

**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

**NO. R. 3483**

**2 June 2023**

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

**REGULATIONS REGARDING CONTROL OF THE EXPORT OF PROCESSED PRODUCTS**

The Minister of Agriculture, Land Reform and Rural Development has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), made the regulations in the Schedule.



A.T. Didiza

Minister of Agriculture, Land Reform and Rural Development

## 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 –

**"apricot and peach kernels"** means the seeds and part of seeds of apricots and peaches which are obtained by shelling;

**"assignee"** means a person, undertaking, body, institution, association or board designated as such under section 2(3)(a) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

**"canned fruit"** means commercially sterile fruit in hermetically sealed containers;

**"canned mushrooms"** means commercially sterile mushrooms in hermetically sealed containers;

**"canned pasta"** means commercially sterile spaghetti, macaroni, vermicelli or any other suitable pasta in hermetically sealed containers;

**"canned vegetables"** means commercially sterile vegetables in hermetically sealed containers;

**"certificate"** means a certificate that may be issued either in paper format (including electronically prepared) or in a verified electronic format which describe and attest to conformity of a consignment of regulated agricultural products to stipulated requirements as set out in regulation 6;

**"commercially sterile"** means the conditions achieved by application of heat, sufficient, alone or in combination with other appropriate treatments, to render the canned fruit, mushrooms, pasta or vegetables free from micro-organisms capable of growing in food at normal non-refrigerated conditions at which the canned fruit, mushrooms, pasta or vegetables are likely to be held during distribution, storage and display;

**"consignment"** means, where used with regard to ---

- (a) apricot and peach kernels, a quantity of apricot or peach kernels which is delivered at any one time under cover of the same consignment note, delivery note or receipt note or is delivered by the same vehicle or, if such quantity is subdivided into different classes each quantity of each of the different classes;
- (b) canned fruit, canned mushrooms, canned pasta, canned vegetables, frozen fruit, frozen vegetables, jam, jelly or marmalade, a quantity of canned fruit, canned mushrooms, canned pasta, canned vegetables, frozen fruit, frozen vegetables, jam, jelly or marmalade of the same kind which is delivered at any one time under cover of the same delivery note or receipt note, or which is delivered by the same vehicle, or if such a quantity is subdivided into different production groups, types, grades or packing sizes, each quantity of each of the different production groups, types, grades or packing sizes;
- (c) dried fruit, a quantity of dried fruit of the same type, belonging to the same owner, which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or which is delivered by the same vehicle, or if any such quantity is subdivided into different classes, grades or size groups, each quantity of each of the different classes, grades or size groups; or
- (d) honeybush, green honeybush, honeybush mixtures, rooibos, green rooibos or rooibos mixtures, a quantity of honeybush, green honeybush, honeybush mixtures, rooibos, green rooibos or rooibos mixtures which is delivered at any one time under cover of the same delivery note or receipt note, or is delivered by the same vehicle, or if such a quantity is subdivided into different production groups or classes, each quantity of each of the different production groups or classes;

"**consignment note**" means a consignment note approved by the Executive Officer or Assignee;

"**Department**" means the Department of Agriculture, Land Reform and Rural Development;

"**dried fruit**" means processed and unprocessed fruit, in its original form, deppiped (deseeded) or destoned (pitted), cut, peeled and dried by sun-, solar-, tunnel-, oven, wind-, or by any other recognized methods of dehydration, but does not include puréed, minced, cooked and baked dried fruit;

"**Executive Officer**" means the officer designated under section 2(1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"**food additive**" means a food additive as defined and permitted for in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**food business operator (FBO)**" means the person or persons responsible for ensuring that the prescribed requirements of these standards are met within the food business under his or her control and include both the management of the food business as well as the person with overall authority on site or in the specific establishment;

"**food business operator code**" means an alpha-numeric code which needs to be uniquely identified and has been registered with the Executive Officer of the Act by each responsible person (FBO) producing or handling in any way products of plant origin destined for the export market. Examples include farms, fields, processing facilities, storage units, transportation, etc.;

"**frozen fruit and frozen vegetables**" means --

- (a) fruit and vegetables which are frozen; or
- (b) fruit and vegetables, presented as frozen products;

"**green honeybush**" means the product obtained from the leaves, flowers and stems of the *Cyclopia* genus whether it has been cut, bruised, and dried or not, but which has not been fermented;

"**green rooibos**" means the product obtained from the needle-like leaves and fine stems of the plant *Aspalathus linearis* (also known as *A. contaminatus*) or *Borboronia pinifolia* after it has been cut, bruised, and dried or not, but which has not been fermented;

"**herbs**" means either fresh or dried non-toxic leafy green or flowering parts of a plant used for among others the flavouring of foodstuffs;

"**hermetically sealed containers**" means containers which are sealed to protect the contents against the entry of micro-organisms during and after heat processing;

"**honeybush**" means the product obtained from the leaves, flowers and stems of the *Cyclopia* genus whether it has been cut, bruised, sweated and dried or not, but excludes honeybush dust presented for export on its own;

"**honeybush dust**" means the honeybush material that passes through a 60 mesh sieve (i.e. <60 mesh) which is not sterilized and is intended for industrial use only;

"**honeybush mixtures**" means honeybush or green honeybush blended with herbs, spices and/ or other herbal teas, and include honeybush or green honeybush with permitted food additives;

"**inspector**" means the Executive Officer or an officer under his/her control, or an Assignee or an employee of an Assignee;

"**ISO**" means International Organization for Standardization;

"**jam**" means the product --

- (a) which shall consist of whole fruit, pieces of fruit, fruit pulp or fruit purée of one or more types of fruit;
- (b) to which sweeteners permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, shall be added;
- (c) to which food additives permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, may be added;
- (d) with or without fruit juice or concentrated fruit juice as optional ingredient; and
- (e) processed to a suitable consistency;

