Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 678 10 December / Desember 2021 No. 45616

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

ISSN 1682-5845

9 771682 584003 45616

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

IMPORTANT NOTICE:

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

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

Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Agriculture, Land Reform and Rural Development, Department of / Landbou, Grondhervorming en Landelike Ontwikkeling, Departement van			
1576	Restitution of Land Rights Act (22/1994), as amended: Various properties	45616	13
1577	Restitution of Land Rights Act (22/1994), as amended: Various properties	45616	14
1578	Restitution of Land Rights Act (22/1994), as amended: Various properties	45616	15
1579	Restitution of Land Rights Act (22/1994), as amended: Portion 0 (Remaining Extent) of the farm Wolvengat 442 JR	45616	16
1580	Conservation of Agricultural Resources Act (43/1983): Regulations: Amendment	45616	17
Health, Department of / Gesondheid, Departement van			
1581	Medicines and Related Substances Act (101/1965): Exclusion of Schedule 0 medicines from the operation of Sections 22G and 18A of the Act	45616	45
Higher Education and Training, Department of / Hoër Onderwys en Opleiding, Departement van			
1582	Higher Education Act (101/1997): Amended Institutional Statute of the Mangosuthu University of Technology	45616	46
South African Revenue Service / Suid-Afrikaanse Inkomstediens			
1583	Value-Added Tax Act (89/1991): Public Notice in terms of section 20(5B) of the Act	45616	87
1583	Wet op Belasting op Toegevoegde Waarde (89/1991): Publieke kennisgewing ingevolge artikel 20(5B) van die Wet	45616	90
Trade, Industry and Competition, Department of / Handel, Nywerheid en Kompetisie, Departement van			
1584	Consumer Protection Act, 68 of 2008: Guidelines on accreditation of consumer protection groups in terms of the Act	45616	93
1585	Consumer Protection Act, 68 of 2008: National Consumer Commission: Draft amendment of South African Automotive Industry Code of Conduct in terms of the Act	45616	105
GENERAL NOTICES • ALGEMENE KENNISGEWINGS			
Civilian Secretariat for the Police Service / Burgerlike Sekretariaat vir die Polisiediens			
708	Criminal Law (Forensic Procedures) Amendment Bill, 2021: Notice of the Publication of the Explanatory Summary of the Bill	45616	139
Parliament of the Republic of South Africa / Parlement van die Republiek van Suid-Afrika			
709	Maintenance Amendment Bill, 2021: Notice of intention to introduce a Private Member's Bill into Parliament and invitation for public comment thereon	45616	140
Trade, Industry and Competition, Department of / Handel, Nywerheid en Kompetisie, Departement van			
710	Competition Act (89 of 1998): Competition Tribunal: Notification of decision to approve merger: 03 Large Mergers	45616	143
711	Competition Act (89 of 1998): Competition Tribunal: Notification of complaint referral: 01 Complaint Referral	45616	143
BOARD NOTICES • RAADSKENNISGEWINGS			
177	Accounting Standards Board: Invitation to comment on Exposure Draft 196 issued by the Board	45616	144

government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

GPW has an official email with the domain as **@gpw.gov.za**

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** *GOVERNMENT GAZETTE* 2021

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

- **24 December 2020,** Thursday for the issue of Thursday **31 December 2020**
- **31 December 2020,** Thursday for the issue of Friday **08 January 2021**
- **08 January,** Friday for the issue of Friday **15 January 2021**
- **15 January,** Friday for the issue of Friday **22 January 2021**
- **22 January,** Friday for the issue of Friday **29 January 2021**
- **29 January,** Friday for the issue of Friday **05 February 2021**
- **05 February,** Friday for the issue of Friday **12 February 2021**
- **12 February,** Friday for the issue of Friday **19 February 2021**
- **19 February,** Friday for the issue of Friday **26 February 2021**
- **26 February,** Friday for the issue of Friday **05 March 2021**
- **05 March,** Friday for the issue of Friday **12 March 2021**
- **12 March,** Friday for the issue of Friday **19 March 2021**
- **18 March,** Thursday for the issue of Friday **26 March 2021**
- **25 March,** Thursday for the issue of Thursday **01 April 2021**
- **31 March,** Wednesday for the issue of Friday **09 April 2021**
- **09 April,** Friday for the issue of Friday **16 April 2021**
- **16 April,** Friday for the issue of Friday **23 April 2021**
- **22 April,** Thursday for the issue of Friday **30 April 2021**
- **30 April,** Friday for the issue of Friday **07 May 2021**
- **07 May,** Friday for the issue of Friday **14 May 2021**
- **14 May,** Friday for the issue of Friday **21 May 2021**
- **21 May,** Friday for the issue of Friday **28 May 2021**
- **28 May,** Friday for the issue of Friday **04 June 2021**
- **04 June,** Friday for the issue of Friday **11 June 2021**
- **10 June,** Thursday for the issue of Friday **18 June 2021**
- **18 June,** Friday for the issue of Friday **25 June 2021**
- **25 June,** Friday for the issue of Friday **02 July 2021**
- **02 July,** Friday for the issue of Friday **09 July 2021**
- **09 July,** Friday for the issue of Friday **16 July 2021**
- **16 July,** Friday for the issue of Friday **23 July 2021**
- **23 July,** Friday for the issue of Friday **30 July 2021**
- **30 July,** Friday for the issue of Friday **06 August 2021**
- **05 August,** Thursday for the issue of Friday **13 August 2021**
- **13 August,** Friday for the issue of Friday **20 August 2021**
- **20 August,** Friday for the issue of Friday **27 August 2021**
- **27 August,** Friday for the issue of Friday **03 September 2021**
- **03 September,** Friday for the issue of Friday **10 September 2021**
- **10 September,** Friday for the issue of Friday **17 September 2021**
- **16 September,** Thursday for the issue of Thursday **23 September 2021**
- **23 September,** Thursday for the issue of Friday **01 October 2021**
- **01 October,** Friday for the issue of Friday **08 October 2021**
- **08 October,** Friday for the issue of Friday **15 October 2021**
- **15 October,** Friday for the issue of Friday **22 October 2021**
- **22 October,** Friday for the issue of Friday **29 October 2021**
- **29 October,** Friday for the issue of Friday **05 November 2021**
- **05 November,** Friday for the issue of Friday **12 November 2021**
- **12 November,** Friday for the issue of Friday **19 November 2021**
- **19 November,** Friday for the issue of Friday **26 November 2021**
- **26 November,** Friday for the issue of Friday **03 December 2021**
- **03 December,** Friday for the issue of Friday **10 December 2021**
- **09 December,** Thursday for the issue of Friday **17 December 2021**
- **17 December,** Friday for the issue of Friday **24 December 2021**
- **23 December,** Thursday for the issue of Friday **31 December 2021**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	**Page Space**	**New Price (R)**
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R**3026.32** per page.

