall otherwise comply with all the provisions of this Sector Code unless expressly excluded there from.

THE DEFENCE SCORECARD

ELEMENT	WEIGHTING	SECTOR REFERENCE	CODE
Ownership	25 Points	Paragraph 16.1	
Management Control	15 points	Paragraph 16.2	
Skills Development	20 Points	Paragraph 16.3	
Enterprise and Supplier Development	40 Points	Paragraph 16.4	
Socio-Economic Development	5 Points	Paragraph 16.6	
Localisation	10 Points	Paragraph 16.5	
TOTAL	115 Points		

15. B-BBEE RECOGNITION LEVELS

Based on the overall performance of a Measured Entity using the Defence Sector Scorecard the Measured Entity will receive one of the following B-BBEE Status uses with the corresponding B-BBEE recognition level.

B-BBEE Status	Qualification	B-BBEE recognition level
Level One Contributor	≥100 points on the Defence Sector Scorecard	135%
Level Two Contributor	≥95 but <100 points on the Defence Sector Scorecard	125%
Level Three Contributor	≥90 but <95 points on the Defence Sector Scorecard	110%
Level Four Contributor	≥80 but <90 points of the Defence Sector Scorecard	100%
Level Five Contributor	≥75 but <80 points on the Defence Sector Scorecard	80%
Level Six Contributor	≥70 but <75 points on the Defence Sector Scorecard	60%
Level Seven Contributor	≥55 but <70 points on the Defence Sector Scorecard	10%
Level Eight Contributor	≥40 but <55 points on the Defence Sector Scorecard	10%
Non-Compliant Contributor	<40 points on the Defence Sector Scorecard	0%

16. ELEMENTS OF THE DEFENCE SECTOR CODE

16.1. OWNERSHIP

16.1.1. One of the most effective tools for effecting sustainable economic transformation and growth in the defence industry is meaningful ownership of Black people of equity interest in enterprises. Stakeholders therefore commit to achieving the following ownership targets within a period of 3 (three) years from the date of the promulgation of this Sector Code –

16.1.1.1. a minimum target of 25% (twenty-five per cent) of equity interest held by Black people in enterprises in the defence industry in the first year after promulgation of the Sector Code, 30% (thirty per cent) in the second year and in the third year 35% (thirty-five per cent);

16.1.1.2. a minimum of 10% per cent of equity interest held by Black women in enterprises in the defence industry in the first year and 15% in the second and third year; and

16.1.1.3. any ownership target, as with other elements of the Sector Code, shall include a minimum threshold for Designated groups.

16.1.2. Black people who have an equity interest in an enterprise must have exercisable voting rights and be entitled to receive economic benefits arising from such equity interest subject to any liabilities they may have incurred in the course of acquiring an economic interest.

16.1.3. All Measured Entities are bound by the ownership targets set out herein except where specifically exempted in this Sector Code.

16.1.4. Multinational Enterprises or Multinational Businesses shall comply with the ownership element of the Sector Code unless they are subject to a global policy prohibiting such enterprises from selling shares outside their country;

16.1.5. In the event 16.1.4 applies, the Multinational Enterprise shall –

16.1.5.1. produce satisfactory evidence of the such global policy; and

16.1.5.2. evidence of Equity Equivalent Programme approved by the Minister.

16.1.6. Holding rights of ownership in a Measured Entity through Employee Share Ownership Schemes may contribute a maximum of 40% of the total points on the ownership scorecard provided that such Employee Share Ownership Scheme meet the following qualification criteria –

16.1.6.1. the members of the Employee Share Ownership Scheme must be Black;

16.1.6.2. the constitution of the scheme must define the participants and the proportion of their claim to receive distributions;

16.1.6.3. not less than 85% of the value of benefits allocated by the scheme must accrue to Black people;

16.1.6.4. not less than 50% of the fiduciaries of the Scheme must be black people and at least 25% must be Black women;

16.1.6.5. Participants may be named or referred to as a defined class of natural persons and their claim to receive distributions may be in fixed percentages or determined in terms of a formula. The fiduciaries of the scheme have no discretion in this regard;

16.1.6.6. the constitution of the Scheme and any other information affecting the scheme including such information of the Measured Entity that a shareholder in a company having shareholding would be entitled to must be available on request to any participant in an official language in which that person is familiar;

16.1.6.7. the fiduciaries of the Scheme must present the financial reports of the scheme to participants yearly at an annual general meeting of the scheme;

16.1.6.8. the participants must take part in appointing at least 50% of the fiduciaries and must have a role in the management of the scheme similar to the role of a shareholder in a company having shareholding;

16.1.6.9. all accumulated Economic Interest in the scheme is payable to the participants at the earlier of a date specified in the constitution or on termination or winding up of the scheme;

16.1.6.10. no onerous or punitive measures exist in the constitution or management of the Scheme that in any manner whatsoever deprive the participants of any rights to the benefits of the scheme including when they cease to be employees of the Measured Entities;

16.1.6.10.1. the chairperson of the scheme must be independent; and

16.1.6.11. the Scheme should have representation on the board of the Measured Entity;

16.1.7. Black Participants in a Trust holding rights of ownership in a Measured Entity may contribute a maximum of 40% of the total points on the Ownership Scorecard of the Measured Entity if the Trust meets the qualification criteria for Trusts set out in clauses 16.1.8 and 16.1.9. herein.

16.1.8. The qualification criteria for the recognition of Trusts are as follows –

16.1.8.1. the trust deed must define the beneficiaries and the proportion of their entitlement to receive distributions;

16.1.8.2. a written record of the names of the beneficiaries or the use of defined of natural person satisfies the requirement for identification;

16.1.8.3. a written record or fixed percentage of entitlement or the use of a formula for calculation entitlement satisfies the need for defining proportion of benefit;

16.1.8.4. the trustees must have no discretion of the above-mentioned terms;

16.1.8.5. on winding-up or termination of the trust, all accumulated Economic Interest must be transferred to the beneficiaries or to an entity representing the interest of the participants or class of beneficiaries;

16.1.8.6. The trust must have been established for legitimate commercial purposes which must be fully disclosed and its objects must reflect;

-
- 16.1.8.7. The Trust must be entitled to nominate and appoint persons on the board of the Measured Entity commensurate with its shareholding in such Measured Entity; and
- 16.1.8.8. the terms of the Trust do not directly or indirectly seek to circumvent the provisions of the Defence Sector Code and the Act.
- 16.1.9. The qualification criteria for the recognition of Family Trusts are as follows: –
- 16.1.9.1. the trust deed must define the beneficiaries and the proportion of their entitlement to receive distributions;
- 16.1.9.2. a written record of the names of the beneficiaries or the use of a defined class of natural persons satisfies the requirement of defining beneficiaries;
- 16.1.9.3. a use of a formula for calculating entitlement satisfies the need for defining proportion of benefit. on the trustee must have discretion on the above mentioned terms; and
- 16.1.9.4. on winding-up or termination of the trust, all accumulated Economic Interest must be transferred to the beneficiaries or to an entity representing the interest of the participants or class of beneficiaries.
- 16.1.10. The provisions relating to Trusts do not apply to any Trusts registered prior to the gazetting of the Defence Sector Code.
- 16.1.11. The decisions of Black owners of equity interests to sell, transfer, alienate or otherwise dispose of their Equity Interest in any enterprise shall not affect the obligation of such enterprise to at all times fully comply with the ownership targets in this Sector Code.
- 16.1.12. When determining ownership in a Measured Entity, ownership held by Organs of State or State-Owned Enterprises must be excluded.
- 16.1.13. Exclusion of Ownership held by the Organs of the State or State-Owned Enterprises is to be effected before any other Ownership discounting methods are to be applied.

16.1.14. In calculating the Ownership score, Measured Entities must apply the Exclusion Principle to any portion of their Ownership held by Organs of State or State-Owned Entities

16.1.15. The provisions of clauses 16.1.8 to 16.1.10 shall not apply to organs of State or State-Owned Entities that are B-BBEE Facilitators during the relevant period of measurement. Such exemption applies only to the Ownership Element and such Organs of State and State Owned Entities who are B-BBEE Facilitators must comply with all other provisions of this Sector Code.

16.1.16. Notwithstanding any other provision in this Sector Code, Organs of State and State Owned Enterprises may, taking into consideration the objectives of this Sector Code, introduce restrictions on or exclude Measured Entities from tendering or doing business with them if they do not comply with the ownership targets set out in paragraph 16.1.1 hereof.

16.1.17. EQUITY EQUIVALENTS

16.1.17.1. Examples of Equity Equivalents shall include, but not be limited to –

16.1.17.1.1. skills transfer programmes aimed at building the capacity of black people to participate in the defence industry;

16.1.17.1.2. technology transfer programmes intended to increase the participation of black people in the defence industry;

16.1.17.1.3. programmes that promote economic growth and employment creation through the development of technological innovation beyond the Multinational's core business activities;

16.1.17.1.4. supplier-development and any other interventions targeted at reducing the overreliance of the South African defence industry on foreign-owned enterprises;

16.1.17.1.5. programmes in line with applicable programmes in South Africa that were initiated to increase the manufacturing capacity of the economy;

16.1.17.1.6. programmes of the defence industry that are in place to facilitate the skills and technology transfer to South African enterprises in general and black-owned enterprises in particular; and

16.1.17.1.7. programmes aimed at building the capacity of designated groups to participate meaningfully in the defence industry value chain.

OWNERSHIP SCORECARD

B-BBEE Element	Indicator	Description	Weighting Points	Compliance Target		
				Year 1	Year 2	Year 3
Ownership	1. Voting Rights	1.1. Exercisable Voting Rights in the Measured Entity in the hands of Black people	4	25%	30%	35%
		1.2. Exercisable Voting Rights in the Measured Entity in the hands of Black women	2	10%	15%	15%
		2.1. Economic Interest in the Measured Entity to which Black people are entitled	4	25%	30%	35%
		2.2. Economic Interest in the Measured Entity to which Black women are entitled	2	10%	15%	15%
		2.3. Economic Interest of any of the following Black natural people in the Measured Entity				

	2. Economic Interest	2.3.1. Military Veterans	2	3%
		2.3.2. Black people in Broad-based Ownership	2	
		2.3.3. New Entrants	1	2%
	3. Realisation Points	Net Value	8	
		TOTAL	25 Points	

MANAGEMENT CONTROL

16.1.18. The objective of Management Control is that black people should be actively involved in making strategic decisions, proportionate to their Equity Interest in the Board of the Measured Entity and in the various levels of management. This means participation at the following levels –

16.1.18.1. Proportionate representation at the non-executive and executive board level that is geared to give strategic direction to the Measured Entity, without restrictions that may be linked to the indebtedness of the shareholders they represent, even if this indebtedness arises out of financing the acquisition of the shareholding that necessitated their board participation; and

16.1.18.2. Executive management – including key strategic positions that could include Chief Executive Officer, Chief Operating Officer, and Chief Financial Officer among others, that is accompanied with the requisite executive powers to make decisions, including budget allocation and deployment, staff appointment and such powers as are ordinarily exercised within corporations by persons occupying such positions.

- 16.1.19. These positions should not be subject to any restrictions that are out of the ordinary nor token ones specifically created for Black executives.
- 16.1.20. The Gazetting of the Defence Sector Code does not affect the obligation of a designated employer's obligation to comply with the Employment Equity Act and Regulations as amended from time to time.

16.1.21. BOARDS

- 16.1.21.1. Large Measured Entities commit to achieve the following targets on their boards –
 - 16.1.21.1.1. 50% Black representation within the first year of the promulgation of the Sector Code increasing to 60% by the third anniversary of the promulgation; and
 - 16.1.21.1.2. 25% Black female within the first year of the promulgation of the Sector Code increasing to 30% by the third anniversary of the promulgation and after the promulgation of the Sector Code.

16.1.22. EXECUTIVE MANAGEMENT

- 16.1.22.1. Measured Entities commit to achieve the following targets –
 - 16.1.22.1.1. 60% Black executive directors; and
 - 16.1.22.1.2. 30% Black female executive directors.
- 16.1.23. The compliance target for senior, middle and junior management in the Management Control Scorecard are based on the national and regional demographic representation of Black people as defined in the Regulations of the Employment Equity Act no.55 of 1998 as amended from time to time and Commission of Employment Equity Report.
- 16.1.24. In determining a Measured Entity's Score, the targets should be further broken down into specific criteria according to the different race sub - groups within the definition of Black in accordance with the Employment Equity on an equitable representation and weighted accordingly.

MANAGEMENT CONTROL SCORECARD

B-BBEE Element	Indicator	Description	Weighting Points	Compliance Target	
				Year 1 - 2	Year 3
Management Control	1. Board Participati on	1.1. Exercisable voting rights of Black board members as a percentage of all board members	2	50%	60%
		1.2. Exercisable voting rights of Black Military Veterans board members as a percentage of all board members	1	30%	30%
		1.3. Exercisable voting rights of Black female board members as a percentage of all board members	1	25%	30%
		1.4. Black Executive directors as a percentage of all executive directors	1	50%	60%
		1.5. Black female Executive directors as a percentage of all executive directors	1	25%	30%
	2. Other Executive Managem ent	2.1. Black Executive Management as a percentage of all executive directors	2	60%	60%
		2.2. Black female Executive Management as a	1	30%	30%

		percentage of all executive directors			
3. Senior Management	3.1.	Black employees in Senior Management as a percentage of all senior management	2	60%	60%
	3.2.	Black female employees in Senior Management	1	30%	30%
4. Middle Management	4.1.	Black employees in Middle Management as a percentage of all middle management	2	75%	80%
	4.2.	Black female employees in Middle Management as a percentage of all middle management	1	38%	40%
5. Junior Management	5.1.	Black employees in Junior Management as a percentage of all junior management	1	88%	90%
	5.2.	Black female employees in Junior Management as a percentage of all junior management	1	44%	45%
6. Employees with disabilities		Black employees with disabilities as a percentage of all employees	2	2%	3%
		TOTAL	19 Points		

16.2. SKILLS DEVELOPMENT

- 16.2.1. The shortage of technical and critical skills is one of the major challenges in the defence industry which negatively impacts on the ability of the industry to grow. This shortage is a direct result of the historical exclusion of Black people from acquiring such skills. If the defence industry is to play its vital role in the re-industrialization of the South African economy, structured and strategic interventions are needed for the acquiring critical and scarce skills. Skills Development initiatives must focus on scarce skills including those related to the generation and development of new knowledge that could be deployed to increase the participation of black persons in the growing and operation of strategic enterprises and retention of sovereign capabilities in the defence industry.
- 16.2.2. Every Measured Entity therefore commits to spend 4% of their annual payroll on skills development programmes for Black persons.
- 16.2.3. **Defence Industry Skills Development Fund**
- 16.2.3.1. Stakeholders hereby agree to set up a Skills Development Fund which shall be administered by the industry to assist with developing skills that are critical for the defence industry.
- 16.2.3.2. Measured entities commit to contribute 1% of their annual payroll to a Defence Industry Skills Development Fund which will be utilized for skills development of critical and scarce skills in the defence industry.
- 16.2.3.3. **Measured entities commit to contribute 1% of their annual payroll to skills development programmes for Military Veterans.**
- 16.2.3.4. The Defence Sector Charter Council established in terms of this Sector Code shall as soon as possible after promulgation of the Sector Code negotiate with the all relevant government departments and agencies to exempt measured entities in the defence industry from contributing a skills' levy due to their contribution to the Defence Industry Skills Development Fund.