"**jelly**" means the product --

- (a) which shall consist of either the juice or aqueous extracts of one or more types of fruit or of the juice and aqueous extracts of one or more types of fruit;
- (b) to which sweeteners permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, shall be added;
- (c) to which food additives permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, may be added;
- (d) which is practically free from suspended fruit particles; and
- (e) processed to a semi-solid consistency;

"**marmalade**" means the product --

- (a) which shall consist of whole fruit, fruit pulp or fruit purée of one or more types of citrus fruit with some or all of the peel removed;
- (b) to which sweeteners permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, shall be added;
- (c) to which food additives permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, may be added;
- (d) with or without citrus juice and the extraction of peel; and
- (e) processed to a suitable consistency;

"**National Reference Laboratory**" means an official laboratory of the Department and the Perishable Products Export Control Board that has been nominated in writing by the Executive Officer for the testing of compliance as envisaged in terms of regulations 6(1) and 7(1);

"**Officially Recognized Laboratory**" means any laboratory that is not a National Reference Laboratory and that is nominated by the Executive Officer in writing as being suitable or required for the testing of compliance as envisaged in terms of regulations 6(1) and 7(1);

"**other herbal tea**" means all of the recognised herbal teas suitable for blending with rooibos, green rooibos, honeybush or green honeybush, including but not limited to the generally consumed tea plant (*Camelia sinensis*), chamomile (*Matricaria retutica* or *Chamaemelum nobile*), Buchu (*Agathosma Betulina*), etc.;

"processed products" means --

- (a) apricot and peach kernels;
- (b) canned fruit;
- (c) canned mushrooms;
- (d) canned pasta products;
- (e) canned vegetables;
- (f) dried fruit;
- (g) frozen fruit and frozen vegetables;
- (h) honeybush, green honeybush and honeybush mixtures;
- (i) jam, jelly and marmalade; and
- (j) rooibos, green rooibos and rooibos mixtures;

"rooibos" means the product obtained from the needle-like leaves and fine stems of the plant *Aspalathus linearis* (also known as *A. contaminatus* or *Borbonia pinifolia*) whether it has been cut, bruised, fermented and dried or not, but excludes rooibos dust presented for export on its own;

"rooibos dust" means the rooibos material that passes through a 60 mesh sieve (i.e. <60 mesh) which is not sterilized and is intended for industrial use only;

"rooibos mixtures" means rooibos or green rooibos blended with herbs, spices and/ or other herbal teas, and include rooibos or green rooibos with permitted food additives;

"spices" means dried, pungent or aromatic substances of edible plant origin (i.e. from the root, stem, bulb, bark or seeds) primarily used for flavouring, colouring or preserving foodstuffs; and

"the Act" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990).

**Prohibition on the export of processed products**

2. (1) Subject to the provisions of subregulation (2), no person shall export processed products from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.

(2) Processed products which are -

- (a) exported in a consignment of less than 20 kg net mass; and
- (b) taken in as provisions for consumption aboard a conveyance to another country, shall be exempted from the prohibition set out in subregulation (1).

(3) An approval in terms of subregulation (1) may also be given by an Assignee.

**Application for approval for export**

3. (1) An application for an approval in terms of section 4 of the Act for the export of a consignment of processed products, shall be directed in writing to the Executive Officer or Assignee.

(2) Such an application shall be made at least four working days before the intended date of export, or as otherwise arranged with the Executive Officer or Assignee.

(3) The following particulars shall be supplied when such an application is made:

- (a) The name and address of the applicant and, where applicable, of his agent or exporter.
- (b) The type and class, kind and class, type and grade or kind and grade of product, as the case may be.
- (c) The Food Business Operator code, where applicable.

- (d) The number of containers in and the mass of the consignment concerned.
- (e) The intended date and time of export, the method of transport and, in the case of export by sea, the name of the vessel concerned and the port or airport from which the consignment concerned shall be exported.
- (f) The particulars concerning the marking and destination of the consignment concerned.
- (g) The address of the premises where the consignment concerned can be inspected and the date and time when the consignment will be ready for inspection.
- (h) Any other additional information regarding the consignment concerned.

#### ***Presentation for inspection***

4. (1) Each consignment of processed products intended for export which has to be presented for inspection in terms of these regulations shall, prior to the export thereof, be approved for export by an inspector: Provided that the consignment of processed products concerned shall be presented for inspection at least 12 hours prior to the intended time of export, or as otherwise arranged with the Executive Officer or Assignee.

(2) A consignment of processed products referred to in subregulation (1), shall be presented for inspection in such a manner that --

- (a) access to each container therein can be obtained readily; and
- (b) the marks, printing or writing on such containers can readily be read.

#### ***Consignment note***

5. (1) Every consignment of processed products destined for export shall, when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.

(2) All the copies of such a consignment note shall have the same serial number and one copy thereof shall be retained by the Department or Assignee.

#### ***Procedure at inspection***

6. (1) An inspector may in any consignment of processed products open as many containers and inspect the contents thereof and remove samples of such contents for the purpose of further inspection or analyses as he/she may deem necessary.

(2) An inspector's finding in relation to the containers opened by him/her by virtue of the provisions of subregulation (1), and the contents thereof, shall apply as a finding in respect of the whole consignment from which such containers were abstracted.

(3) If an inspector is satisfied after his/her inspection that the consignment of processed products --

- (a) comply with the requirements of these regulations he/she shall approve such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark of approval or by issuing a certificate which indicates such approval; or
- (b) do not comply with the requirements of these regulations he/she shall prohibit such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark or prohibition or by issuing a certificate which indicates such prohibition.

(4) An inspector may at his/her own discretion re-inspect a consignment of processed products which has already been approved for export, and may confirm or withdraw according to subregulation (3)(b) any previous approval with regard to the consignment concerned: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

**Assessment of the competence of testing laboratories involved in the export of processed products**

7. (1) For the purpose of analyses as required by regulation 6(1), analyses may be conducted by a National Reference Laboratory or an Officially Recognized Laboratory.

(2) The Executive Officer shall nominate a National Reference Laboratory or an Officially Recognized Laboratory in writing to conduct analyses as set out in subregulation (1).

(3) The said laboratory shall be considered on the basis of their suitability which shall *inter alia* be based on the following criteria:

- (a) A reasonable demonstrable knowledge and/or expertise in the testing and analyses of processed products;
- (b) Compliance with the general criteria for testing laboratories as laid down in ISO/IEC Guide 17025:2017;
- (c) Annual participation in appropriate proficiency testing schemes for analyses which conform to the requirements as laid down in "The international harmonized protocol for the proficiency testing of analytical laboratories";
- (d) Whenever available, use methods of analyses which have been validated according to the principles as laid down by the Codex *Alimentarius* Commission; and
- (e) Use of internal quality control procedures described in the document titled "Harmonized Guidelines for internal Quality Control in Analytical Chemistry Laboratories".

(4) In addition to compliance with suitability criteria as set out in subregulation (3), an Officially Recognized Laboratory shall be considered for nomination on the following grounds:

- (a) Of necessity in as far as fulfillment of capacity as determined from time to time by the Executive Officer.
- (b) On a three-year period, the period which may be considered for renewal upon assessment by the Executive Officer.

**Fees for inspection and analyses**

8. The following fees shall be payable for inspection and analyses:

(1) The determined inspection fee when processed products are presented for inspection.

(2) The fee for testing and analyses of samples shall be charged by the laboratory concerned and this shall include incidental costs such as courier or transport fee.

**Appeal**

9. Any person may lodge an appeal against a decision or direction of the Executive Officer or an Assignee in terms of section 10(1) of the Act or as prescribed in the Appeal Procedures Regulations promulgated under the Act, to the Director-General.

***Offences and penalties***

10. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and shall be liable to a fine or imprisonment as set out in section 11 of the Act.

***Commencement***

11. These regulations shall come into operation on the date of publication.

***Repeal***

12. Regulations published by Government Notice No.R.423 dated 22 May 2015 are hereby repealed from the date of commencement of these regulations.



**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

**NO. R. 3484**

**2 June 2023**

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

**REGULATIONS REGARDING CONTROL OF THE EXPORT OF TREE NUTS**

The Minister of Agriculture Land Reform and Rural Development has, under section 15 of the Agricultural Product Standards Act, 1990 (Act 119 of 1990), made the regulations in the Schedule.



A.T. Didiya

Minister of Agriculture, Land Reform and Rural Development

**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 -

**"address"** means a physical address in the Republic of South Africa and includes the street or road number or name, and the name of the town, village or suburb and in case of a farm or silo, the name or number of the farm or silo and of the magisterial district in which it is situated;

**"assignee"** means a person, undertaking body, institution, association or board designated as under section 2(3) of Agricultural Product Standards Act No.119 of 1990;

**"cashew nuts"** means unshelled edible seeds of the tree *Anacardium occidentale*;

**"certificate"** means a certificate that may be issued either in paper format (including electronically prepared) or in verified electronic format which describe and attest to conformity of a consignment of regulated agricultural products to stipulated requirements as set out in regulation 6;

**"consignment"** means a quantity of tree nuts of the same grade belonging to the same grade or class belonging to the same owner and which is delivered at any one time under cover of the consignment note, delivery note or receipt note, is delivered by the same vehicle or bulk container or railway truck, or which is loaded from the same bin or into different grades or classes, each quantity of each of the different grades or classes;

**"consignment note"** means a consignment note approved by the Executive Officer or Assignee;

**"container"** means a bag or bulk container in which tree nuts are packed, stored or transported;

**"Department"** means the Department of Agriculture, Land Reform and Rural Development;

**"Executive Officer"** means the officer designated under section 2 (1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

**"fees"** means a gazetted amount payable for inspection and analysis;

**"Food Business Operator" (FBO)** means the person or persons responsible for ensuring that the prescribed requirements of these regulations are met within the food business under his or her control and include both the management of the food business as well as the person with overall authority on site or in the specific establishment;

**"Food Business Operator code"** means an alpha-numeric code which needs to be uniquely identified and has been registered with the Executive Officer of the Act by each responsible person (FBO) producing or handling in any way products of plant origin destined for the export market. Examples include farms, fields, processing facilities, storage units, transportation, etc.;

**"hazel nuts"** means nuts of any of the species of the genus *Corylus*;

**"inspector"** means the Executive Officer or an officer under his control, or an Assignee or an employee of an Assignee;

**"ISO"** means International Organization for Standardization;

**"macadamia nuts"** means unshelled edible seeds of the genus *Macadamia*;

**"National Reference Laboratory"** means an official laboratory of the Department of Agriculture, Land Reform and Rural Development and the Perishable Products Export Control Board (PPECB) that has been nominated in writing by the Executive Officer for the testing of compliance as envisaged in terms of regulations 6(1) and 7(1);

**"Officially Recognized Laboratories"** means any laboratory that is not a National Reference Laboratory and that is nominated by the Executive Officer in writing as being suitable or required for the testing of compliance as envisaged in terms of regulations 6(1) and 7(1);

**"pecan nuts"** means unshelled edible seeds of the tree *Carya illinoensis*;

**"the Act"** means the Agricultural Product Standards Act, 1990 (Act 119 of 1990);

**"tree nuts"** means cashew nuts, hazelnuts, macadamia nuts, pecan nuts, walnuts and other nuts; and

**"walnuts"** means unshelled edible seeds of the tree *Juglas nigra*.

#### **Prohibition on the export of Tree Nuts**

2. (1) Subject to the provisions of subregulation (2) no person shall export Tree nuts from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.