SKILLS DEVELOPMENT SCORECARD

B-BBEE Element	Indicator	Description	Weighting Points	Compliance Target
Skills Development	Skills Development Expenditure on any programme specified in the Learning Programme Matrix for Black people as a percentage of the Leviable Amount	1.1. Skills Development expenditure on Learning Programmes for black people as a percentage of Leviable Amount	7	4%
		1.2. Skills Development Expenditure on Learning Programmes for Black employees with disabilities	2	0,3%
		1.3. Skills Development Expenditure on Learning Programmes for Black Military Veterans	1	1%
	2. Learnerships, Apprenticeships and Internships	2.1. Number of people from Black Designated Groups participating in Learnerships, Apprenticeships and Internships as a percentage of number of employees	3	3%
		2.2. Number of Black people participating in Learnerships, Apprenticeships and Internships as a percentage of number of employees	3	2.5%

		2.3. Number of Black unemployed people (or students) participating in Learnerships, Internships and Apprenticeships participating in training as a percentage of number of employees	2	2.5 %
		2.4. Contribution to the Defence Industry Skills Development Fund for development of critical and scarce skills	2	1%
	3. Bonus Points	Number of previously unemployed Black people absorbed by the Entity at the end of the Learnerships, Internships and Apprenticeships programme	5	100%
		TOTAL	20 Points	

16.3. ENTERPRISE AND SUPPLIER DEVELOPMENT

- 16.3.1. The government's focus areas for B-BBEE in the next 10 years link it to key government economic development strategies such as the Industrial Policy Action Plan (IPAP), the Defence Industrial Participation Programme (DIP), the National Development Plan (NDP) and the Black Industrialist Policy. Key aspects of all these strategies are the promotion of entrepreneurship, focusing on businesses that result in job creation, expanding business horizons by venturing into new fields, operational excellence and risk taking. The Department of Trade and Industry's Black industrialists Policy is also important in this regard. This emphasis is carried through to the Generic Scorecard in which Enterprise and Supplier Development is a priority element carrying the highest weighting. Most Black businesses are small and medium sized enterprises. Empowerment policies and practices should not only support Exempted Micro Enterprises and Qualifying Small Enterprises but also assist them to grow into large enterprises.
- 16.3.2. The Defence industry is in a unique position to stimulate this growth and create new businesses. State Owned Entities should take the lead in driving such changes. The promotion of local content and stimulation of local manufacturing is also to be encouraged through this Sector Code.
- 16.3.3. The aim of Enterprise and Supplier Development programmes is to –
- 16.3.3.1. to strengthen local procurement in order to help build South Africa's industrial base in critical sectors of production and value adding manufacturing, which are largely labour-intensive industries;
- 16.3.3.2. to increase local procurement through capacity building achieved by incentivising appropriate local supplier development programmes by businesses supplying imported goods and services; and
- 16.3.3.3. to actively support procurement from black owned QSEs and EMEs by identifying opportunities to increase procurement from local supplier in order to support employment creation.

16.3.4. Stakeholders therefore commit themselves to the following –

16.3.4.1. ORGANS OF STATE AND STATE-OWNED ENTERPRISES

16.3.4.1.1. State-Owned Enterprises and Organs of State shall be entitled to implement preferential set asides for the following categories of Black people –

- Exempted Micro - Enterprises or Qualifying Small Enterprises owned by Black females;
- Exempted Micro - Enterprises or Qualifying Small Enterprises owned by Black people;
- Exempted Micro - Enterprises or Qualifying Small Enterprises owned by military veterans;
- Exempted Micro - Enterprises or Qualifying Small Enterprises owned by Black youth; and
- Exempted Micro - Enterprises or Qualifying Small Enterprises by people with disabilities.

16.3.4.1.2. Any preferential set asides shall not exceed 30 % (thirty per cent) of the total procurement budget of the Organs of State or the State Owned Enterprise or the Public Entity in the first year after the promulgation of the Defence Sector Code and 35% in the second year and 40% in the third year.

16.3.4.2. PRIVATE SECTOR ENTERPRISES

16.3.4.2.1. Measured entities in the private sector must procure a minimum of 40% of their goods and services from black owned enterprises.

16.3.4.2.2. Private sector enterprises must sub-contract not less than 30% (thirty percent) of any contract exceeding an amount of R30 million to –

- Exempted Micro - Enterprises or Qualifying Small Enterprises owned by Black females;
- Exempted Micro - Enterprises or Qualifying Small Enterprises owned by Black people; and
- Exempted Micro - Enterprises or Qualifying Small Enterprises owned by military veterans;
- Exempted Micro - Enterprises or Qualifying Small Enterprises owned by young black people;

16.3.4.2.3. All stakeholders undertake to use as a guide, the non-exhaustive list of Enterprise Development and Supplier Development Contributions in Schedule 1 of this Sector Code to meet the Enterprise and Supplier Development targets.

16.3.4.3. DEFENCE INDUSTRY ENTERPRISE AND SUPPLIER DEVELOPMENT FUND

16.3.4.3.1. Stakeholders hereby agree to set up a Defence Industry Enterprise and Supplier Development Fund. Such Fund will be used for Enterprise and Supplier Development Initiatives and will be administered by the Sector Charter Council or any agency on its behalf. Not more than 8% of the income of the Fund may be used for the administration and management of the Fund.

16.3.4.3.2. All Measured Entities with the exception of Exempted Micro-Enterprises commit to the withholding of 1% of the value of any contracts with Armscor and/or Department of Defence and Military Veterans as a contribution towards such Fund and such contribution to be measured in terms of the Scorecard.

16.3.4.3.3. The proceeds of the 1% of the value of the contracts so withheld, shall be administered by the Defence Industry Fund who shall disburse such proceeds on behalf of and in accordance with guidelines provided by the Sector Charter Council.

16.3.4.4. Foreign Enterprises

16.3.4.4.1. Foreign Enterprises shall place DIP contracts equivalent to seventy five percent (75%) of the total DIP obligation with local (South African) BEE compliant suppliers (Enterprises that are at least 25,1% owned by black people and at least 25,1% controlled by black people) while at least twenty five percent (25%) of this value shall be placed with Enterprise and Supplier Development (ESD) beneficiaries.

ENTERPRISE AND SUPPLIER DEVELOPMENT SCORECARD

B-BBEE Element	Indicator	Description	Weighting Points	Compliance Target
	1. Preferential procurement	1.1. B-BBEE Procurement Spend from all Empowering Suppliers based on the B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend.	5	80%
Enterprise and Supplier Development		1.2. B-BBEE Procurement Spend from all Empowering Suppliers that are Qualifying Small Enterprises based on the applicable BBEE Procurement Recognition Levels as percentage of Total Measured Procurement Spend	3	8%
		1.3. B-BBEE Procurement Spend from all Exempted Micro-Enterprises based on the applicable BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend based on the Total Measured Procurement Spend	4	15%
		1.4. B-BBEE Procurement Spend from Empowering Suppliers that are at least 51% black	9	40%

		owned based on the applicable BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend		
		1.5. B-BBEE Procurement Spend from Empowering Suppliers that are at least 30% black women owned based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	4	12%
	2. Bonus Points	B-BBEE Procurement Spend from Designated Group Suppliers that are at least 51% Black owned.	2	6%
	3. Supplier Development	Annual value of all Supplier Development Contributions made by the Measured Entity as a percentage of the target	8	2% NPAT
	4. Enterprise Development	Annual value of Enterprise Development Contributions and Sector Specific Programmes made by the Measured Entity as a percentage of the target	4	1% NPAT
		Annual Contributions to the Enterprise and Development Fund	3	1% of value of contracts with State
	5. Bonus Points	Bonus point for graduation of one or	1	

		more Enterprise Development beneficiaries to graduate to the Supplier Development level		
		Bonus point for creating one or more jobs directly as a result of Supplier Development and Enterprise Development initiatives by the Measured Entity.	1	
		Bonus points for discharging DIP obligations for benefit of South African entities that are 25.1% Black owned and managed.	2	75%
		TOTAL	40 Points	

16.4. LOCALISATION

- 16.4.1. One of the most important mechanisms for growing a sustainable defence industry is the stimulation and expansion of South African enterprises and improving their global competitiveness.
- 16.4.2. Stakeholders therefore commit to –
 - 16.4.2.1. procure at least 60% of Defence matériel products and services from local enterprises. In the event that this is not practically achievable and on written request accompanied by evidence, Armscor or the Department of Defence and Military Veterans may at their discretion exempt such Measured Entities from compliance with this provision; and
 - 16.4.2.2. provide support for enterprises that introduce new locally developed technology in the industry.
- 16.4.3. The provisions of the Localisation Scorecard does not apply to designated sectors.

LOCALISATION SPECIALISED SCORECARD

B-BBEE Element	Indicator	Description	Weighting Points	Compliance Target
Localisation		Defence Matériel products and services procured from local enterprises	6	60%
		<p>Procurement from local enterprises that introduce new locally developed technology in the industry</p> <p>Technologies that are manufactured within the Republic of South Africa by locally-based enterprises from intellectual property owned by local enterprises; and</p> <p>Technologies that are manufactured within the Republic of South Africa by local enterprises from intellectual properties licensed thereto by local or off-shore enterprises.</p>	4	60%
		TOTAL	10 Points	

16.5. SOCIO-ECONOMIC DEVELOPMENT

- 16.5.1. Measured Entities receive recognition for any Socio-Economic Development Contributions that are quantifiable as a monetary value using a Standard Valuation Method.
- 16.5.2. Socio-Economic Development Contributions of any Measured Entity are recognizable annually.
- 16.5.3. No portion of the value of any Socio-Economic Development contribution that is payable to the beneficiary after the date of measurement can form part of any calculation under this statement.
- 16.5.4. Socio-Economic Development Contributions consist of monetary or non-monetary contributions actually initiated and implemented in favour of beneficiaries by a Measured Entity with the specific objective of facilitating income generating activities for targeted beneficiaries.
- 16.5.5. The full value of Socio-Economic Development Contributions made to beneficiaries is recognizable if at least 75% of the value directly benefits black people
- 16.5.6. If less than 75% the full value of Socio-Economic Development Contributions directly benefits black people, the value of the contribution made multiplied by the percentage that benefits people is recognizable.
- 16.5.7. The following is a non-exhaustive list of Socio-Economic Development Contributions –
 - 16.5.7.1. grant Contributions to beneficiaries of Socio-Economic Development Contributions;
 - 16.5.7.2. guarantees given or security provided for beneficiaries;
 - 16.5.7.3. direct costs incurred by a Measured Entity in assisting beneficiaries;
 - 16.5.7.4. overhead costs of a Measured Entity directly attributable to Socio Economic Development Contributions;
 - 16.5.7.5. developmental capital advanced to beneficiary communities;
 - 16.5.7.6. preferential terms granted by a Measured Entity for its supply of goods or services to beneficiary communities;

- 16.5.7.7. payments made by the Measured Entity to third parties to perform socio-economic development on the Measured Entity's behalf;
- 16.5.7.8. subject to paragraph 16.6.7.6. the maintenance by the Measured Entity of a Socio-Economic development unit which focuses only on support of beneficiaries and beneficiary communities.
- 16.5.7.9. providing training or mentoring of beneficiary communities by a Measured Entity. (Such contributions are measurable by quantifying the cost of time (excluding travel or commuting time) spent by staff or management of the Measured Entity in carrying out such initiatives. A clear justification must support any claim costs incurred, commensurate with the seniority and expertise of the trainer; and
- 16.5.7.10. maintaining a socio-economic development unit by the Measured Entity. (only that portion of salaries and wage attributable to time spent by the staff in, and the other expenses related to, promoting and implementing socio-economic development constitute contributions.

SOCIO-ECONOMIC DEVELOPMENT SCORECARD

Criteria	Weighting Points	Compliance Target
Annual Value of all Socio-Economic Contributions by the Measured Entity as a percentage of the target	3	0.5% NPAT
Annual Value of all Socio-Economic Contributions to Military Veterans by the Measured Entity as a percentage of the target	2	0.5% NPAT
TOTAL	5 Points	

16.5.8. MEASUREMENT OF SOCIO-ECONOMIC DEVELOPMENT CONTRIBUTIONS

Socio- Economic Development Contributions are measured using the formula in the Benefit Factor Matrix set out below.

BENEFIT FACTOR MATRIX

Qualifying Contribution type	Contribution Amount	Benefit Factor
Grant and Related Contributions		
Grant Contribution	Full Grant Amount	100%
Direct Cost incurred in supporting socio-economic development, sector specific initiative or Qualifying Socio-Economic Development Contributions	Verifiable Cost (including both monetary and non-monetary)	100%
Discounts in addition to normal business practice supporting socio-economic development, sector specific initiative or Qualifying Socio-Economic Development Contributions	Discount Amount (in addition to normal business discount)	100%
Overhead Costs incurred in supporting socio-economic development, sector specific initiative or Qualifying Socio-Economic Contributions	Verifiable Cost (including both monetary and non-monetary)	80%
Contributions made in the form of human resource capacity		
Professionals services rendered at no cost supporting socio-economic development, sector specific initiatives or Qualifying Socio-Economic Development Contributions	Commercial hourly rate of professional	80%
Professional Services rendered at a discount supporting socio-economic development, sector specific initiatives or Qualifying Socio-Economic Development Contributions	Value of discount based on commercial hourly rate of professional	80%

Time of employees of Measured Entity productively deployed in assisting beneficiaries and supporting socio-economic development, sector specific or Qualifying Socio-Economic Development Contributions	Monthly Salary divided by 160	80%
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17. DEFENCE SECTOR CHARTER COUNCIL

17.1. A Defence Sector Charter Council shall be established to oversee and monitor the implementation of the Sector Code. The Council shall be a representative body comprising of stakeholders in the defence industry and shall comprise of not less than 5 members.

17.2. The Minister of Defence shall appoint the Defence Sector Charter Council after consulting with industry stakeholders.

17.3. The functions of the Defence Sector Charter Council shall include –

17.3.1. monitoring compliance with this Sector Code;

17.3.2. managing both the Skills Development Fund and Enterprise and Supplier Development Fund

17.3.3. providing guidance, support and assistance with interpretation of this Sector Code;

17.3.4. liaising with all government departments and agencies for the purpose of facilitating the implementation of the Sector Code and promote the defence industry's interests;

17.3.5. compiling an annual report on overall progress by the defence industry with the Sector Code and submitting such report to any relevant stakeholders

including the Minister of Trade and Industry, the Minister of Defence, the B-BBEE Commission and NDIC; and

17.3.6. initiating and supervising any revisions to this Sector Code

17.4. The Council shall have executive authority and shall be supported by administrative staff.

18. MONITORING AND EVALUATION

18.1. In order to ensure compliance with this Sector Code all Measured Entities shall annually file a report to the Defence Sector Charter Council. The report must contain a scorecard audited by an accredited verification agency and a detailed report on progress with complying with the provisions of this Sector Code.

18.2. The first annual report shall be filed not later than the first anniversary of the promulgation of this Sector Code. The date for subsequent annual reports shall be determined by the Defence Sector Charter Council.

19. REVIEW OF THE SECTOR CODE

This Sector Code may be reviewed in order to align it with any amendment to the Act or Generic Scorecard or after the expiry of the 3rd anniversary of the promulgation of this Sector Code.

20. EFFECTIVE DATE

The Sector Code shall come into effect on the date it is Gazetted.