(2) Tree nuts which are –

- (a) exported in a consignment of less than 20 kg; and
- (b) taken in as provisions for consumption abroad a conveyance to another country, shall be exempted from the prohibition set out in subregulation (1).

(3) An approval in terms of subregulation (1) may also be given by an Assignee.

#### **Application for approval for export**

3. (1) An application for an approval in terms of section 4 of the Act for the export of tree nuts shall be directed in writing to the Executive Officer or Assignee, as the case may be.

(2) Such an application shall be made at least three working days before the intended date of export.

(3) The following particulars shall be supplied when such application is made:

- (a) The name and address of the applicant and where applicable, of his agent or exporter.
- (b) The grade and the class of the tree nuts.
- (c) The applicable Food Business Operator code.
- (d) The number of containers and the mass of the tree nuts in the consignment concerned.
- (e) The intended date of export and the port from which the consignment concerned shall be exported.
- (f) The destination of the consignment concerned.
- (g) The address of the premises where the consignment concerned may be inspected and the date and time when the consignment will be ready for inspection.

- (h) Any other pertinent information concerning the consignment.

**Presentation for inspection**

4. (1) Each consignment of tree nuts intended for export which has to be presented for inspection in terms of these regulations shall, prior to the export thereof, be approved for export by an inspector: Provided that the consignment of tree nuts concerned shall be presented for inspection –

- (a) at least 12 hours prior to the intended time of export or as otherwise arranged with the Executive Officer or Assignee; or
- (b) when the consignment is ready for export at the processing facilities before such tree nuts are loaded into a bulk container or onto a truck for transport to a port of export.

(2) A consignment referred to in subregulation (1) shall be presented for inspection and be stored in such a manner that --

- (a) access to each container therein can be obtained readily; and
- (b) the marks, printing or writing on such containers can readily be read.

**Consignment Note**

5. (1) Every consignment of tree nut destined for export shall when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.

(2) All the copies of such a consignment note shall have the same serial number and one copy thereof shall be retained by the Department or Assignee, as the case may be.

**Procedure at inspection**

6. (1) An inspector may open as many containers in a consignment of tree nuts intended for export as he/she may deem necessary and inspect or analyse or have analysed the contents thereof in such a manner as he/she may deem fit.

(2) The result of an inspection or analysis in terms of subregulation (1) shall be deemed to be applicable to the whole consignment of tree nuts from which such containers were abstracted.

- (3) (a) An inspector may re-inspect a consignment of tree nuts which has already been approved for export and may confirm or withdraw any previous approval with regard to the consignment concerned.
- (b) The provisions of regulation 4 and this regulation shall *mutatis mutandis* apply to such re-inspection: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

**Assessment of the competence of testing Laboratories involved in the export of tree nuts**

7. (1) For the purpose of analysis as required by regulation 6(1), analysis may be conducted by a National Reference Laboratory or an Officially Recognized Laboratories.

(2) The Executive Officer shall nominate a National Reference Laboratory or Officially Recognized Laboratory in writing to conduct analyses as set out in subregulation (1).

(3) The said laboratories shall be considered on the basis of their suitability, which suitability shall *inter alia* be based on the following criteria:

- (a) A reasonable demonstrable knowledge or expertise in the testing and analysis of tree nuts;
- (b) Compliance with the general criteria for testing laboratories as laid down in ISO/IEC 17025: 2017;
- (c) Annual participation in appropriate proficiency testing schemes for analysis which conform to the requirements as laid down in the document titled "The international harmonized protocol for the proficiency testing of analytical laboratories";
- (d) Whenever available, use methods of analysis which have been validated according to the principles as laid down by the *Codex Alimentarius Commission*; and
- (e) Use internal quality control procedures as described in the document titled "Harmonized Guidelines for internal Quality Control in Analytical Chemistry Laboratories".

(4) In addition to compliance with suitability criteria as set out in subregulation (3) an Officially Recognized Laboratory shall be considered for nomination on the following grounds:

- (a) Of necessity in as far as fulfillment of capacity as determined from time to time by the Executive Officer.
- (b) On a three-year period, the period which may be considered for renewal upon assessment by the Executive Officer.

#### ***Fees for inspection and analysis***

8. The following fees shall be payable for inspection and analysis:

- (1) The determined inspection fee when tree nuts are presented for inspection.
- (2) The fee for testing and analysis of samples shall be charged by the laboratory concerned and this shall include incidental costs such as courier or transport fee.

#### ***Approvals and rejections***

9. (1) If an inspector approves the export of a consignment of tree nuts he/she shall --

- (a) mark each container in that consignment with a mark of approval; or
- (b) endorse the consignment note of that consignment to such effect; and
- (c) issue a certificate to the effect that such consignment has been approved for export.

(2) If a consignment of tree nuts has been rejected for export purposes as a result of an inspection or re-inspection carried out at a port of export, the custodian of that consignment shall as soon as feasibly remove it from the port area concerned.

(3) Notwithstanding the provisions of subregulation (2), an inspector may, in the case of a consignment in connection with which an appeal is lodged --

- (a) direct that such consignment shall not without his/her consent be removed from the place where the inspection or re-inspection concerned was carried out; and
- (b) apply any mark to the containers concerned which he may deem necessary for identification purposes.

***Appeal***

10. Any person may lodge an appeal against a decision or direction of the Executive Officer or an Assignee in terms of section 10(1) of the Act or as prescribed in the Appeal Procedures Regulations promulgated under the Act, to the Director-General.

***Offences and penalties***

11. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and shall be liable to a fine or imprisonment as set out in section 11 of the Act.

***Commencement***

12. These regulations shall come into operation on the date of publication.

***Repeal***

13. Regulations published by Government Notice No. R. 65 of 29 January 2016 are hereby repealed from the date of commencement of these regulations.

## DEPARTMENT OF SOCIAL DEVELOPMENT

NO. R. 3485

2 June 2023

**SOCIAL SERVICE PROFESSIONS ACT, 1978  
(Act No. 110 OF 1978)****FEE PAYABLE BY SOCIAL WORKERS, CHILD AND YOUTH CARE WORKERS,  
SOCIAL AUXILIARY WORKERS, AUXILIARY CHILD AND YOUTH CARE  
WORKERS, STUDENT SOCIAL WORKERS, STUDENT SOCIAL AUXILIARY  
WORKERS, STUDENT CHILD AND YOUTH CARE WORKERS AND STUDENT  
AUXILIARY CHILD AND YOUTH CARE WORKERS AMENDMENT REGULATIONS**

I, **Lindiwe Zulu**, Minister of Social Development, has in terms of Sections 28(1)(b) of the Social Service Professions Act, 1978 (Act No. 110 of 1978), and on the recommendation of the South African Council for Social Service Professions, made the regulations set out in the Schedule hereto.



**MS L. ZULU, MP  
MINISTER OF SOCIAL DEVELOPMENT**

**DATE: 14/12/2022**

[ ] Words in **bold type** in square brackets indicate omissions from existing enactments.  
Words underlined indicate insertions in existing enactments.

## SCHEDULE

### DEFINITIONS

#### 1. Amendment of Regulation 1 of the Regulations

a. Regulation 1 of the Regulations is substituted for the following:

[“In these regulations

**‘the Act’** shall mean the Social Service Professions Act, 1978 (Act No 110 of 1978), and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates –

**“the Regulations”** means fees payable by social workers, child and youth care workers, social auxiliary workers, auxiliary child and youth care workers, student social workers, student social auxiliary workers, [and] student child and youth care workers and student auxiliary child and youth care workers amendment regulations **[published in Government Notice No. 42240 (GNR 221 of 22 February 2019)]**;

**‘financial year’** means a year ending 31 March of every year;

**“reference number”** means a unique identifier assigned to any financial transaction that will enable Council to identify the person making a payment and allocate such payment against that person’s name.]

“1 In these regulations

**‘financial year’** means a year ending 31 March of every year’;

**“reference number”** means a unique identifier assigned to any financial transaction that will enable Council to identify the person making a payment and allocate such payment against that person’s name’;

**‘the Act’** shall mean the Social Service Professions Act, 1978 (Act No 110 of 1978), and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicate’;

**“the Regulations”** means regulations made in terms of section 17(2) (b), 17C (3) (c), 18A (6) (b), 18B (2) (b) and 28 (1) (a) of the Act, regarding fees payable by social workers, child and youth care workers, social auxiliary workers, auxiliary child and



youth care workers, student social workers, student social auxiliary workers, student child and youth care workers and student auxiliary child and youth care workers’.

## **2. Amendment of regulation 2 of the Regulations**

- a. **Regulation 2 of the Regulations is hereby substituted for the following: [amended by the substitution with the following regulation:]**

**“2 (a) The following fees shall be paid to the Council by social workers and child and youth care workers:**

<b>Classification category and service</b>	<b>Current fees</b>	<b>Proposed fees</b>
(i) Registration fee by applicants who obtained their qualifications at a training institution in the Republic of South Africa.	<b>[R245.00]</b>	<u>R262.00</u>
(ii) Additional levy in the case of paragraph (a)(i) for a registration that is requested to be finalised within three working days.	<b>[R117.00]</b>	<u>R325.00</u>
(iii) Registration fee by applicants who obtained their qualifications at a training institution outside the Republic, in a SADC country.	<b>[R1,807.00]</b>	<u>R1,934.00</u>
(iv) Registration fee by applicants who obtained their qualifications at a training institution outside the Republic in countries other than those mentioned in paragraph (a)(iii).	<b>[R3,555.00]</b>	<u>R3,804.00</u>
(v) Re-registration fee by a person whose registration has been suspended in terms of section 22(1)(b) of the Act.	<b>[R750.00]</b>	<u>R803.00</u>
(vi) Re-registration fee by a person whose registration has been cancelled in terms of section 22(1)(c) of the Act.	<b>[R263.00]</b>	<u>R803.00</u>
(vii) Annual fee, subject to regulation 3.	<b>[R466.00]</b>	<u>R500.00</u>
(viii) Fee ( <u>registration and annual fee</u> ) for the restoration of the name of a person whose name has been removed from the register in terms of section 20(3) of the Act.	<b>[R233.00]</b>	<u>R762.00</u>
(ix) Registrar’s fine for fees paid after 31 March, <u>subject to section 20(1)(d) of the Act.</u>	<b>[R434.00]</b>	<u>R465.00</u>

<b>Classification category and service</b>	<b>Current fees</b>	<b>Proposed fees</b>
(x) Examination fee for the purpose of an examination of a person who obtain a qualification outside the Republic in terms of section 17D (3).	<b>[R1000.00]</b>	<u>R1,2340.00</u>
(xi) Examination fee for the purpose of an examination of a person who obtain a qualification inside the Republic in terms of section 18A (5).	<b>[R1250.00]</b>	<u>R1,340.00</u>
(xii) Administrative fee additional to the fees prescribed in paragraphs (a) (i), (iii), (iv), (v), (vi) and (vii) for the re-assessment of an application that needs to be re-submitted due to insufficient Information.	<b>[R200.00]</b>	<u>R214.00</u>

(b) The following fees shall be paid to the Council for registering a speciality in terms of section 17C of the Act:

<b>Classification category and service</b>	<b>Current fees</b>	<b>Proposed Fees</b>
(i) Assessment fee.	<b>[R840.00]</b>	<u>R900.00</u>
(ii) Registration fee.	<b>[R233.00]</b>	<u>R233.00</u>
(iii) Re-registration fee by a person whose registration of the speciality has been suspended in terms of section 22(1)(b) of the Act.	<b>[R750.00]</b>	<u>R803.00</u>
(iv) Re-registration fee by a person whose registration of the speciality has been cancelled in terms of section 22(1)(c) of the Act.	<b>[R263.00]</b>	<u>R803.00</u>
(v) Annual fee, subject to regulation 3.	<b>[R466.00]</b>	<u>R500.00</u>
(vi) Fee ( <u>registration and annual fee</u> ) for the restoration of the name of a person whose name has been removed from the register in terms of section 20(3) of the Act.	<b>[R222.00]</b>	<u>R762.00</u>
(vii) Registrar's fine for fees paid after 31 March, <u>subject to section 20(1)(d) of the Act.</u>	<b>[R456.00]</b>	<u>R488.00</u>
(viii) Examination fee for speciality in terms of section 17C(2A) (b) of the Act.	<b>[R900.00]</b>	<u>R1,340.00</u>
(ix) Administrative fee additional to the fees prescribed in paragraphs (b)(i), (ii), (iii) and (v) for the re-assessment of an application that needs to be re-submitted due to insufficient Information.	<b>[R200.00]</b>	<u>R214.00</u>

(c) The following fees shall be paid to the Council by student social workers and student child and youth care workers:

Classification category and service	Current fees	Proposed Fees
(i) Registration fee before 31 March of the first year of study.	[R228.00]	<u>R262.00</u>
(ii) Re-registration fee by a person whose registration has been suspended in terms of section 22(1)(b) of the Act.	[R250.00]	<u>R803.00</u>
(iii) Re-registration fee by a person whose registration has been cancelled in terms of section 22(1)(c) of the Act.	[R250.00]	<u>R803.00</u>
(iv) Fee for the restoration of the name of a person whose name has been removed from the Register in terms of section 20(3) of the Act.	[R222.00]	<u>R262.00</u>
(v) Administrative fee additional to the fees prescribed in paragraphs (c)(i), (ii), (iii) <u>and (iv)</u> for the re-assessment of an application that needs to be re-submitted due to insufficient Information.	[R150.00]	<u>R214.00</u>

(d) The following fees shall be paid to the Council by social auxiliary workers and auxiliary child and youth care workers:

Classification category and service	Current fees	Proposed Fees
(i) Registration fee by applicants who obtained their qualifications at a training institution in the Republic of South Africa.	[R228.00]	<u>R262.00</u>
(ii) Additional levy in the case of paragraph (d)(i) for a registration, which is requested to be finalised within three working days.	[R117.00]	<u>R325.00</u>
(iii) Registration fee by applicants who obtained their qualifications at a training institution outside the Republic, in a SADC country	[R1224.00]	<u>R1,310.00</u>
(iv) Registration fee by applicants who obtained their qualifications at training institutions outside the Republic in countries other than those mentioned in paragraph (a)(iii).	[R2,331.00]	<u>R2,495.00</u>
(v) Registration fee by a person whose registration has been suspended in terms of section 22(1)(b) of the Act	[R500.00]	<u>R803.00</u>
(vi) Registration fee by a person whose registration has been cancelled in terms of section 22(1)(c) of the Act	[R246.00]	<u>R803.00</u>
(vii) Annual fee, subject to regulation 3	[R233.00]	<u>R250.00</u>

Classification category and service	Current fees	Proposed Fees
(viii) Fee ( <u>registration and annual fee</u> ) for the restoration of the name of a person whose name has been removed from the register in terms of section 20(3) of the Act.	<b>[R233.00]</b>	<u>R512.00</u>
(ix) Registrar's fine for fees paid after 31 March, <u>subject to section 20(1)(d) of the Act</u>	<b>[R228.00]</b>	<u>R245.00</u>
(x) Examination fee for the purpose of an examination of a person who obtain a qualification outside the Republic in terms of section 17D(3)	<b>[R1200.00]</b>	<u>R1,340.00</u>
(xi) Examination fee for the purpose of an examination of a person who obtain a qualification inside the Republic in terms of section 18A(5)	<b>[R900.00]</b>	<u>R1,340.00</u>
(vi) Administrative fee additional to the fees prescribed in paragraphs (d)(i), (iii), (iv), (v), <u>(vi)</u> , <b>[(vii)]</b> and (viii) for the re-assessment of an application that needs to be re-submitted due to insufficient Information.	<b>[R200.00]</b>	<u>R214.00</u>

- (e) The following fees shall be paid to the Council by student social auxiliary workers, student auxiliary child and youth care workers and student auxiliary child and youth care workers:

Classification category and service	Current fees	Proposed Fees
(i) Registration fee before 31 March of the first year of study	<b>[R216.00]</b>	<u>R262.00</u>
(ii) Re-registration fee by a person whose registration has been suspended in terms of section 22(1)(b) of the Act	<b>[R233.00]</b>	<u>R803.00</u>
(iii) Re-registration fee by a person whose registration has been cancelled in terms of section 22(1)(c) of the Act	<b>[R233.00]</b>	<u>R803.00</u>
(iv) Fee for the restoration of the name of a person whose name has been removed from the Register in terms of section 20(3) of the Act	<b>[R210.00]</b>	<u>R262.00</u>
(v) Administrative fee additional to the fees prescribed in paragraphs (e)(i), (ii), <b>[and]</b> (iii), <u>and (iv)</u> for the re-assessment of an application that needs to be re-submitted due to insufficient Information	<b>[R200.00]</b>	<u>R214.00</u>

- (f) The following fees pertaining to Continuing Professional Development (CPD) activities shall be paid to the Council:

Classification category and service	Current fees	Proposed fees from Public Comments
(i) Fees for the approval of a CPD activity offered to practitioners at no cost to the practitioner.	[R117.00]	<u>R150.00</u>
(ii) Fees for the approval of a CPD activity offered to practitioners at a specified registration fee or cost to the practitioner.	[R583.00]	<u>R800.00</u>
(iii) Administrative fee for the re-assessment of an application in terms of paragraphs (f)(i) or (ii) that needs to be re-submitted due to insufficient Information	[R200.00]	<u>R214.00</u>