SPECIALISED DEFENCE SECTOR SCORECARD FOR ORGANS OF STATE AND STATE OWNED ENTERPRISES

ELEMENT	WEIGHTING	CODE SERIES REFERENCE
Management Control	20 points	
Skills development	25 points	
Enterprise and Supplier Development	50 points	
Socio-Economic Development	5 points	
Localization	15 points	
TOTAL	115 Points	

MANAGEMENT CONTROL SPECIALISED SCORECARD

Measurement Category and Criteria	Weighting Points	Compliance targets		
		Year 1	Year 2	Year 3
Board Participation				
Exercisable voting rights of black board members as a percentage of all board members	2	50%	60%	70%
Exercisable voting rights of black female board members as a percentage of all board members	1	25%	30%	40%
Black Executive Directors as a percentage of all executive directors	2	50%	60%	70%
Black female Executive directors as a percentage of all executive directors	1	25%	30%	40%
Other Executive Management				
Black executive management as a percentage of all executive management	2	60%	65%	7%
Black female executive management as a percentage of all executive management	1	30%	40%	40%
Senior Management				
Black employees in senior management as a percentage of all senior management	2	60%	65%	70%
Black female employees in senior management as a percentage of all senior management	1	30%	40%	40%
Middle Management				
Black employees in middle management as a percentage of all middle management	2	75%	80%	85%
Black female employees in senior management as a percentage of all middle management	1	38%	40%	45%
Junior Management				
Black employees in junior management as a percentage of all junior management	2	88%	90%	90%
Black female employees in junior management as a percentage of all junior management	1	44%	50%	55%

Employees with Disabilities				
Black employees with disabilities as a percentage of all employees	2	2%	3%	5%
TOTAL	20 Points			

SKILLS DEVELOPMENT SPECIALISED SCORECARD

Category	Skills Development Element	Weighting points	Compliance Target		
			Year 1	Year2	Year3
Skills Development Expenditure on any programme specified in the Learning Programme Matrix for black people as a percentage of the Leviable Amount					
Skills Development Expenditure on Learning Programmes specified in the Learning Programme Matrix for black people as a percentage of Leviable Amount	7	6%	6%	6%	
Skills Development Expenditure on Learning Programmes specified in the Learning Programme Matrix for black employees with disabilities as a percentage of Leviable Amount	3	0.3%	0.3%	0.3%	
Skills Development Expenditure on Learning Programmes for Black Military Veterans	2	4%	4%	4%	
Learnerships, apprenticeships and internships					
Number of black people participating in learnerships, apprenticeships and internships as a percentage of total employees	6	2,5%	2.5%	2.5%	
Number of black unemployed people participating in training specified in the learning programme matrix as a percentage of number of employees .	5	2,5%	2.5%	2.5%	
Contribution to the Defence Skills Development Fund for development of critical and scarce skills	2	1%	1%	1%	
Bonus Points					
Number of black people absorbed by the Measured Entity and Industry at the end of	5	100%	100%	100%	

the learnership/apprenticeship or internship programme				
TOTAL	25 Points			

ENTERPRISE AND SUPPLIER DEVELOPMENT SPECIALISED SCORECARD

Criteria	Weighting points	Compliance targets		
		Year1	Year2	Year3
PREFERENTIAL PROCUREMENT				
B-BBEE Procurement Spend from all Empowering Suppliers based on the B-BBEE Procurement Recognition Level as a percentage of Total Measured Procurement Spend	5	80%	80%	85%
B-BBEE Procurement Spend from all Empowering Suppliers that are Qualifying Small Enterprises based on the applicable B-BBEE Procurement Recognition Levels as a percentage	4	15%	15%	20%

of Total Measured Procurement Spend				
B-BBEE Procurement Spend from all Exempted Micro-Enterprise based on the applicable B-BBEE procurement Recognition Levels as a percentage of Total Measured Procurement Spend	5	15%	15%	20%
B-BBEE Procurement Spend from Empowering Suppliers that are at least 51% black owned based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	11	40%	15%	20%
B-BBEE Procurement Spend from Empowering Suppliers that are at least 30% black women owned based on the	5	12%	12%	12%

applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend				
Bonus Points				
B-BBEE Procurement Spend from Designated Group Suppliers that are at least 51% black owned	2	2%	2%	2%
SUPPLIER DEVELOPMENT				
Annual value of all Supplier Development Contribution made by the Measured Entity as a percentage target	15	2% of Net Profit After Tax (NPAT) or 0,2% Annual Revenue/Allocated budget/ Gross receipts/Discretionary spend	2% of Net Profit After Tax (NPAT) or 0,2% Annual Revenue/Gross receipts/Discretionary spend	2% of Net Profit After Tax (NPAT) or 0,2% Annual Revenue/Gross receipts/Discretionary spend
ENTERPRISE DEVELOPMENT				
Annual value of Enterprise Development Contributions and	5	1% of NPAT or 0.1% Annual revenue/Allocated budget/ Gross receipts/ Discretionary spend	1% of NPAT or 0.1% Annual revenue/Allocated budget/ Gross receipts/ Discretionary spend	1% of NPAT or 0.1% Annual revenue/Allocated budget/ Gross receipts/ Discretionary spend

Sector Programme made by Measured Entity as a percentage of the target				
Bonus Points				
Bonus point for graduation of one or more Enterprise Development beneficiaries to graduate to the Supplier Development level.	1			
Bonus point for creating one or more jobs directly as a result of Supplier Development and Enterprise Development initiatives by the Measured Entity	1			
TOTAL	50 Points			

SOCIO-ECONOMIC DEVELOPMENT SPECIALISED SCORECARD

	Weighting Points	Compliance Target		
		Year 1	Year2	Year3
Annual value of all Socio-Economic Development contributions by the Measured Entity as a percentage of the target	5	1% of NPAT OR 0,1% Annual Revenue/Allocated budget/ Gross receipts/ Discretionary spend	1% of NPAT OR 0,1% Annual Revenue/Allocated budget/ Gross receipts/ Discretionary spend	1% of NPAT OR 0,1% Annual Revenue/Allocated budget/ Gross receipts/ Discretionary spend
TOTAL	5 Points			

LOCALISATION SPECIALISED SCORECARD

B-BBEE Element	Description	Weighting Points	Compliance Target		
			Year 1	Year 2	Year 3
Localisation	Defence Matériel products and services procured from local enterprises	6	60%	60%	60%
	Procurement from local enterprises that introduce new, locally developed technology in the industry	4	60%	60%	60%
	TOTAL	10 Points			

THE QUALIFYING SMALL ENTERPRISES (QSE'S) DEFENCE SCORECARD

The following table represents and contains the Elements of the scorecard and the weighting for each element:

ELEMENT	WEIGHTING				
Ownership	25 points				
Management Control	15 points				
Skills Development	25 points				
Enterprise and Supplier Development	30 points				
Localisation	10 points				
Socio-Economic Development	5 points				
TOTAL	110 Points				

The Weighting in respect of any elements in the scorecard represents the maximum number of points possible for each of the criteria

Any matter concerning the application of the QSE Scorecard that is not dealt with explicitly in this Sector code must be dealt with in terms of the Generic Codes of Good Practice.

THE QSE OWNERSHIP SCORECARD

Category and Ownership Indicator	Weighting Points	Compliance Table		
		Year 1	Year 2	Year3
Voting rights				
Exercisable Voting Rights in the Enterprise in the hands of black people	5	25%	30%	35%
Exercisable Voting Rights in the Enterprise in the hands black women	2	10%	15%	15%
Economic Interest		25%	30%	35%
Economic Interest of black people in the Enterprise	5	25%	30%	35%
Economic Interest of black women in the Enterprise	2	10%	15%	15%
New Entrants or Black Designated Groups	3	2%	3%	5%
Realisation Points				
Net Value	8	Refer to Annexure 100 (E) of the Generic Scorecard		
TOTAL	25 Points			

THE QSE MANAGEMENT CONTROL SCORECARD

Criteria	Weighting points	Compliance Target		
		Year1	Year2	Year3
Executive Management				
Black representation at Executive Management	5	50%	50%	60%
Black female representation at Executive Management	2	25%	25%	30%
Senior, Middle and Junior Management				
Black representation at Senior , Middle and Junior Management	6	60%	60%	70%
Black female representation at Senior, Middle and Junior Management	2	30%	30%	30%
TOTAL	15 Points			

THE QSE SKILLS DEVELOPMENT SCORECARD

Skills Development Element	Weighting points	Compliance Target		
		Year 1	Year2	Year3
Skills development expenditure on learning programs specified in the learning programme matrix for black people as a percentage of leviabale amount	15	3%	3%	5%
Skills development expenditure on learning programmes specified in the learning programme matrix for black female as a percentage of leviabale amount	10	1%	1%	3%
Skills development expenditure on learning programmes specified in the learning programme matrix for black people with disabilities as a percentage of leviabale amount.	3	0.15%	0.15%	0.30%
Defence Skills Development Fund				
Contribution to the Defence Skills Development Fund for development of critical and scarce skills	2	1%	1%	1%
Bonus Points				
Number of black people absorbed by the measured entity and industry at the end of the learning	5	100%	100%	100%
TOTAL	30 Points			

THE QSE ENTERPRISE AND SUPPLIER DEVELOPMENT SCORECARD

Criteria	Weighting points	Compliance targets		
		Year 1	Year 2	Year 3
Preferential Procurement				
B-BBEE Procurement Spend from all Empowering Suppliers based on the B-BBEE Recognition Levels as a percentage of Total Procurement Spend	15	60%	60%	70%
B-BBEE Procurement Spend from Empowering Suppliers that are at least 51% black owned based applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement	4	15%	20%	30%
Bonus Points				
B-BBEE Procurement Spend from Designated Group suppliers that are at least 51% black owned based on the B-BBEE Recognition Level	1	1%		
Supplier Development				
Annual value of all Supplier Development Contributions made by the Measured Entity as a percentage of the target.	4	1% of Net Profit After Tax		
Enterprise development				

Annual value of Enterprise Development Contribution and Sector Specific Programmes made by the Measured Entity as a percentage of the target	4	1%NPAT		
Annual Contributions to the Enterprise and Development Fund	3	1% of value of contracts with State		
Bonus Points				
Bonus point for graduation of one or more Enterprise Development beneficiaries to graduated to the Supplier Development level	1			
Bonus point for creating one or more jobs directly as a result of Supplier Development and Enterprise Development initiatives by the Measured Entity.	1			
TOTAL	30 Points			

THE QSE LOCALISATION SCORECARD

B-BBEE Element	Indicator	Description	Weighting Points	Compliance Target
Localisation		Defence Matériel products and services procured from local enterprises	6	60%
		Procurement from local enterprises that introduce new locally developed technology in the industry	4	60%
		TOTAL	10 Points	

THE QSE SOCIO-ECONOMIC DEVELOPMENT (SED) SCORECARD

Criteria	Weighting Points	Compliance Target		
		Year 1	Year2	Year3
Annual value of all Socio-Economic Development Contributions and Qualifying Socio-Economic Development Contributions made by the Measured Entity as a percentage of the target	5	1% NPAT	1 % NPAT	1 % NPAT
TOTAL	5			

SCHEDULE 1

1. LEGITIMATE ENTERPRISE AND SUPPLIER DEVELOPMENT CONTRIBUTIONS

1.1. The following is a non-exhaustive list of Enterprise Development and Supplier Development Contributions –

1.1.1. investment in beneficiary entities;

1.1.2. loans made to beneficiary entities; - guarantees given or security provided on behalf beneficiaries; credit facilities made available to beneficiary entities grant Contributions to beneficiary entities; direct costs incurred by a measured Entity in assisting and hastening development of beneficiary entities; overhead costs of a Measured Entity directly attributable to Enterprise Development and Supplier Development Contributions preferential credit terms granted by a Measured Entity to beneficiary entities;

1.1.3. preferential terms granted by a Measured Entity in respect of its supply of goods to beneficiary entities;

1.1.4. contributions made to beneficiary to settling service costs relating to the supply of goods or services to beneficiary entities;

1.1.5. discounts given to beneficiary entities in relation to the acquisition and maintenance costs associated with the grant to those beneficiary entities of franchise, license, Agency, distribution or other similar business rights;

1.1.6. the creation or development of capacity and expertise for beneficiary entities needed to manufacture or produce goods or services previously not manufactured, produces or provided in the Republic of South Africa is provide for in Government's economic growth and local supplier development policies and initiatives ; facilitating access to credit for beneficiary entities without access to similar credit facilities through traditional means owing to a lack of credit history, high-risk or lack of collateral;

- 1.1.7. provision of training or mentoring by suitably qualified entities or individuals to beneficiary entities which will assist the beneficiary entities to increase their operational or financial capacity;
- 1.1.8. the maintenance by the Measured Entity of an Enterprise Development and Supplier Development unit which focuses exclusively on support of beneficiary entities or candidate beneficiary entities;
- 1.1.9. provision of preferential credit facilities to a beneficiary by a Measured entity may constitute an Enterprise Development and Supplier Development Contribution. Examples of such contributions include without limitation;
- 1.1.10. provision of finance to beneficiary entities at lower than commercial rates of interest relaxed security requirement or absence of security requirements for beneficiary entities unable to provide security for loans; and settlement of accounts with beneficiary entities over a shorter period of time in relation to the Measured Entity's normal payment period, provided the shorter period is no longer than 15 days.
- 1.1.11. providing training or mentoring to beneficiary communities by a Measured Entity. Such contributions are measurable by quantifying the cost of time (excluding travel or commuting time) spent by staff or management of the Measured Entity in carrying out such initiatives. A clear justification, commensurate with the seniority and expertise of the trainer or mentor, must support any claim for time costs incurred). By the Measured Entity. (only that portion of salaries and wages attributable to time spent by the staff in, and the other expenses related to. Promoting or implementing Enterprise Development and Supplier Development constitute contributions; or
- 1.1.12. payments made by the Measured Entity to suitably qualified and experienced third parties to perform Enterprise Development and Supplier Development on the Measured Entity' behalf.

2. MONETARY AND NON-MONETARY CONTRIBUTIONS

2.1. Subject always to the definitions of qualifying Enterprise Development and Supplier Development Contributions, the following monetary/non-monetary contributions will, without limitation, be considered –

2.1.1. the provision of seed or development capital;

2.1.2. contributions made towards the settlement of the cost of services relating to the operational or financial capacity and/or efficiency levels of a Qualifying Enterprise Development and Supplier Development Beneficiary including, without limitation;

2.1.3. professional and consulting services;

2.1.4. licensing and/or registration fees;

2.1.5. industry specific levies and/or other such fees;

2.1.6. IT services;

2.1.7. creation or development of capacity and expertise for Beneficiary Entities to manufacture or produce goods and/or services previously not manufactured, produced or provided in the Republic of South Africa;

2.1.8. facilitation of access to credit for Beneficiary Entities unable to access similar credit facilities through traditional means owing to a lack of credit history, high risk and/or lack of collateral;

2.1.9. provision of training and/or mentoring to Beneficiary Entities which will assist the Beneficiary Entities to increase their operational and/or financial capacity; and

2.1.10. the maintenance by the Measured Entity of an Enterprise Development and Supplier Development unit which focuses exclusively on support of Beneficiary Entities or candidate Beneficiary Entities or candidate beneficiary Entities.