(g) The following miscellaneous fees shall be paid to the Council:

Classification category and service	Current fees	Proposed fees from Public Comments
(i) Fee for a duplicate registration certificate	[R257.00]	<u>R275.00</u>
(ii) Fee for inspection of the register (per occasion)	[R257.00]	<u>R275.00</u>
(iii) Fee for the issue of an extract from the register (per page)	[R525.00]	<u>R562.00</u>
(iv) Fee for certificate of status of good standing	[R630.00]	<u>R675.00</u>
(v) Additional levy in the case for any <u>express service</u> which is requested to be finalised within three working days	[R117,00]	<u>R325.00</u>

(h) The fees referred to in paragraphs (a), (b), (c), (d) and (e) shall be payable subject to the following -

- (i) annual fees are, subject to the provisions of, sub-regulation (a)(vii), (b)(v) and (d)(vii) are payable on or before 1 January of every year;
- (ii) in the case of a person who is registered for the first time as a social worker; a social auxiliary worker, child and youth care worker or auxiliary child and youth care worker; or a person registering a speciality in terms of the Act, the registration fee and annual fee is payable in full for the financial year concerned before such person's name is entered in the register;
- (iii) in the case of a person who applies for re-registration in terms of section 22(4) of the Act, the registration fee and annual fee is payable in full for the financial year concerned before such person's name is entered in the register;
- (iv) in the case of a person who applies for re-registration in terms of section 22(5) of the Act, the registration fee and annual fee is payable in full for the

financial year concerned before such person's name is entered in the register; or

- (v) in the case of a person whose name is restored in terms of section 20(3) of the Act to a register referred to in section 19(1) of the the restoration fee and annual fee must be paid in full for the financial year concerned before such person's name is re-entered or restored to the register; provided that: in the case of a person who has failed to pay any money in terms of section 20(1)(d) of the Act and such person has proceeded to practice the annual fee be paid in full for the current financial year, and outstanding financial years he or she practiced, before such person's name can be restored to the register concerned;
- (vi) be payable for the financial year(s) following the publication of these Regulations and shall apply to all persons irrespective of the date of publication; and
- (vii) The fees referred to in these Regulations include Value Added Tax.

### **3. Amendment of regulation 3 of the Regulations**

#### **a. Regulation 3 is hereby amended by:-**

- (i) **by the substitution of sub-paragraph (a) as follows:**

- [(a) **Any person who attains the age of 65 years on—2<sup>nd</sup> January in terms of section 28(4)(a) and in the course of a financial year attains the age of 65 years on or before 31 March of that financial year who is not full-time employed or continue to be full time employed, shall be exempted from the payment of annual fees in terms of section 28(4)(a) of the Act for the following financial year, if such application reach Council annually on or before 30 November and shall re-apply annually for the renewal of the exemption status; provided that if such a person being exempted from payment of annual fees becomes full time employed after he or she has been exempted, he or she must declare the employment status and pay the full annual fees for the financial year concerned.**]

“Any person who attains the age of 65 years on 1 January who is not full-time employed or continue to be full time employed, shall be exempted from the payment of annual fees in terms of section 28(4)(a) of the Act for the following financial years [, if such application reach Council annually on or before 30

November provided that if such a person being exempted from payment of annual fees becomes full time employed after he or she has been exempted, he or she must declare the employment status and pay the full annual fees for the financial year concerned.

**(ii) by the substitution of sub-paragraph (b) as follows:**

**[Any person who in the opinion of Council does not practice the profession because of health reasons or he or she is registered with Council at a professional or auxiliary level, or who has been unemployed for a period of three consecutive months or longer, subject to the submission of written proof on or before the annual fee is payable, and who has applied in writing to Council for exemption from payment of the annual fee, shall for the period and on the conditions determined by the Council, be exempted from the payment of annual fees for the following financial year; provided that in the case of a person who is unemployed, s/he provides proof to Council in the form of an affidavit completed at the South African Police Service on a prescribed form that he or she is not employed, nor has any form of income.]**

“(b) The following persons registered with Council who has applied in writing to Council for exemption from payment of the annual fee, shall be exempted from the payment of such annual fee for the following financial year, subject to the conditions determined in these regulations, and by Council, and that such an application reach Council annually on or before 30 November for the following financial year -

- (i) a person who does not practice his or her profession because of health reasons; or
- (ii) a person who has been unemployed for a period of three consecutive months or longer, subject to the submission of the following with his or her application:
  - (aa) written proof that he or she is unemployed for a period of three consecutive months or longer;
  - (bb) an affidavit completed at the South African Police Service on a prescribed form that he or she is not employed, nor has any form of income;
- (iii) a person contemplated in sub-paragraphs (i) and (ii) shall re-apply annually for the renewal of the exemption status.”

(iii) by the substitution of sub-paragraph (c ) as follows:

**“[Any person, other than a person mentioned in paragraphs (b), who in the course of a financial year ceases to practise the profession on or before 31 March of that financial year, and who applies in writing to the Council for partial exemption, shall pay only an amount which is calculated to be fifty (50) percent of the annual fee.**

**Any person who qualifies for an exemption in terms of paragraphs (b) and (c) is not allowed to practice the profession that he or she is registered for and must before re-entering the profession inform Council in writing of such intention, and shall pay within thirty (30) days, the outstanding pro rata annual fee for the financial year during which he or she resume practice, after which such exemption shall fall away.]**

“ (i) Any person, other than a person mentioned in paragraphs (a) and (b), who in the course of a financial year ceases to practise the profession on or before 31 March of that financial year, and who applies in writing to the Council on or before 30 November for partial exemption from payment of the annual fee, shall pay only an amount which is calculated to be fifty (50) percent of the annual fee payable.