- 2.2. The creation and/or development of the capacity of Beneficiary Entities which will enable them to manufacture and produce goods and/or provide services previously not available in the Republic of South Africa, may constitute a Qualifying Enterprise development and Supplier Development contribution, and will be measured as the rand value of monetary contributions made as well as investments into, loans made to or guarantees given for a Beneficiary Entity.
- 2.3. Provision of preferential credit facilities to a beneficiary Entity by a Measured Entity may constitute a Qualifying Enterprise Development and Supplier Development Contribution. Examples of such contributions include without limitation—
- 2.3.1. provision of finance to Beneficiary entities at rates of interest below the applicable rate. Such contributions will be measured as the value of the differential between the actual interest rate provided to the Beneficiary Entity and the applicable rate;
- 2.3.2. relaxed security requirements or absence of security requirements for Beneficiary Entities unable to provide security for loans. Such contributions shall be measured as being 3% (three percent) of any positive differential between the initial capital value of the loan and the value of security taken; and
- 2.3.3. settlement of accounts with Beneficiary Entities over a shorter period of time in relation to the Measured Entity's normal payment period, provided that the shorter period is no longer than 15 days. Preferential payment terms which extend beyond 15 days will not qualify as Qualifying Enterprise Development and Supplier Development Contributions. Provision of training and/or mentoring to a Beneficiary Entity by a Measured Entity may constitute a Qualifying Enterprise Development and Supplier Development Contribution. Such contributions will be measured by quantifying the cost of time spent by their staff or management of the Measured Entity in carrying out such initiatives. Any travel or commuting time may not be included in this cost. Furthermore, a clear justification must be supplied with respect to the calculation of such time costs incurred, commensurate with the level of seniority and expertise of the trainer or mentor. Common forms of such contribution include without limitation –

2.3.3.1. professional and consulting services;

2.3.3.2. IT services; and

2.3.3.3. any other services which help to increase the entity's financial and/or operational capacity and which have not also been accounted for under skills development. The maintenance of an Enterprise Development and Supplier Development unit by the Measured Entity may constitute a Qualifying Enterprise Development and Supplier Development Contribution. Common examples of such contributions include without limitation the salaries and wages of staff and other expenses involved in the operation of such Enterprise Development and Supplier Development unit. Notwithstanding the foregoing, only that portion of salaries and wages which relate to time spent by the staff in the other expenses related to the promotion and implementation of Enterprise Development and Supplier Development in respect of Beneficiary Entities or candidate Beneficiary Entities should be taken into consideration under Enterprise Development and Supplier Development contributions.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

ELECTORAL COMMISSION

NOTICE 561 OF 2017

REGULATIONS ON THE CONDITIONS OF SERVICE, REMUNERATION, ALLOWANCES AND OTHER BENEFITS OF THE CHIEF ELECTORAL OFFICER AND OTHER ADMINISTRATION STAFF

Acting in terms of section 23 of the *Electoral Commission Act, 1996* (Act No 51 of 1996) the Electoral Commission has made the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates-
 - i. **“Act”** means the *Electoral Commission Act, 1996* (Act No 51 of 1996);
 - ii. **“Chief Electoral Officer”** means the Chief Electoral Officer appointed in terms of section 12 of the Act as head of the administration of the Electoral Commission;
 - iii. **“Commission”** means the Commission established in terms of section 6(1) of the Act;
 - iv. **“Day”** means any day upon which the employee is normally required to work;
 - v. **“employee”** means the Chief Electoral Officer and any person who is appointed in terms of section 12(4) of the Act as an officer or employee;
 - vi. **“employer”** means the Commission;
 - vii. **“Electoral Commission”** means the Electoral Commission established in terms of section 3(1) of the Act;
 - viii. **“overtime”** means work in excess of the hours of work per day/week or month that an employee has contracted to perform;
 - ix. **“private commercial activity”** means the activity by a person, for his or her own account, of providing goods or services involving financial, commercial or industrial aspects;
 - x. **“week”** in relation to the employee means the period of seven (7) days within which the working week of that employee ordinarily falls.”

Interpretation

2. These regulations must be read in conjunction with any laws of the Republic of South Africa governing employer and employee relations.

Commencement of employment

3. An employee's employment commences on the day agreed upon between the employer and the employee.

Probation period

4. (1) The appointment of a person from outside of the Electoral Commission shall be made on probation for a period of not less than 12 (twelve) calendar months. Probation will not be required when an employee, already confirmed as a permanent employee after successful completion of his or her probation period, is transferred or promoted.
- (2) The period of probation of an employee shall be extended by the number of days' unpaid leave, maternity leave or special paid sick leave as contemplated in Regulation 15A taken by him or her during the period of probation or any extension thereof.
- (3) If during the period of probation or extended probation, the employee concerned has been diligent, and his or her conduct has been uniformly satisfactory, and he or she is in all respects suitable for the post which he or she holds, and if the employee has complied with all the conditions to which his or her appointment was subject, the appointment may be confirmed. If the probationary appointment is not so confirmed, it may be extended for a period of not more than 12 (twelve) calendar months or be dealt with in accordance with sub-paragraph (4) below.
- (4) An employee who is serving on probation may be discharged from the service of the Electoral Commission whether during, or at, or after the expiry of the period of probation-
- (a) by the giving to such employee of a notice of termination of employment in terms of regulation 8; or
- (b) forthwith, but subject to the provisions of the *Labour Relations Act, 1995* (Act No 66 of 1995), if his or her conduct or performance is unsatisfactory.

Re-location and re-deployment

5. (1) The employer may, with the agreement of, or at the request of, the employee, relocate an employee to an office of the Electoral Commission other than the one in which he or she is then employed.
- (2) If the employee moves his or her household or place of abode to the new location, the employee is entitled to be reimbursed in respect of expenses involved on a basis of reimbursement decided upon by the Commission from time to time, except when the relocation takes place at the request of the employee.
- 5A (1) If the employee relocates at the request of the employer, he/she will be granted 2 (two) paid working days' relocation leave for travelling and moving household contents to the new location.

Hours and place of work

6. Except as otherwise agreed to in writing between the employer and employee, normal working hours are from 8:00 to 12:00 and 13:00 to 17:00 on every weekday (Monday to Friday) that is not a public holiday, and the place of work is at the offices and places determined by the Electoral Commission from time to time.

Outside work

7. (1) Employees shall serve the employer in a full-time capacity and at the places and times determined by the Electoral Commission.
- (2) Employees shall not perform any other remunerated work nor received any other income in respect of work performed, or materials produced during the course of their employment by the Electoral Commission without the written permission of the employer.
- (3) An employee may not use the facilities of the Electoral Commission for private commercial purposes without the prior written approval of the Commission.

Termination of employment by the employer

8. (1) The employer may terminate the employment of an employee by giving to the employee at least 30 (thirty) days' notice of termination and the reason for the termination must be stated in the notice.
- (2) If the reason for the termination of employment is the abolishment of the post in which the employee has been serving, or the reduction of staff, the minimum period of notice to be given in terms of sub-regulation (1) is increased by 15 (fifteen) days for every period of 12 (twelve) months that the employee has been in the service of the employer.
- (3) The employer may decide to pay to the employee in lieu of the required minimum period of notice referred to in sub-regulation (2), the remuneration the employee would have been entitled to for that period or part thereof.

Retirement

- 8A (1) It will be permissible for employees to retire from the age of 60 (sixty) to a maximum age of 65 (sixty five).
- (2) In cases of retirement at 65 (sixty five) the employer will give to the employee at least 30 (thirty) days' notice of termination and the reason for the termination must be stated in the notice.
- (3) The employer will pay the employee an amount equal to 15 (fifteen) days salary for every completed period of 12 (twelve) months that the employee has been in the service of the employer.
- (4) The employee who is permitted to retire in terms of sub-regulation (1) will be entitled to a retirement gift to a value to be determined by the Commission from time to time.
- (5) Employees who are discharged as a result of injury on duty, appointment by the President or Premier, incapacity due to own accord, and incapacity not due to own accord, will be treated as retirement cases, unless otherwise determined by the rules of the employer's pension fund.
- (6) Employees who are discharged as a result of ill health will be accorded benefits as applicable to normal retirement cases as determined by sub-regulations (2), (3) and (4).

Termination of employment by employee

9. (1) The employee may terminate his or her employment by giving to the employer at least 30 (thirty) days' notice of resignation in writing.

Limited term of employment

10. (1) The employer and employee may enter into a written agreement that the employment will terminate at the latest on a specified future date.
- (2) In such cases, and unless the employment is terminated before that date in terms of regulations 8 or 9, the employment terminates on that date.

Remuneration

11. (1) The salary, allowances and other benefits of the Chief Electoral Officer shall be described in a fixed term contract entered into between the Commission and the Chief Electoral Officer. The remuneration of other administrative staff shall be less than that of the Chief Electoral Officer; the maximum remuneration of each grade may not be higher than the minimum remuneration of the subsequent.
- [(2) The salary, allowances and other benefits of the Chief Electoral Officer and other administrative staff aim, within fiscal constraints, to support-
- (a) efficient and effective service delivery and provide appropriate incentives for employees; and

- (b) equal pay for work of equal value and other relevant labour standards.
- (3) Where a post requires skills not readily available within the remuneration structures referred to in sub-regulation (1), the Commission may approve a higher remuneration package in respect of that specific post.
- (4) In determining an employee's salary, allowances and other benefits, the Commission shall take into account-
 - (a) relevant collective agreements;
 - (b) available funding;
 - (c) the results of job evaluation, if available; and
 - (d) the need to recruit and retain personnel with appropriate competencies.
- (5) The Commission shall determine a salary scale or scales, allowances and other benefits-
 - (a) for employees who fall within the ambit of the *Labour Relations Act*, in the course of the relevant collective bargaining process or agreement;
 - (b) for employees not falling within the ambit of the *Labour Relations Act*, in the course of relevant collective bargaining agreement(s).
- (6) The Electoral Commission shall make an annual heightened activity payment to its employees.
- (7) In determining the percentage of the annual heightened activity payment, the Commission shall take into account-
 - (a) relevant collective agreements; and
 - (b) available funding.

Pay progression

- 11A (1) Staff members will qualify for pay progression annually on the 1st of April, subject to satisfactory work performance.
- (2) Newly appointed staff members will annually qualify on the 1st of April for notch increment consideration after successful completion of the required probationary period (the qualifying period).
- (3) Upon completion of the qualifying period, such newly appointed employee will qualify for pay progression annually on the subsequent 1st of April, subject to satisfactory work performance.

Overtime

12. The Electoral Commission may require an employee to do work outside the normal working hours.
- 12A Only staff members earning less or equal to the actual maximum earnings ceiling as approved by the Minister of Labour in concurrence with the Minister of Finance from time to time, will qualify for payment for overtime worked.

Travel, Accommodation and Subsistence

13. (1) If an employee is required to perform duties away from his or her office, such employee is entitled to be reimbursed in respect of reasonable travel, accommodation and subsistence expenses incurred at such rates as the Commission may determine from time to time, bearing in mind the basis on which such rates are determined by the South African Revenue Services.

Vacation Leave

14. (1) An employee is entitled to 25 (twenty five) working days' vacation leave and after ten (10) years of continuous service to 33 (thirty three) working days' vacation leave with full pay

during every 12 (twelve) months leave cycle commencing on the 1st day of April of every calendar year and ending on the 31st day of March of the next calendar year.

(2) If an employee commences employment on any day other than the 1st day of April or ends employment on any day other than the last day of March during any leave cycle his or her leave entitlement is proportionally reduced for that leave cycle and so is the number of consecutive and total working days leave that he or she is obliged to take during the leave cycle. For the purposes of these proportional reductions, the first month of employment will be regarded as a full month of employment regardless of the actual date during that month on which duty was assumed and the last month of employment will be regarded as a full month of employment regardless of the actual date during that month on which the employment ended.

(3) Leave must be taken on days agreed to between the employee and the employer in advance. If they cannot agree, the employer's decision is final.

(4) At least 15 (fifteen) working days leave in total must be taken during each leave cycle. Any remaining days leave to which the employee is entitled are not taken during the leave cycle, that leave is forfeited, provided that -

(a) 7 (seven) of those days per leave cycle may be carried forward and accumulated to be paid out to the employee when his or her employment ends and provided further that not more than 35 (thirty five) such accumulated days will be paid out, the rest being forfeited;

(b) If it was not possible to allow employees to take those days during the leave cycle, the employee is entitled to take those leave days during the first 6 (six) months of the next leave cycle, or by a date to be determined for all staff by the Chief Electoral Officer, after consultation with the Commission.

(5) Employees are obliged to take vacation leave from their leave entitlement for a leave cycle on working days falling between the 25th of December of any calendar year and the 1st of January of the following year.

Nomination of beneficiaries and leave pay-outs

14A (1) Employees may, if they so desire, designate one or more beneficiaries to whom their leave pay-out may be paid in the event of their death.

(2) If an employee dies and has not nominated a beneficiary, the leave pay-out may be paid:

- a) in full to the spouse/life partner of that employee; or
- b) if there is no spouse/life partner, in equal shares for the benefit of minor and other children (including legally adopted children) of the deceased who, at the time of his or her death, were dependant on the employee; or
- c) if there are no children, to the employee's estate.

Sick Leave

15. (1) An employee is entitled to 36 working days paid sick leave for each three year employment cycle, but during the first six months of employment the employee is only entitled to one working day sick leave for every month that he or she has worked.

(2) An employee must submit a medical certificate or affidavit in respect of an absence of 3 (three) or more consecutive working days as well as in respect of a shorter period of absence if asked for by the Electoral Commission.

(3) A medical certificate is required from a medical practitioner or any other person registered with a professional body that is certified to diagnose and treat patients, or, if treatment was received from a non-registered health practitioner such as traditional healers or homeopaths, an affidavit must be presented as proof of the employee having been for such treatment.

15A (1) If an employee has exhausted all his or her normal sick leave but must be absent from work due to a non-permanent or temporary disability, the Commission may grant such an employee additional special paid sick leave.

(2) The Commission may request the employee to submit appropriate medical information in considering a request for special paid sick leave.

Maternity Leave

16. (1) An employee who has been in the service of the employer for a period of uninterrupted service of 12 (twelve) months or longer is entitled to four consecutive months' paid maternity leave.

(2) An employee who has been in the service of the employer for an uninterrupted period of less than 12 (twelve) months, is entitled to one month paid maternity leave for every three months of that period.

(3) An employee may take maternity leave

- (a) at any time from four weeks before the expected date of birth; or
- (b) from a date which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child to take such leave.

(4) At least four weeks prior to the commencement of maternity leave, an employee must notify the employer in writing of the date from which the employee intends to take maternity leave.

Paternity leave

16A (1) During his first year of employment, a male employee is entitled to 1 (one) working day's paid paternity leave for every 2 (two) months of uninterrupted service with the Electoral Commission. An employee who has completed 12 (twelve) months of uninterrupted service is entitled to paid paternity leave of 7 (seven) consecutive working days.

(2) Paternity leave is subject to the approval of the Chief Electoral Officer, who has the discretion to grant an additional 7 (seven) working days.

(3) Paternity leave is to be taken within 3 (three) months of the birth of the employee's biological child and proof will be required before paternity leave is approved.

Pre-natal leave

16B (1) An employee is entitled to 8 (eight) working days pre-natal leave, per pregnancy, to attend medical examinations by a medical practitioner or midwife and tests related to the pregnancy.

(2) An employee can utilise a full day or part of a day for pre-natal leave.

(3) Absences related to medical complications during the pregnancy are covered by sick leave provisions.

Family responsibility leave

17. (1) An employee who has been in employment for longer than 4 (four) months may be granted family responsibility leave on full remuneration during every annual leave cycle-

- a) for a period of 5 (five) working days if the employee's child is ill or if the employee's spouse or life partner is ill; and
- b) for a period of 5 (five) working days in the event of the death of the employee's spouse or life partner, parent, adoptive parent, parent-in-law, grandparent, child, adopted child, grandchild or sibling.

Adoption leave

- 17A (1) An employee who adopts a child that is younger than 2 (two) years, shall qualify for adoption leave to a maximum of 45 (forty five) working days, thereafter annual leave or leave without pay shall apply.
- (2) If both spouses or life partners are employed by the Electoral Commission, both will qualify for adoption leave provided that the combined leave taken does not exceed the 45 (forty five) working days mentioned in 17A(1) above.
- (3) Adoption leave is subject to the approval of the Chief Electoral Officer and proof of adoption is required before such leave is approved.