(ii) Any person who qualifies for an exemption in terms of paragraphs (b) and (c) is not allowed to practice the profession that he or she is registered for and must before re-entering the profession inform Council in writing of such intention, and shall pay within thirty (30) days, the [outstanding pro rata] annual fee for the financial year during which he or she resume practice, after which such exemption shall fall away.”

#### **4. Amendment of regulation 4 of the Regulations**

**(a) Regulation 4 is hereby substituted for the following:-**

**“REPEAL**



4. The Regulations made under the Social Service Professions Act 110 of 1978 published in Government Notice No. R. 1512 in Government Gazette Number 45501 of 19 November 2021 is herewith repealed.”

**5. Amendment of regulation 4A of the Regulations**

**(a) Regulation 4A is hereby amended as follows:-**

- (i) by the substitution in sub-regulation 3 of the number [3] for the number 2 after the words sub-regulation as follows:**

“(3) The Council will publish a list of the valid transaction type codes mentioned in sub-regulation (2) **[3]** on its website, which may be revised from time to time according to the Council’s requirements”.

- (ii) by the substitution in sub-regulation 4 of the number [3] for the number 2 after the words sub-regulation as follows:**

“(4) Payments that cannot be correctly allocated because of failure to comply with sub-regulation (2) **[(3)]** will be regarded as not received in time if there is a deadline by which the payment is due.”

**Sub-regulation (5) of regulating 4A is hereby amended by the insertion of the following words:**

(5) A payment contemplated in sub-regulation (4) shall be kept in a separate account until such time the person who made the payment is identified for a period not exceeding three years, where after, the fee will be regarded as un-allocated and recognised as other income in relation to the operations of Council. fees receive prior to the date of the publication of these regulations.

**6. Amendment of regulation 4A of the Regulations**

**(b) Regulation 5 is hereby substituted as follows:-**

**[SHORT TITLE**

5. These regulations are called the *Fees payable by social workers, child and youth care workers, social auxiliary workers, auxiliary child and youth care workers, student social workers, student child and youth care workers, student social auxiliary workers and student auxiliary child and youth care workers 2021 Amendment Regulation.*]

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**“ SHORT TITLE**

- 5.** These regulations shall be called Refulations on Fees payable by social workers, child and youth care workers, social auxiliary workers, auxiliary child and youth care workers, student social workers, student child and youth care workers, student social auxiliary workers and student auxiliary child and youth care workers.”
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**PROCLAMATIONS • PROKLAMASIES**

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**PROCLAMATION 122 OF 2023**

**by the  
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL: UMGENI WATER BOARD**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the Umgeni Water Board (hereinafter referred to as the "UBW");

AND WHEREAS the UWB may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the UWB, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the UWB;
- (b) improper or unlawful conduct by employees of the UWB;
- (c) unlawful appropriation or expenditure of public money;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or

practice having a bearing upon State property;

- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the UWB; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 01 March 2018 and the date of publication of this Proclamation or which took place prior to 01 March 2018 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the UWB or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this 15 day of May Two thousand and twenty three.

**MC Ramaphosa**  
**President**

By Order of the President-in-Cabinet:

**RO Lamola**  
**Minister of the Cabinet**

## SCHEDULE

1. The procurement of and contracting for goods, works or services, by or on behalf of the UWB and payments made in respect thereof in a manner that was—
  - (a) not fair, equitable, transparent, competitive or cost-effective;
  - (b) contrary to applicable—
    - (i) legislation;
    - (ii) manuals, guidelines, circulars, practice notes or instructions issued by the National Treasury or the relevant provincial treasury; or
    - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the UWB,and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the UWB in relation to—
  - (aa) contracts concluded by the UWB for the provision of security and guarding services on 26 November 2018 and 25 January 2019; and
  - (bb) tender number 2020/030 for Social Facilitation and Community Engagement for the UWB Infrastructure Projects for a period of five years.
  
2. Any improper or unlawful conduct by officials or employees of the UWB or the State, the applicable service providers, or any other person or entity in relation to the allegations set out in paragraph 1 of this Schedule.

**PROKLAMASIE 122 VAN 2023**  
**van die**  
**PRESIDENT van die REPUBLIEK van SUID AFRIKA**

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996:  
VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE  
ONDERSOEKEENHEID: UMGENI WATERRAAD**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as “die Wet”), gemaak is in verband met die aangeleenthede van die Umgeni Waterraad (hierna na verwys as “UW”);

EN AANGESIEN die UW verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die UW, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die UW;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die UW;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;

- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die UW; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Maart 2018 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Maart 2018 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die UW of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die 15 dag van Mei Tweeduisend-drie-en-twintig.

**MC Ramaphosa**  
**President**

Op las van die President-in-Kabinet

**RO Lamola**  
**Minister van die Kabinet**

**BYLAE**

1. Die verkryging van, of kontraktering vir, goedere, werke of dienste, deur of namens die UW en betalings wat ten opsigte daarvan gemaak is op 'n wyse wat—
- (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
  - (b) strydig was met toepaslike—
    - (i) wetgewing;
    - (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die betrokke provinsiale tesourie uitgevaardig is; of
    - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die UW van toepassing is,
- en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat aangegaan is deur die UW ten opsigte van—
- (aa) kontrakte deur die UW aangegaan vir die verskaffing van sekuriteit- en beskermingsdienste op 26 November 2018 en 25 Januarie 2019; en
  - (bb) tendernommer 2020/030 vir Maatskaplike Fasilitering en Gemeenskapsbetrokkenheid vir die UW Infrastruktuur Projekte vir 'n tydperk van vyf jaar.
2. Enige onwettige of onbehoorlike optrede deur beamptes of werknemers van die UW of die Staat, die betrokke diensverskaffers of enige ander persoon of entiteit met betrekking tot die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.









Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za  
Publications: Tel: (012) 748 6053, 748 6061, 748 6065