Permanent incapacity leave

- 17B (1) An employee shall not directly access or apply for permanent incapacity leave. The Chief Electoral Officer may grant an employee up to a maximum of 30 (thirty) working days' permanent incapacity leave once s/he has, following an assessment and investigation, determined that the employee's condition is of a permanent nature.
- (2) The Chief Electoral Officer must during the period referred to in paragraph 17B(1) and in accordance with the advice in terms of the group life insurance policy determinations ascertain the feasibility of alternative employment or adapting duties or work circumstances to accommodate the employee.
- (3) An employee, whose degree of incapacity has been certified as permanent but who can still render a service, may be redeployed to an appropriate position with retention of his or her salary and benefits.
- (4) If the redeployment necessitates reallocation to a job of a lower grading, the continued utilisation of such an employee should, in this regard, be with his or her consent.
- (5) If instances where the employee's redeployment entails retraining, the employer must take requisite resources (time and financial) and potential returns into consideration before approving redeployment. The redeployment of an employee's services should ensure the optimal utilisation of his or her competencies and must not compromise service delivery.
- (6) If both the Chief Electoral Officer and the employee are convinced that the employee will never be able to render an effective service at his or her level or rank, the employer may proceed with the process of termination of service on account of continued ill-health.
- (7) The Chief Electoral Officer may extend the period of permanent incapacity leave referred to in paragraph 17B(1) by a further 30 (thirty) working days in order to finalise the process referred to in sub-paragraph (6).

Leave for occupational injury

- 17C (1) An employee who, as a result of his or her work, suffers an occupation injury, shall be granted occupation injury leave for the duration of the period they cannot work.
- (2) If an employee suffers a work-related injury as a result of an accident involving a third party, the Chief Electoral Officer shall grant him or her occupational injury leave provided that the employee-
- (a) brings a claim for compensation against the third party; and
 - (b) undertakes to use compensation in terms of the *Compensation for Occupations Injuries and Diseases Act of 1993*, received to recompense as far as possible for the cost arising from the accident.
- (3) The Chief Electoral Officer shall take reasonable steps to assist an employee to claim compensation according to sub-paragraph (2) above.

Leave for shop stewards of recognised employee organisations

- 17D (1) An employee who is a shop steward in terms of the recognition agreement with a union is entitled to 15 working days shop steward leave with full remuneration in every leave cycle for activities related to the employee's union position.
- (2) The 15 working days shop steward leave shall be pooled per recognised trade union.
- (3) All applications for this type of leave must be submitted in writing together with supporting documentation.

Study leave

- 17E (1) An employee who has been in employment for longer than four months may be granted paid study leave to write examination in a part-time formal qualification study course which benefits the Electoral Commission and such study leave may not be more than 2 (two) days in respect of each examination paper, *i.e.* the day of the examination and the preceding working day.
- (2) Study leave must be applied for in advance and proof of registration and an examination timetable must accompany any such application for study leave.

Special leave: General provisions

- 17F (1) An employee may be granted special paid leave after consideration of the circumstances and conditions applicable in each case.

Leave of absence without remuneration

18. The employer may at its discretion, grant an employee unpaid leave of absence for any period of time not exceeding 12 (twelve) months, subject to regulation 7.

Conflict of interest

19. Where a possible conflict of interest arises or where an employee has an interest, whether financially or otherwise, or obtains an interest in a company or organisation with which the employer enters into business transactions, or where the interest is of such nature that it may influence the outcome of any decision or benefit any person or company or organisation, such interest must be disclosed in writing to the employer as soon as it arises and the employee must refrain from participation in any way in related business dealings.

Gifts or benefits

20. (1) An employee must in writing disclose to the employer any gifts or benefits of a value to be determined from time to time, offered to him or her or on behalf of a person or organisation with whom the employer has, or may enter into, a business relationship and any gifts or benefits that may be intended to, or may be perceived to, influence him or her in the performance of his or her functions.
- (2) An employee may not accept any such gift or benefit or any other gifts or benefits offered to him or her as an officer or employee of a value to be determined from time to time, without prior consultation with the employer and the employer reserves the right to order non-acceptance of such gifts or benefits.

Repeal of regulations

21. These regulations shall repeal Regulations No 514 of 19 May 2000, Regulations No 902 of 17 September 2001, Regulations No 1152 of 3 December 2007 and Regulations No 796 of 3 October 2012 and shall be called the *Regulations on the Conditions of Service, Remuneration, Allowances and other Benefits of the Chief Electoral Officer and Other Administration Staff* and shall come into effect on a date fixed by the Commission by proclamation in the *Gazette*.

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NOTICE 562 OF 2017**

PROMOTION OF ACCESS TO INFORMATION ACT, 2000

DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)

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

**KWAZULU-NATAL PROVINCIAL GOVERNMENT: DEPARTMENT OF
AGRICULTURE AND RURAL DEVELOPMENT**

As set out in the Schedule



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

Annexure "C"



REPUBLIC OF SOUTH AFRICA

FORM D

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

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website)(SECTION 15(1)(a))
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
The list of records are detailed in Section 3 of the PAIA Manual.	The records may be inspected on request in writing addressed to the Information Officer and or the Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X 9059, PIETERMARITZBURG, 3200, (fax number 033 355 9293) and on payment of the amount as per Appendix 1 of the PAIA Manual.
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
The list of records are detailed in Section 3 of the PAIA Manual.	The records may be inspected on request in writing addressed to the Information Officer and or Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X 9059, PIETERMARITZBURG, 3200, (fax number 033 355 9293) and on payment of the amount as per Appendix 1 of the PAIA Manual.

FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)	
<p>(a) Delegations</p> <p>(b) Records relating to administrative decisions reached by the Department.</p>	<p>The records may be inspected on request in writing addressed to the Information Officer and or Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X 9059, PIETERMARITZBURG, 3200, (fax number 033 355 9293) and on payment of the amount as per Appendix 1 of the PAIA Manual.</p>
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)	
<p>The list of records are detailed in Section 3 of the PAIA Manual, amongst others but not limited to:</p> <ul style="list-style-type: none"> - Strategic Plan and Annual Performance Plans. - Departmental Mission, Vision and Strategic Objectives. - Values of the Department. - Legislative Mandate of the Department. - Service Commitment Charter (SCC). - Service Delivery Improvement Plan (SDIP). - Quarterly Expenditure Reports. - Policies regarding Internal Practices. - Budget Vote of the MEC and other Speeches. - Departmental Publications. - Annual Reports - GIS mapping. - Mid term reviews. - Legislation. - Delegations. - Circulars. - KZN Librarian newsletters. - Internal Newsletters. - Media Releases (Umvelo, daily media monitoring). - Brochures (Ulwandle) 	<p>The records may be inspected on request in writing addressed to the Information Officer and or Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X 9059, PIETERMARITZBURG, 3200, (fax number 033 355 9293) and on payment of the amount as per Appendix 1 of the PAIA Manual.</p>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NOTICE 563 OF 2017

PROMOTION OF ACCESS TO INFORMATION ACT, 2000

DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)

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

**EASTERN CAPE PROVINCIAL GOVERNMENT: DEPARTMENT OF
HUMAN SETTLEMENTS**

As set out in the Schedule



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



Province of the
EASTERN CAPE
HUMAN SETTLEMENTS

SECTION 15 NOTICE**OFFICE OF THE HEAD OF DEPARTMENT**

Steve Tshwete House • 31-33 Phillip Frame Road • Waverly Park • Chiselhurst • East London • Eastern Cape • RSA
Office No: 043 711 9625 • Fax No: 086 775 5051 • Email: FezileM@ecdhs.gov.za

DEPARTMENT OF HUMAN SETTLEMENTS
FORM "D"

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:

(Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000)
(Regulation 5A)

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (SECTION 15(1)(b))
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
Departmental Strategic Plans Departmental Annual Performance Plan Employment Equity Reports Approved Organizational Structures Departmental File plans Audited financial statements Departmental policies and procedure manuals Promotion of Access to Information Manual Service Standards Service Delivery Charter Departmental Events Calendar MEC Policy Speech Departmental Circulars Public Service Forms Staff Contact details Directory Journals and magazines Tender Documents News letters Promotional materials	The records may be inspected at the Department on request in writing addressed to the Deputy Information Officer, Department of Human Settlements Private Bag X13008, East London, Eastern Cape 5202 Tel No: 043 711 9625/ 9631 Fax No: 086 775 5051

FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
Tender documents	Tender Documents are purchased at Supply Chain Management
FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii):	
Departmental Strategic Plans Departmental Annual Performance Plan Employment Equity Reports Approved Organizational Structures Departmental File plans Audited financial statements Departmental policies and procedure manuals Promotion of Access to Information Manual Service Standards Service Delivery Charter Departmental Events Calendar MEC Policy Speech Departmental Circulars Public Service Forms Staff Contact details Directory Journals and magazines Tender Documents News letters Promotional materials	The records may be inspected at the Department on request in writing addressed to the Deputy Information Officer, Department of Human Settlements Private Bag X13008, East London, Eastern Cape 5202 Tel No: 043 711 9625/ 9631 Fax No: 086 775 5051
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)	
Promotion of Access to Information Manual Service Delivery Charter Departmental Events Calendar MEC Policy Speech Public Service Forms Staff Contact details Directory Journals and magazines News letters Promotional materials	The records may be inspected at the Department on request in writing addressed to the Deputy Information Officer, Department of Human Settlements Private Bag X13008, East London, Eastern Cape 5202 Tel No: 043 711 9625/ 9631 Fax No: 086 775 5051



NON-GOVERNMENTAL ORGANIZATION**NOTICE 564 OF 2017****VETERINARY AND PARA-VETERINARY PROFESSIONS
ACT, 1982 (ACT NO. 19 OF 1982)****REGULATIONS RELATING TO VETERINARY AND
PARA-VETERINARY PROFESSIONS: AMENDMENT****SCHEDULE****Definition**

1.

In this Schedule "the Regulations" means the regulations published by Government Notice No. R.2085 of 1 October 1982, as amended by the regulations published by Government Notices Nos. R.1994 of 11 September 1987 (as corrected by Government Notice No. R.2199 of 2 October 1987), R.397 of 4 March 1988, R.1067 of 17 May 1991, R.11 of 3 January 1992, R.976 of 27 March 1992, R.1477 of 23 September 1994, R.47 of 20 January 1995, R.701 of 12 May 1995, R.1401 of 15 September 1995, R.561 of 1 April 1996, R.256 of 14 February 1997, R.257 of 14 February 1997, R.96 of 16 January 1998, R.501 of 1 April 1998, R.751 of 5 June 1998, R.374 of 26 March 1999, R.422 of 1 April 1999, R.618 of 23 June 2000, R.734 of 17 August 2001, R.324 of 22 March 2002, R.562 of 2 May 2003, R.275 of 5 March 2004 (as amended by Government Notice No R.568 of 7 May 2004), R.343 of 15 April 2005, R.249 of 24 March 2006, R.322 of 20 April 2007, R.487 of 30 April 2008, R. 655 of 12 June 2009, R 659 of 30 July 2010 and R 810 12 October 2012. 30 August 2014, R638, R305 25 April 2014, R389 15 May 2015, Notice 408 of 2016, 15 July 2016.

Substitution of Table 1 of the Regulations

2.

The following Table is hereby substituted for Table 1 of the Regulations.

TABLE 1
FEES PAYABLE

PURPOSE	AMOUNT
1. Registration of - a student [R.22]	*R 138.00
2.1 Registration of a natural person -	
(a) to practice a veterinary profession	*R 2182.00 for the first registration and R* 6983.00 for a registration of a person whose registration was previously terminated
(b) to practice a veterinary specialist profession	*R 2 182 .00 for the first registration and R* 6983.00 for a person whose registration was previously terminated.
(c) to practice a para-veterinary profession	*R 714.00 for the first registration and R *2 793.00 for the registration of a person whose registration was previously terminated.
2.2 Registration of a juristic person- [R.23]	*R 2 182.00
3. Maintenance of registration of- a student [R.24.1]	*R 138.00
4. Maintenance of registration of- (a) a person practising a veterinary	*R 3878.00

profession	
(b) a person practising a para-veterinary profession	*R 1187.00
(c) a person practising as a pensioner [R.24.2]	*R 350.00
5. Alteration of-	
(a) registration of a person practising a veterinary profession	*R 83.00
(b) speciality of a veterinary specialist	*R 83.00
(c) registration of a person practising a para-veterinary profession [R.25]	*R 83.00
6. Entry of-particulars of a degree, diploma or certificate in a register [R.26]	*R 210.00
7.	
7.1 Examination determined by the Council for registration purposes as a Veterinarian-	
(a) Non-refundable application fee	*R 380.00
(b) Examination Fee Including Application Fee	*R 25 184.00
7.2 Examination determined by the Council for registration purposes as a Para Veterinarian-	
(a) Non-refundable application fee	*R 380.00
(b) Examination Fee Including Application Fee	*R 12 570.00
[Section 20 (5) (c)]	
8. Deferment (Continuing Professional Development)	*R1007.00
9. Routine Inspections	*R 4 208.00

* VAT included

**PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA
NOTICE 565 OF 2017**

REPUBLIC OF SOUTH AFRICA

**MONEY BILLS AMENDMENT PROCEDURE AND RELATED
MATTERS AMENDMENT BILL, 2017**

*(As initiated by the Standing Committee on Finance, as a Committee Bill, for introduction in
the National Assembly (proposed section 75); prior notice of introduction published in
Government Gazette No.41024 of 4 August 2017)
(The English text is the official text of the Bill)*

(STANDING COMMITTEE ON FINANCE)

[B ... - 2017]

GENERAL EXPLANATORY NOTE:

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

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

BILL

To amend the Money Bills Amendment Procedure and Related Matters Act, 2008 so as to amend and insert certain definitions; to clarify which instruments the Act applies to; to correct the powers and functions of the committees dealing with matters related to the Act; to clarify and amend the procedure, resultant reporting and periods involved in the amendment of money Bills; to repeal certain provisions; to establish the Parliamentary Budget Office as a juristic person and to strengthen the accountability model of the Parliamentary Budget Office; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 9 of 2009

1. Section 1 of the Money Bills Amendment Procedure and Related Matters Act, 2008 (Act No. 9 of 2009) (hereafter referred to as the principal Act) is hereby amended by—

- (a) the substitution for the definition of “Adjustments Appropriation Bill” of the following definition:

“**Adjustments Appropriation Bill**” means the bill that provides for the adjustments to the [appropriation] Appropriation Act necessary to give effect to [the] a national adjustments budget referred to in section 30 of the Public Finance Management Act;”;

- (b) the insertion after the definition of “Adjustments Appropriation Bill” of the following definition:

“**“advisory board”** means the chairpersons of the committees of finance and appropriations in both Houses of Parliament as well as the house chairpersons of the National Assembly and the National Council of Provinces;”;

- (c) the substitution for the definition of “committee” of the following definition:

“**“committee”** means a committee, subcommittee or joint committee consisting of members of Parliament and established in terms of the standing rules or legislation;”;

- (d) the insertion after the definition of “day” of the following definition:

“**“department”** means a national department or a national government component as defined in the Public Finance Management Act;”;

- (e) the substitution for the definition of “Division of Revenue Bill” of the following definition:

“**“Division of Revenue Bill”** means the Bill which must be **[enacted]** introduced in the National Assembly annually in terms of section 10 of the Intergovernmental Fiscal Relations Act, 1997 (Act No. 97 of 1997) pursuant to section 214(1) of the Constitution;”;

- (f) the insertion after the definition of “Division of Revenue Bill” of the following definition:

“**“Executive Authority”** means the Speaker of the National Assembly and the Chairperson of the National Council of Provinces, acting jointly;”;

- (g) the insertion after the definition of “extra-budgetary revenue and expenditure” of

the following definition:

“Financial Management of Parliament and Provincial Legislatures Act”
means the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No. 10 of 2009);”;

- (h) the substitution for the definition of “fiscal framework” of the following definition:

“fiscal framework” means the framework for a specific financial year MTEF that gives effect to the national executive's macro-economic policy and includes—

- (a) estimates of all revenue proposals, budgetary and extra-budgetary specified separately, **[expected]** estimated to be raised during that financial year and the period of the MTEF;
- (b) estimates of all expenditure, budgetary and extra-budgetary specified separately, for that financial year and the period of the MTEF;
- (c) estimates of borrowing for that financial year and the period of the MTEF;
- (d) estimates of interest and debt servicing charges; and
- (e) an indication of the contingency reserve necessary for an appropriate response to emergencies or other temporary needs, and other factors based on similar objective criteria;”;

- (i) the insertion after the definition of “joint rules” of the following definition:

“main division within a vote” has the same meaning as defined in the Public Finance Management Act;”;

- (j) the insertion after the definition of “medium term budget policy statement” of the following definition:

“MTEF” means the Medium Term Expenditure Framework that—

- (a) translates government policies and plans into a multi-year spending plan; and
- (b) promotes transparency, accountability and effective public financial management for expenditure of the current and subsequent two financial years;”;

- (k) the substitution for the definition of “Parliament” of the following definition:

“**“Parliament”** means the National Assembly and the National Council of Provinces **[as envisaged]** referred to in section 42 of the Constitution;”;

- (l) the substitution for the definition of “Public Finance Management Act” of the following definition:

“**“Public Finance Management Act”** means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

- (m) the deletion of the definition of “Secretary”; and

- (n) the insertion after the definition of “the Constitution” of the following definition:

“**“this Act”** includes the regulations made under section 16A;”.

Amendment of section 3 of Act 9 of 2009

2. The following section is hereby substituted for section 3 of the principal Act:

“Application of this Act

3. This Act applies to all **[proposed amendments to]** money Bills, all division of revenue Bills, the medium term budget policy statement, the fiscal framework, amendments to any of the aforesaid and related instruments brought before Parliament.”.

Amendment of section 4 of Act 9 of 2009

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

- (a) the substitution for subsection (2) of the following subsection:

“(2) A committee on finance has the powers and functions conferred to it by the Constitution, legislation, the standing rules or a resolution of a House, including considering and reporting on—

- (a) the national macro-economic and fiscal policy;
- (b) **[amendments to]** the fiscal framework, revised fiscal framework **[and revenue proposals and]**, Bills and amendments thereto;
- (c) actual revenue published by the National Treasury; and
- (d) any other related matter set out in this Act.”; and

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

“(4) A committee on appropriations has the powers and functions conferred to it by the Constitution, legislation, the standing rules or a resolution of a House, including considering and reporting on—

- (a) spending issues;
- (b) **[amendments to]** the Division of Revenue Bill, the Appropriation Bill, Supplementary **[Appropriations]** Appropriation Bills **[and]**, the **[Adjustment Appropriations]** Adjustments Appropriation Bill, and amendments thereto;
- (c) recommendations of the Financial and Fiscal Commission, including those referred to in the Intergovernmental Fiscal Relations Act, 1997 (Act No. 97 of 1997);
- (d) reports or statements on actual expenditure published by the National Treasury; and
- (e) any other related matter set out in this Act.”.

Amendment of section 5 of Act 9 of 2009

4. Section 5 of the principal Act is hereby amended by—

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

“Procedure prior to introduction of [the] national budget”;

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

“(1) The National Assembly, through its committees, must annually assess the performance of each national department, with reference to the following:

- (a) The medium term estimates of expenditure of each national department, its strategic **[priorities]** goals and measurable objectives, as tabled in the National Assembly with the national budget;
- (b) prevailing strategic plans;
- (c) the expenditure **[report]** reports relating to a vote appropriating funds for such department published by the National Treasury in terms of section 32 of the Public Finance Management Act;
- (d) the financial statements and annual report of such department;
- (e) the reports of the Committee on Public Accounts relating to a department; and
- (f) any other information requested by or presented to a House or Parliament.”; and

(c) the substitution for subsection (6) of the following subsection:

“(6) Additional budgetary and recommendation reports may be submitted at the discretion of a committee of the National Assembly.”.

Amendment of section 6 of Act 9 of 2009

5. Section 6 of the principal Act is hereby amended by—

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

“(1) At least **[three]** four months prior to the introduction of the national budget, the Minister must submit to Parliament a medium term budget policy

statement.”;

(b) the substitution for subsections (2) and (3) of the following subsections respectively:

“(2) The medium term budget policy statement must include—

- (a) a revised fiscal framework for the **[present]** financial year in which the statement is tabled and the proposed fiscal **[framework] frameworks** for the next three financial years;
- (b) an explanation of the macro-economic and fiscal policy position, the macro-economic projections and the assumptions underpinning the fiscal framework;
- (c) the spending priorities of national government for the next three financial years;
- (d) the proposed division of revenue between the spheres of government **[and between arms of government within a sphere]** for the next three financial years;
- (e) the proposed **[substantial]** adjustments to conditional grant allocations to provinces and **[local governments] municipalities**, if any; and
- (f) a review of actual spending by each national department and each provincial government between 1 April and 30 September of the current **[fiscal]** year in which the statement is tabled.

(3) A House must refer matters referred to in **[subsections]** subsection (2)(a) and (b) to its committee on finance.”;

(c) the substitution for subsections (5) to (8) of the following subsections respectively:

“(5) Each committee on finance must within 30 days after the tabling of the **[Medium Term Budget Policy Statement]** medium term budget policy statement or as soon as reasonable thereafter, report to the National Assembly or the National Council of Provinces, as the case **[may be]** requires, on the proposed fiscal framework for the next three financial years.

(6) The report may include recommendations to amend the proposed fiscal framework **[should it remain materially unchanged when submitted with the national budget]**.

(7) A report referred to in subsection (5) must be submitted to the Minister within [7] seven days after its adoption by a House or as soon as reasonable thereafter.

(8) A House must refer matters concerning **[subsections]** subsection (2)(c), (d), **[and]** (e) and (f) to its committee on appropriations and may, in addition, refer matters concerning subsection (2)(f) to any other committee.”; and

(d) by the substitution for subsections (10) to (12) of the following subsections respectively:

“(10) Each committee on appropriations must, 30 days after the tabling of the **[Medium Term Budget Policy Statement submit a]** medium term budget policy statement or as soon as reasonable thereafter, report to the National Assembly or the National Council of Provinces, as the case **[may be]** requires, on the proposed division of revenue and the conditional grant allocations to provinces and **[local governments]** municipalities.

(11) A report referred to in subsection (10) may include a recommendation to amend the proposed division of revenue **[should it remain materially unchanged in the Division of Revenue Bill]**.

(12) A report referred to in subsection (10) must be submitted to the Minister within [7] seven days after its adoption by the House or as soon as reasonable thereafter.”.

Substitution of section 7 of Act 9 of 2009

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

“Introduction of [the Division of Revenue Bill, the] national budget, Division of

Revenue Bill and [the] Appropriation Bill

7. (1) The Minister must table the national annual budget in the National Assembly as set out in section 27 of the Public Finance Management Act, at the same time as the Division of Revenue Bill and the Appropriation Bill.

(2) In addition to the information stipulated in section 27 of the Public Finance Management Act, the documentation tabled by the Minister with the national annual budget must include—

- (a) the proposed fiscal framework for the next three financial **[year and subsequent two]** years;
- (b) the key macro-economic assumptions underlying the fiscal framework over the short, medium and long term;
- (c) key fiscal ratios for the next three financial **[year and subsequent two]** years, including revenue, expenditure, the primary and overall balance and outstanding general government and public sector debt at the end of the financial year as a percentage of gross domestic product;
- (d) tax and other revenue proposals, including the contribution of the different revenue categories to national revenue for the next three financial **[year and subsequent two]** years;
- (e) cyclical factors taken into account in the formulation of the fiscal framework for the next three financial **[year and subsequent two]** years;
- (f) an estimate of aggregate general government and public sector debt levels in the short, medium and long term;
- (g) an estimate and breakdown of contingent liabilities for the next three financial **[year and subsequent two]** years; and
- (h) any other information requested by a House from time to time.

[(3) The Division of Revenue Bill must be introduced at the same time as the Bills referred to in subsection (1).]

(4) The Minister must submit a report to the Houses at the same time as tabling the

Bills referred to in **[subsections]** subsection (1) **[and (3)]**, explaining how the Division of Revenue Bill and the national budget give effect to, or the reasons for not taking into account, the recommendations contained in the reports referred to in sections 5(2), 6(7) and 6(12).”.

Amendment of section 8 of Act 9 of 2009

7. Section 8 of the principal Act is hereby amended by—

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

“**[Adopting the] Adoption of fiscal framework [and revenue proposals]**”;

(b) the substitution for subsections (1) to (3) of the following subsections respectively:

“(1) The National Assembly and the National Council of Provinces must refer the fiscal framework **[and revenue proposals]** to their respective **[committee]** committees on finance.”;

(2) The committees must conduct joint public hearings on the fiscal framework **[and revenue proposals]**.

(3) The committees must, within 16 days after the tabling of the national budget **[submit a]** or as soon as reasonable thereafter, report to the National Assembly **[and]** or the National Council of Provinces, as the case requires, on the fiscal framework **[and revenue proposals]**.”; and

(c) the deletion of subsection (7).

Substitution of section 9 of Act 9 of 2009

8. Section 9 of the principal Act is hereby amended by—

(a) the substitution for subsections (1) to (3) of the following subsections respectively:

“(1) After the adoption of the fiscal framework the Division of Revenue Bill must be referred to the committee on appropriations of the National Assembly **[for consideration and report]**].

(2) After the Bill is passed by the National Assembly and referred to the National Council of Provinces, the Bill must be referred to the committee on appropriations of the Council **[for consideration and report]**.

(3) The Division of Revenue Bill must be passed **[no later than]** within 35 days after the adoption of the fiscal framework by Parliament or as soon as reasonable thereafter.”;

(b) the substitution for subsection (5) of the following subsection:

“(5) The standing rules must provide for—

(a) the participation **[of chairpersons]** of other committees in considering the Division of Revenue Bill;

(b) public hearings by the committees on appropriations;

(c) any member of Cabinet affected by the proposed amendments to respond to the proposed amendments affecting conditional grant allocations;

(d) provinces and **[local governments]** municipalities affected by the proposed amendments to respond to the proposed amendments; and

(e) the committee on appropriations of each House to prepare a report on the Division of Revenue Bill in accordance with subsection (6).”;

(c) the substitution for subsection (6) of the following subsection:

“(6) The report of the respective committees on appropriations must, at least[:]=

(a) indicate whether the effects of the proposed amendments on the total national, provincial and local government equitable and conditional grant allocations in terms of the Bill are consistent with the adopted

fiscal framework;

- (b) motivate the amendments in terms of service delivery improvements; and
- (c) demonstrate that the impact of amendments has been taken into account in respect of the service delivery obligations of all affected national departments, **[provinces]** provincial governments, and **[local governments]** municipalities.”;

- (d) the substitution for subsection (7) of the following subsection:

“(7) The committees on appropriations must—

- (a) consult with the Financial and Fiscal Commission; and
- (b) allow the Minister the opportunity to respond to any proposed amendments **[proposed]** at least **[3]** three days prior to the submission of the report to the relevant House.”; and

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

“(8) The **[report]** reports submitted by the committees on appropriations to the respective Houses must be accompanied by any response of the Minister to any proposed amendments.”.

Amendment of section 10 of Act 9 of 2009

9. Section 10 of the principal Act is hereby amended by—

- (a) the substitution for subsections (1) to (3) of the following subsections respectively:

“(1) After the adoption of the fiscal framework:

- (a) the Appropriation Bill must be referred to the **[Committee]** committee on **[Appropriations]** appropriations of the National Assembly;
- (b) the Minister must table the proposals setting out the **[strategic**

priorities, measurable objectives] purpose and other strategic performance information for each **[department, public entity or institution]** vote against its expected revenue and proposed expenditure by programme, **[sub-programme]** main division and economic **[items of expenditure]** classifications; and

- (c) the relevant members of Cabinet must table updated strategic plans for each department, public entity or constitutional institution, which must be referred to the relevant committee **[for consideration and report]**.

(2) After the Appropriation Bill has been referred to the National Council of Provinces, the Bill must be referred to the **[Committee]** committee on **[Appropriations]** appropriations of the Council.

(3) The **[Committee]** committee on **[Appropriations]** appropriations may not consider amendments to the Appropriation Bill prior to the passing of the Division of Revenue Bill.”;

- (b) the substitution for subsection (5) of the following subsection:

“(5) Another committee may advise a **[Committee]** committee on **[Appropriations]** appropriations that a sub-division of a main division within a vote be appropriated conditionally to ensure that the money requested for the main division will be spent effectively, efficiently and economically, provided that—

- (a) the committee must specify the conditions that need to be met before the **[Committee]** committee on **[Appropriations]** appropriations may recommend to the House that the funds be released;
- (b) the Minister **[or]** and the affected member of Cabinet must be given at least [2] two days to respond to the proposed conditional appropriation, which response must be included in the report containing the recommendation; and
- [(c) a recommendation to the House that a sub-division of a main division within a vote is appropriated conditionally must be**

accompanied by the response from the Minister and the affected member of Cabinet, as the case requires; and]

- (d) the House must consider the recommendation of the **[Committee]** committee on **[Appropriations]** appropriations to release the funds within **[7]** seven days after that committee reported to the House.”;

- (c) the substitution for subsection (6) of the following subsection:

“(6) Another committee may advise a **[Committee]** committee on **[Appropriations]** appropriations that an amount must be appropriated specifically and exclusively for a purpose mentioned under a main division within a vote.”;

- (d) the substitution for subsections (8) to (10) of the following subsections respectively:

“(8) The standing rules must provide for—

- (a) the **[Committee]** committee on **[Appropriations]** appropriations to hold public hearings on the Appropriation Bill and proposed amendments;
- (b) the **[Committee]** committee on **[Appropriations]** appropriations to report to the House on the comments on and amendments to the Appropriation Bill;
- (c) other committees to consult with the **[Committee]** committee on **[Appropriations]** appropriations in respect of proposed amendments to transfer payments, recurrent and capital expenditure of a vote, or a main division within a vote, taking into consideration any report adopted by the House;
- (d) other committees to consult with the **[Committee]** committee on **[Appropriations]** appropriations in respect of proposed conditional appropriations;
- (e) the **[Committee]** committee on **[Appropriations]** appropriations to mediate between committees proposing

conflicting amendments to the Appropriation Bill; and

- (f) the **[Committee]** committee on **[Appropriations]** appropriations to recommend to the House that proposed amendments reported by other committees are rejected where those amendments are inconsistent with the fiscal framework, the adopted Division of Revenue Bill or not motivated adequately in terms of this section.

(9) The Minister and any other member of Cabinet affected by the proposed amendments must be given at least 10 days to respond to any amendments proposed to the Appropriation Bill by the **[Committee]** committee on **[Appropriations]** appropriations prior to reporting to the House.

(10) A report of the **[Committee]** committee on **[Appropriations]** appropriations to the House that proposes amendments to the main Appropriation Bill must, in respect of each amendment—

- (a) indicate the reason for such proposed amendment;
- (b) demonstrate how the amendment takes into account the broad strategic priorities and allocations of the relevant budget;
- (c) demonstrate the implications of each proposed amendment for an affected vote and the main divisions within that vote;
- (d) demonstrate the impact of any proposed amendment on the balance between transfer payments, capital and recurrent spending in an affected vote;
- (e) set out the impact of any proposed amendment on service delivery;
[and]
- (f) set out the manner in which the amendment relates to prevailing departmental strategic plans, reports of the Auditor General, committee reports adopted by a House, reports in terms of section 32 of the Public Finance Management Act, annual reports and any other information submitted to a House or committee in terms of the standing rules or on request^[.]; and
- (g) include the responses of the Minister or member of Cabinet to any proposed amendment.”; and

- (e) the deletion of subsection (11).

Amendment of section 11 of Act 9 of 2009

10. Section 11 of the principal Act is hereby amended by—

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

“Passing [the] revenue Bills”;

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

“(1) Revenue Bills must be referred to the [Committee] committee on [Finance] finance of the National Assembly [for consideration and report].”;

- (c) the substitution for subsection (2) of the following subsection:

“(2) After the National Assembly passed a revenue Bill, [it] the Bill must be referred to the National Council of Provinces, and referred to the committee on finance of the Council.”; and

- (d) the substitution for subsection (4) of the following subsection:

“(4) The standing rules must provide for the committee on finance to—

- (a) [the Committee on Finance to] hold public hearings on the revenue Bills;**
- (b) [the Committee on Finance to] consult with other committees; and**
- (c) [the Committee on Finance to] report to the House in terms of subsection [(7)] (6).”.**

Substitution of section 12 of Act 9 of 2009

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

“National adjustments budget

12. (1) The Minister **[must]** may table a national adjustments budget as envisaged in section 30 of the Public Finance Management Act.
- (2) An adjustments appropriation Bill must be tabled with a national adjustments budget.
- (3) The Minister must table a revised fiscal framework with the national adjustments budget if the adjustments budget effects changes to the fiscal framework.
- (4) The Minister must table a **[division of revenue amendment]** Division of Revenue Amendment Bill with the revised fiscal framework if the adjustments budget effects changes to the Division of Revenue Act for the relevant year.
- (5) If the Minister has tabled a revised fiscal framework, the revised framework must be referred to a joint sitting of the committees on finance for consideration.
- (6) If the Minister tables a **[division of revenue amendment]** Division of Revenue Amendment Bill, the Bill must be referred to — [a joint sitting of the committees on appropriations after the adoption of the revised fiscal framework by the House in terms of this section]
- (a) the committee on appropriations of the National Assembly after the adoption of the revised fiscal framework by Parliament; and
- (b) after the National Assembly passed the Division of Revenue Amendment Bill, the National Council of Provinces for referral to the committee on appropriations of the Council.”;
- (7) The committees on finance must **[9]** nine days after the tabling of the national adjustments budget submit a report on the revised fiscal framework to

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the respective Houses **[for consideration and adoption]**.

(8) The report may propose amendments to the revised fiscal framework.

(9) If the report proposes amendments to the revised fiscal framework the Minister must be given at least **[2] two** days to respond to the report and proposed amendments prior to the submission of the respective reports to the Houses.

(10) The report of the committees must include the comments from the Minister.

[(11) The committees on appropriations must 9 days after the adoption of the fiscal framework report to the respective Houses on the Division of Revenue Amendment Bill.]

(12) The report of either committee on appropriations on the Division of Revenue Amendment Bill may propose amendments to the Division of Revenue Amendment Bill.

(13) If **[the]** either report proposes amendments to the Division of Revenue Amendment Bill, the Minister must be given at least **[4] four** days to respond to the **[report and]** proposed amendments prior to the submission of the report to the respective Houses.

(14) **[The]** A report of the committees on appropriations must include the comments of the Minister.

(15) **[In the event of a revised fiscal framework, an adjustment appropriation]** The Adjustment Appropriation Bill must be referred to—

(a) the **[Committee]** committee on **[Appropriations]** appropriations of the National Assembly only after the **[Division of Revenue Amendment Bill]** revised fiscal framework is passed by Parliament; and

(b) after the National Assembly passed the Adjustment Appropriation Bill, the National Council of Provinces for referral to the committee on appropriations of the Council.

(15A) The committees on appropriations may only report on the Adjustments Appropriation Bill after Parliament passed the Division of Revenue Amendment Bill.

(16) The standing rules must provide for—

- (a) the **[Committee]** committee on **[Appropriations]** appropriations to report comments on and amendments to the Adjustments Appropriation Bill;
- (b) other committees to consult with the **[Committee]** committee on **[Appropriations]** appropriations on amendments to transfer payments, recurrent and capital expenditure of a vote or a main division within a vote, taking into consideration the reports referred to in section 5(2) or any other report adopted by the House; **[and]**
- (c) the **[Committee]** committee on **[Appropriations]** appropriations to mediate between committees proposing conflicting amendments to the Adjustment Appropriation Bill; and
- (d) the **[Committee]** committee on **[Appropriations]** appropriations to recommend to the House that proposed amendments by other committees are rejected where those amendments are inconsistent with the fiscal framework, the adopted Division of Revenue Bill or not motivated adequately in terms of this section.

(17) The Minister must be given at least **[4]** four days to respond to any proposed amendments to the Adjustment Appropriation Bill by the **[Committee]** committee on **[Appropriations]** appropriations.

(18) The report of the **[Committee]** committee on **[Appropriations]**

appropriations must—

- (a) comply with section 10(10); and
- (b) include comments of the Minister to any proposed amendments.

(19) The **[Committee]** committee on **[Appropriations]** appropriations must report to the relevant House within 30 days after the tabling of the national adjustments budget or as soon as reasonable thereafter.”

Amendment to section 13 of Act 9 of 2009

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

“Passing other **[Money] money Bills**

13. (1) Any money Bill other than money Bills referred to in sections 10, 11 and 12 must be referred to the respective committees on appropriations.
- (2) The standing rules must provide that a **[Committee]** committee on **[Appropriations]** appropriations considering a money Bill in terms of this section, must—
- (a) conduct public hearings on the Bill; and
 - (b) report on the Bill to the relevant House.
- (3) If a **[Committee]** committee on **[Appropriations]** appropriations propose amendments to a money Bill referred to in this section, the Minister must be given at least 14 days to respond to such proposed amendments before the committee reports to the House.
- (4) The report of a **[Committee]** committee on **[Appropriations]** appropriations referred to in this section must indicate—
- (a) the manner in which the proposed amendments are consistent with the prevailing fiscal framework; and
 - (b) the manner in which the proposed amendments comply with section

8(5) [of this Act].

- (5) The report of a [Committee] committee on [Appropriations] appropriations must include the comments of the Minister to any proposed amendments in terms of this section.”.

Amendment of section 15 of Act 9 of 2009

13. Section 15 of the principal Act is hereby amended by—

- (a) The substitution for subsection (1) of the following subsection:

“(1) There is hereby established a Parliamentary Budget Office as a juristic person headed by a Director, the main objective of which is to provide independent, objective and professional advice and analysis to Parliament on matters related to the budget and other money Bills.”;

- (b) the substitution for subsection (5) of the following subsection:

“(5) [The committees contemplated in section 4 must recommend to the respective Houses—

(a) a person with the requisite experience, qualifications and leadership skills to manage the Parliamentary Budget Office with the functions as set out in 15(2) and 15(3)for appointment as Director by resolution of both Houses; and

(b) the conditions of service, including the salary and allowance of the Director, which must take into account the knowledge and experience of the person and substantially be the same as those of the top rank of the public service.]

The respective Houses, on the recommendation of the committees contemplated in section 4—

- (a) must appoint a person with the requisite experience, qualifications and leadership skills to manage the Parliamentary

Budget Office with the functions as set out in subsections (2) and (3) as Director on a fixed term five-year contract;

- (b) must determine the conditions of service, including the salary and allowance of the Director, which must take into account the knowledge and experience of the person and substantially be the same as those of the top rank of the public service; and
- (c) may on performance renew the contract referred to in paragraph (a) on substantially the same conditions of service as contemplated in paragraph (b)."

(c) the repeal of subsection (6);

(d) the substitution for subsection (7) of the following subsection:

“(7) Any committee considering **[making]** a recommendation contemplated in subsection (5) must do so in an open and transparent manner.”;

(e) the substitution for subsection (9) of the following subsection:

“(9) The Director **[shall be obliged to]** must report to Parliament any inappropriate political or executive interference to prevent the office from providing independent, objective and professional advice on matters related to the budget and other money Bills.”;

(f) the substitution for subsection (10) of the following subsection:

“(10) The Parliamentary Budget Office must annually receive a transfer of funds from Parliament's budget in accordance with section 35 of the Financial Management of Parliament and Provincial Legislatures Act to carry out its duties and functions.”;

(g) the insertion after subsection (10) of the following subsection:

“(10A)(a) The Director is the Accounting Officer of the Parliamentary

Budget Office and is responsible and accountable for the financial and human resource management of the office.

(b) The Director must—

- (i) exercise the utmost care to protect the assets and records of the Parliamentary Budget Office;
- (ii) act with fidelity, honesty, integrity and in the best interests of the Parliamentary Budget Office in managing the financial affairs of the Parliamentary Budget Office;
- (iii) seek, within the Director's sphere of influence, to prevent any prejudice to the financial interests of the Republic;
- (iv) ensure that the Parliamentary Budget Office has and maintains—
 - (aa) effective, efficient and transparent systems of financial and risk management;
 - (bb) an effective, efficient and transparent system of internal audit; and
 - (cc) a procurement and provisioning system that is fair, equitable, transparent, competitive and cost-effective;
- (v) take appropriate and cost-effective steps to—
 - (aa) collect revenue due to the Parliamentary Budget Office;
 - (bb) prevent losses resulting from criminal conduct and expenditure that is not in accordance with the Parliamentary Budget Office's operational policies; and
 - (cc) manage available working capital efficiently and economically;
- (vi) manage and safe-guard the assets of the Parliamentary Budget Office, and manage the revenue, expenditure and liabilities of the Parliamentary Budget Office;
- (vii) establish systems and processes to ensure that effective and appropriate disciplinary steps are taken against any staff member of the Parliamentary Budget Office who—

- (aa) contravenes a law relevant to the performance of the Parliamentary Budget Office's functions; or
- (bb) engages in conduct that undermines the financial management and internal control systems of the Parliamentary Budget Office; and
- (viii) generally ensure that the Parliamentary Budget Office complies with its legal obligations.

(c) The Director must—

- (i) ensure that full and proper records of the financial affairs of the Parliamentary Budget Office are kept and maintained;
- (ii) prepare financial accounts for the Parliamentary Budget Office for each financial year which will form part of the annual report of Parliament;
- (iii) annually submit to the Executive Authority for tabling in Parliament a rolling three year budget in time for inclusion in Parliament's budget; and
- (iv) submit to the Executive Authority within five months after the end of each financial year, for tabling in Parliament, a report on the use of funds and the activities and performance of the Parliamentary Budget Office, including any matter that may be prescribed by regulation in terms of this Act.”;

(h) the repeal of subsection (11);

(i) the substitution for the words preceding paragraph *(a)* in subsection (13) of the following words:

“(13) The Director, in consultation with the **[committees referred to in section 4]** advisory board must determine—”;

(j) the substitution for subsection (15) of the following subsection:

“(15) When the position of Director is vacant, or if the Director is unable to fulfil the duties and functions of that position, the **[committees referred to in section 4]** advisory board must nominate a person in the employ of the Parliamentary Budget Office to act as Director until a Director is appointed in accordance with subsection (5).”; and

(k) the addition of the following subsection after subsection (16):

“(17) The Parliamentary Budget Office may obtain information it requires for the performance of its functions from any organ of state or person the Parliamentary Budget Office considers appropriate.

(18) Any information which the Parliamentary Budget Office requires for the performance of its functions and which is available to an organ of state or to any institution that derives any funds from the National Revenue Fund, a Provincial Revenue Fund or a municipality, must on request, be supplied free of charge by that organ of state or institution to the Parliamentary Budget Office.”.

Amendment of section 16 of Act 9 of 2009

14. The following section is hereby substituted for section 16 of the principal Act:

“16. Provincial legislatures must **[adhere to]** take into account the norms and standards for amending money Bills set out in the Schedule.”.

Insertion of Section 16A in Act 9 of 2009

15. The following section is hereby inserted after section 16 of the principal Act:

Regulations

16A. The Executive Authority may make regulations on a matter prescribed in terms of section 15(10A)(c)(iv).”.

Amendment of Short title of Act 9 of 2009

16. The following Short Title is hereby substituted for the Short Title of the principal Act:

“17. This Act is called the Money Bills Amendment Procedure and Related Matters Act, [2008] 2009.”.

Amendment of Schedule to Act 9 of 2009

17. The following Schedule is hereby substituted for the Schedule to the principal Act:

“Legislation enacted by a provincial legislature to provide for a procedure to amend money Bills must **[provide that]** take into account the purpose of amending money Bills is to give effect to resolutions of the legislature on oversight, and must comply with the following principles:

- (a) A money Bill sent to the Premier for assent must be consistent with[:]=
 - (i) the relevant fiscal framework adopted by Parliament; and
 - (ii) the relevant Division of Revenue Bill adopted by Parliament.
- (b) When considering an amendment a provincial legislature or any of its committees must[:]=
 - (i) ensure that there is an appropriate balance between revenue, expenditure and borrowing;
 - (ii) ensure that debt levels and debt interest cost are reasonable;
 - (iii) ensure that the cost of recurrent spending is not deferred to future generations;
 - (iv) ensure that there is adequate provision for spending on infrastructure;
 - (v) ensure that there is development, overall capital spending and maintenance;
 - (vi) consider the short, medium and long term implications of the fiscal framework, division of revenue and national budget on the long-term growth potential of the economy and the development of the country;
 - (vii) take into account cyclical factors that may impact on the prevailing fiscal position; and

- (viii) take into account all public revenue and expenditure, including extra budgetary funds, and contingent liabilities.
- (c) In amending revenue Bills and revenue proposals a provincial legislature and its committees must:—
- (i) ensure that the total amount of revenue raised is consistent with the fiscal framework approved by Parliament and the relevant Division of Revenue Bill adopted by Parliament;
 - (ii) take into account the principles of equity, efficiency, certainty and ease of collection;
 - (iii) consider the impact of the proposed change on the composition of tax revenue with reference to the balance between direct and indirect taxes;
 - (iv) consider regional and international tax trends; and
 - (v) consider the impact on development, investment, employment and economic growth.
- (d) The standing rules of the provincial legislature must provide for timeframes to introduce and consider money Bills, with or without amendments, with due regard to—
- (i) its constitutional obligation to facilitate public involvement in its legislative and other processes of the legislature and its committees; and
 - (ii) comments from the Member of the Executive Council who is responsible for financial matters in the province.
- [(e) The report of a committee of the provincial legislature that proposes amendments to the provincial annual budget must, in respect of each amendment:**
- (i) indicate the reason for such proposed amendment;**
 - (ii) demonstrate how the amendment takes into account the broad strategic priorities and allocations of the relevant budget;**
 - (iii) demonstrate the implications of each proposed amendment for an affected vote and the main divisions within that vote;**
 - (iv) demonstrate the impact of any proposed amendment on the balance between transfer payments, capital and recurrent spending in an affected vote;**
 - (v) set out the impact of any proposed amendment on service delivery;**
 - (vi) set out the manner in which the amendment relates to prevailing**

departmental strategic plans, reports of the Auditor General, committee reports adopted by the provincial legislature, reports in terms of section 32(2) of the Public Finance Management Act, annual reports and any other information submitted to the provincial legislature or committee in terms of the standing rules or on request; and

- (vii) include any responses from the member of the Executive Council who is responsible for financial matters in the province or any other member of the Executive Council.
- (f) The report of a committee of the provincial legislature that propose a conditional appropriation of a sub-division of a main division within a vote to ensure that the money requested for the main division will be spent effectively, efficiently and economically must:
 - (i) consider comments from the Member of the Executive Council who is responsible for financial matters in the province or any other Member of the Executive Council; and
 - (ii) specify the conditions that need to be met before the provincial legislature may resolve to release the funds.]
- (g) A provincial legislature may appropriate an amount specifically and exclusively for a purpose mentioned under a main division within a vote.
- (h) A provincial legislature must pass, with or without amendments, or reject the provincial annual budget within four months after the start of the financial year to which it relates.
- (i) Notwithstanding any provision in this legislation, a provincial legislature or a committee may consider an amendment to a money Bill proposed by the Member of the Executive Council who is responsible for financial matters in the province in order to make technical corrections to the Bill.”.

Substitution of long title of Act 9 of 2009

18. The following long title is hereby substituted for the long title of the principal Act:

“To provide for a procedure to amend money Bills before Parliament and for norms and standards for amending money Bills before provincial legislatures and [related] matters connected therewith.”.

Short Title

19. This Act is called the Money Bills Amendment Procedure and Related Matters Amendment Act, 2017.

**MEMORANDUM ON THE OBJECTS OF THE MONEY BILLS AMENDMENT
PROCEDURE AND RELATED MATTERS
AMENDMENT BILL, 2017 (AS INTRODUCED BY THE STANDING
COMMITTEE ON FINANCE)**

1. INTRODUCTION

A resolution of the National Assembly mandated the review the Money Bills Amendment Procedure and Related Matters Act, 2008 (Act No. 9 of 2009) (“the Act”). The Act assigns functions that are not aligned with the present resource allocation and it therefore became necessary to review the practicability of the Act.

2. CONTENTS OF BILL

Clause 1

This clause seeks to amend various definitions as well as inserting a few new definitions.

Clause 2

This clause seeks to confirm that in addition to all money Bills, the Act further applies to all division of revenue Bills, the medium term budget policy statement, the fiscal framework and amendments to any of these instruments.

Clause 3

The proposed amendments to section 4 of the Act seek to clarify the powers of the committees on finance and appropriations.

Clause 4

Section 5 of the Act is amended to correct the heading; to clarify what the committees of the National Assembly must consider when assessing the performance of departments; and to make

it clear at the budget and recommendation reports must be submitted at the discretion of a committee of the National Assembly.

Clause 5

This clause seeks to amend the following timeframes:

- the submission of the medium term budget policy statement,
- when the committees on finance must report to the respective Houses,
- when the committees on appropriations must report to the respective Houses, and
- when a report must be submitted to the Minister of Finance.

The clause further seeks to correct certain inconsistencies about what the medium term budget policy statement must include as well as certain drafting errors.

Clause 6

The clause provides for an amendment to the heading of section 7 of the Act; the simultaneous tabling of the Division of Revenue Bill with the national budget and Appropriation Bill; the time period relating to the financial year in question; and certain consequential amendments.

Clause 7

The heading to section 8 is amended; certain textual corrections are effected and the time period by when the committees on finance must report to the respective Houses is amended.

Clause 8

This clause amongst other things proposes an amendment to the time period within which Parliament must pass the Division of Revenue bill.

Clause 9

This clause proposes certain textual amendments to section 10 of the Act.

Clause 10

This clause seeks to amend the heading and effect certain textual amendments to section 11 of the Act.

Clause 11

This amendment proposes:

- a shift from the mandatory tabling of a national adjustments budget to a discretionary tabling thereof;
- certain textual amendments;
- a correction of the anomaly that the Division of Revenue Amendment Bill was referred to a joint sitting of committees on appropriations;
- the removal of the time period by when the committees on appropriations must report to their respective Houses on the Division of Revenue Amendment Bill; and
- the sequential reporting of the Adjustments Appropriation Bill and the Division of Revenue Amendment Bill.

Clause 12

This clause proposes an amendment to the heading to the section 13 as well as certain textual amendments to that section.

Clause 13

This amendment proposes that the Parliamentary Budget Office should be a juristic person. It further proposes that the Director of the Parliamentary Budget Office be employed on a performance based, renewable five-year fixed term contract. It clarifies the transfer of funds must be in accordance with section 35 of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No. 10 of 2009). The proposed amendment further provides that the Director is the Accounting Officer of the Parliamentary Budget Office and sets out the reporting lines. The amendment proposes that an advisory committee instead of the committees referred to in section 4 of the Act take over the function of nominating a

replacement if the Director's position becomes vacant. Furthermore, the amendment proposes conferring on the Parliamentary Budget Office the power to obtain certain information.

Clause 14

This amendment seeks to reflect the proposed amendments to the Schedule of the Act.

Clause 15

This clause seeks to confer the power to make regulations on the Executive Authority.

Clause 16

This clause proposes amending the Short title of the Act.

Clause 17

This clause proposes amending the Schedule to the Act.

Clause 18

This clause seeks to amend the Long title of the Act.

Clause 19

This clause contains the Short title of the Amendment Act.

3. ORGANISATIONAL AND PERSONNEL IMPLICATIONS

None

4. FINANCIAL IMPLICATIONS FOR STATE

None

5. DEPARTMENTS/BODIES/PERSONS CONSULTED

The following stakeholders were consulted—

- Standing Committee on Appropriations
- Select Committee on Finance
- Select Committee on Appropriations
- The Parliamentary Budget Office
- National Treasury

6. CONSTITUTIONAL IMPLICATIONS

None

7. PARLIAMENTARY PROCEDURE

- 7.1. The Committee proposes that this Committee Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution, 1996 since it contains no provisions to which the procedures set out in section 74 or 76 of the Constitution apply.
- 7.2 The Committee is of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.

DEPARTMENT OF PUBLIC WORKS

NOTICE 566 OF 2017

SOUTH AFRICAN COUNCIL FOR THE PROPERTY VALUERS PROFESSION

Publication of the finding and the sanction imposed in terms of section 33(3) and (5) of the Property Valuers Profession Act, 2000 (Act No. 47 of 2000) ("The Act") against a registered person

The South African Council for the Property Valuers Profession appointed a disciplinary tribunal to conduct a disciplinary hearing in terms of section 32 of the said Act, against Mr EL Janse Van Rensburg with registration no: 3475/9. The hearing was conducted on the following date: 13th June 2014. Mr EL Janse Van Rensburg appealed the ruling of the first instance and his appeal was dismissed in terms of section 34(2) (a) of Act 47 of 2000.

Name of person and Registration No.	Nature of offence
1. EL Janse Van Rensburg(Professional Valuer) Reg No:3475/9 (Respondent)	He is guilty of improper conduct in that on or about the 07 th August 2006 and when doing an assignment of property valuation described as :Erf 1594,Pretorius, Park Ext 25,City of Tshwane Municipality, Gauteng, measuring 1825 square metres,he stated in the valuation report that its market value for the balance sheet of Mooikloof Gardens Home Owners Association was nil rand (R0) while to his knowledge, this was incorrect and or misleading.He made this statement without verifying its correctness and or the truthfulness thereby contravening clause 5(b),(d),(e),(f) & (g) of the code of conduct.
Respondent	<p>Sanction imposed</p> <p>A fine of R 20 000.00 referred to in section 33(3) (ii) of which R 10 000.00 is suspended for a period of five years on condition that: 1.the respondent is not found guilty of commission of a similar act of improper conduct during the period of suspension. 2.the payment of the fine is made within fifteen(15) days of the date of the sanction,i.e 30/06/2014. 3.should the respondent fail to comply with paragraph 2 hereof, his registration shall be cancelled and his name removed from the register referred to in section 11(c) of the Act.</p>

Registrar

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 567 OF 2017

GENERAL NOTICE IN TERMS OF TRANSFORMATION OF CERTAIN RURAL AREAS ACT
NO. 94 OF 1998

Notice is hereby given in terms of Section 9 (1) (a) of the Transformation of Certain Rural Areas Act, No. 94 of 1998 on the commencement of the Transformation period for the following for Area:

Reference No. : FS6/5/FS/TR/01

Board Area : Thaba Phatchoa

Municipality : Mantsopa Local Municipality, Free State Province

Property Description

The properties mentioned below are situated in the Registration Division of Thaba Nchu under Mantsopa Local Municipality, Thabo Mofutsanyana, Free State Province.

land subjected to section 3 (1) - remainder	Current extent	Current Title Deed Number	Current Land Owner	Current Land Use
Mammas hoek No.802 portion 0	253.5335ha	T856/1952	Mantsopa Local Municipality	Communal land
Dassies Hoek No.666 portion 0	429.0883ha	T856/1952		
Thaba Patchoa No.106 (Remaining Extent)	469.2646ha	T856/1952		
Thaba Patchoa Berg No.668 portion 0	707.7975	T856/1952		

Commencement Date:

Effectively from the date of the publication of this Notice,

1. A municipality of a board area must within 3 months after the date of this Gazette Notice submit a notice to the Minister of Rural Development and Land Reform setting out how and when it intends determining to which entity the land referred to above should be transferred; or
2. If the municipality fails to submit a notice, an elected committee, elected by the residents of the board Area who have reached the age of 18 years may submit such notice to the Minister of Rural Development and Land Reform.

NOTICES should be sent to:

The Minister of Rural Development and Land Reform
Free State Provincial Shared Services Centre
Private Bag X20546
BLOEMFONTEIN
9300

Tel: (051) 400 4200

Fax: (051) 430 2645



GUGILE NKWINTI (MP)

MINISTER FOR RURAL DEVELOPMENT AND LAND REFORM

DATE: 15/08/2016

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 568 OF 2017

**GENERAL NOTICE IN TERMS OF TRANSFORMATION OF CERTAIN RURAL AREAS ACT
 NO. 94 OF 1998**

Notice is hereby given in terms of Section 9 (1) (a) of the Transformation of Certain Rural Areas Act, No. 94 of 1998 on the commencement of the Transformation period for the following for Area:

Reference No. : FS6/5/FS/TR/01
Board Area : Thaba Patchoa
Municipality : Mantsopa Local Municipality, Free State Province

Property Description

The properties mentioned below are situated in the Registration Division of Thaba Nchu under Mantsopa Local Municipality, Thabo Mofutsanyana, Free State Province.

land subjected to section 3 (1) - remainder	Current extent	Current Title Deed Number	Current Land Owner	Current Land Use
Mammas hoek No.802 portion 0	253.5335ha	T856/1952	Mantsopa Local Municipality	Communal land
Dassies Hoek No.666 portion 0	429.0883ha	T856/1952		
Thaba Patchoa No.106 (Remaining Extent)	469.2646ha	T856/1952		
Thaba Patchoa Berg No.668 portion 0	707.7975	T856/1952		

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1. A municipality of a board area must within 3 months after the date of this Gazette Notice submit a notice to the Minister of Rural Development and Land Reform setting out how and when it intends determining to which entity the land referred to above should be transferred; or
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 9300

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 Fax: (051) 430 2645


GUGILE NKWINTI (MP)
MINISTER FOR RURAL DEVELOPMENT AND LAND REFORM
 DATE: 15/08/2016

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 569 OF 2017

REQUEST FOR PROPOSALS: DEVELOPMENT OF ERVEN 15 & 17, 20 & 22 (OF THE FARM UITKOMST NO. 23), 1221, 1222 & 1226 FOR THE VAALPLAAS COMMUNAL PROPERTY ASSOCIATION SITUATED IN PATERNOSTER, WEST COAST, WESTERN CAPE PROVINCE.

The Office of the Regional Land Claims Commissioner: Western Cape, on behalf of the Vaalplaas Communal Property Association, is inviting proposals for the development of land situated in Paternoster in the West Coast District Municipality. The subject properties are and measure as follows: Erven 15 [of the farm Uitkomst No. 23] (1,2390 hectares), 17 [of the farm Uitkomst No. 23] (8 897m²), 20 [of the farm Uitkomst No. 23] (8 897m²), 22 [of the farm Uitkomst No. 23] (8 897m²), 1221 (467 m²), 1222 (372m²) & 1226 (1 364m²) in Paternoster.

The proposals should be as part of a business model to generate income in an ongoing and sustainable way for the community which consists of 41 claimant households which number about 75 beneficiaries.

A portion of the land can be used, as part of the business model, for the development of tourist facilities as well as environmentally orientated and commercial activities, etc. The successful proposal will be the one which provides a partnership arrangement, which will be of great benefit to the Vaalplaas CPA.

The briefing session will take place on 21ST August 2017 @ 14:00 at 14 Long Street, Cape Town in the boardroom on the 1ST floor. The closing date for the submission of proposals is 11TH September 2017 @ 11:00. The tender box of the Department of Rural Development and Land Reform is placed at the entrance opposite the security station.

NB: Invitations will be extended only to interested service providers who have submitted their proposals after the closing date for presentation.

For further information, please contact Mr. Rikus Janse van Rensburg, (Acting) Chief Director: Restitution Support at 021 – 409 0300 (o/h). A briefing document can be collected at the Office of the Regional Land Claims Commissioner: Western Cape, 1ST & 2ND Floors – 14 Long Street, Cape Town, 8000.

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 570 OF 2017



OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: WESTERN CAPE
1ST AND 2ND FLOORS ■ 14 LONG STREET ■ PRIVATE BAG X9163 ■ CAPE TOWN, 8000
TEL: 021 409 0300 ■ FAX: 021 418 0205

REQUEST FOR PROPOSALS: DEVELOPMENT OF ERF 43855, CAPE TOWN MEASURING 2.1 HECTARES FOR THE CRAWFORD COMMUNAL PROPERTY ASSOCIATION SITUATED IN CAPE TOWN (SITUATED ADJACENT KROMBOOM ROAD AND THE M5 PRINCE GEORGE DRIVE), WESTERN CAPE PROVINCE.

The Office of the Regional Land Claims Commissioner: Western Cape, on behalf of the Crawford Communal Property Association, is inviting proposals for the development of erf no. 43855, Cape Town. This land measures 2.1825 hectares and is situated on the area that falls adjacent to Kromboom Road and the M5 Prince George Drive.

The proposals should be as part of a business model to generate income in an ongoing and sustainable way for the Crawford CPA.

A portion of the land can be used, as part of the business model, for the development of the land for commercial land use. The successful proposal will be the one which provides a partnership arrangement, which will be of greatest benefit to the claimants. Provision is made for up to forty claimant households to be part of this development.

The briefing session will take place on 21ST August 2017 @ 11:00 at 14 Long Street, Cape Town in the boardroom on the 1ST floor. The closing date for the submission of proposals is 11TH September 2017 @ 11:00. The tender box of the Department of Rural Development and Land Reform is placed at the entrance opposite the security station.

NB: Invitations will be extended only to interested service providers who have submitted their proposals after the closing date for presentation.

For further information, please contact Mr. Rikus Janse van Rensburg, (Acting) Chief Director: Restitution Support at 021 – 409 0300. A briefing document can be collected at the Office of the Regional Land Claims Commissioner: Western Cape, 14 Long Street, Cape Town @ 1ST & 2ND Floors.

STATISTICS SOUTH AFRICA
NOTICE 571 OF 2017

NOTICE FOR 2017

STATISTICS SOUTH AFRICA

THE HEAD: STATISTICS SOUTH AFRICA notifies for general information that the Consumer Price Index is as follows:

Consumer Price Index, Rate (**Base Dec 2012=100**)

2017:

Rate: **June – 5.1**

**DEPARTMENT OF TRANSPORT
NOTICE 572 OF 2017**

NOTICE IN TERMS OF SECTION 23 OF THE NATIONAL LAND TRANSPORT ACT 2009 (ACT NO 5 OF 2009): APPOINTMENT OF MEMBERS OF LIMPOPO PROVINCIAL REGULATORY ENTITY.

By virtue of the powers vested in me in terms of sections 23 of the National Land Transport Act (Act 5 of 2009) I, Nandi Ndalane, Member of the Executive Council responsible for Transport, Safety, Security and Liaison hereby, nominate the following to serve in the Limpopo Provincial Regulatory Entity:

1. Ms. Edzani Divhani Tshivhase
2. Ms. Louisa Pearl Vulani Malumbete
3. Mr. Michael Makhado

Comments can be sent within 21 days from the date of publication in the Government Gazette by post to:

The Head of Department

Department of Transport

Private Bag X 9491

POLOKWANE

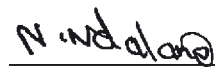
0700

or hand delivered to:

39 Church or 40 Kruger Street

Polokwane,

0700



Nandi Ndalane, MPL

Member of the Executive Council

For: Transport, Safety Security and Liaison

Date : 24/07/2017

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