IMPORTANT NOTICE:

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works** (**GPW**) has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   All re-submissions will be subject to the standard cut-off times.
   All notices received after the closing time will be rejected.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

EXTRAORDINARY GAZETTES

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

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.

5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat* / *Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.

6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.

7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.

8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.

   8.1. Each of the following documents must be attached to the email as a separate attachment:

      8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.

         8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form

         8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.

      8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. *(Please see Quotation section below for further details)*

      8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order**. Non-Government Printing Works** account customer needs to submit the proof of payment for the notice

      8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. *(Please see the Copy Section below, for the specifications)*.

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.

10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE.**

11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.

12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.

    13.1. ***Take note:*** **GPW**'s annual tariff increase takes place on ***1 April*** therefore any quotations issued, accepted and submitted for publication up to ***31 March*** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.

14. Each quotation has a unique number.

15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.

    15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.

    15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.

16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS**:

    16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.

    16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.

        16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).

17. **APPLICABLE ONLY TO CASH CUSTOMERS:**

    17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.

18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).

19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.

    19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

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

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Approval of notices

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

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

Government Printer Indemnified Against Liability

27. The Government Printer will assume no liability in respect of—

27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

Liability of advertiser

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

Customer inquiries

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.
GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.
Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.

30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Payment of cost

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.

32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.

33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.

34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.

35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.

36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.

37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

Proof of publication

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.

39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**E-mail:** info.egazette@gpw.gov.za
	Tel: 012-748 6200
Contact person for subscribers: Mrs M. Toka:	**E-mail:** subscriptions@gpw.gov.za
	Tel: 012-748-6066 / 6060 / 6058
	Fax: 012-323-9574

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1576 **10 December 2021**

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

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

REFERENCE : 6/2/2/D/83/0/0/16

CLAIMANT : **Antony Ntandazo Gcingca (On behalf of Gcingca family)**

PROPERTY DESCRIPTION	EXTENT OF LAND	TITLE DEED	CURRENT OWNER
Portion 1 of farm Sunart 31 Elliot Rd	221.1447 Hactares	T20511/2018	GRC Trust
Portion 2 of farm Sunart 31 Elliot Rd	221.1468 Hactares	T66480/2004 CTN	Christiane Garrick Roland
Portion 3 of farm Sunart 31 Elliot Rd	221.1438 Hactares	T912/2005 CTN	Siyasebenzisana CPA
Portion 4 of farm Sunart 31 Elliot Rd	221.1417 Hactares	T47058/1996 CTN	Mnyande Monde
Portion 5 of farm Sunart 31 Elliot Rd	221.1419 Hactares	T47058/1996 CTN	Mnyande Monde

All properties situated in Elliot Division, in Sakhisizwe Local Municipality, Chris Hani District Municipality – Eastern Cape

DATE OF SUBMITTED : 29 December 1998

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

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

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

Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1577 **10 December 2021**

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

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

REFERENCE : 6/2/2/D/1073/0/0/12

CLAIMANT : **R. Qengqeleka and Bhangazile Ngxukuma (On behalf of Bolotwa Community)**

PROPERTY DESCRIPTION	EXTENT OF LAND	TITLE DEED	CURRENT OWNER
Farm no.225	1080,6094 Hectares	T003321/2003	Ethereridge Christopher Mziwenkosi Bodlani
Farm Contest no. 226	13,2377 Hectares	TF16790/1977	South African Bantu Trust
Farm Glencoe no.223	1429,8174 Hectares	TF32607/1978	National Republic of South Africa
Farm Patience no.224 non known as Farm 275,	1688,8670 Hectares	TF26192/1948	South African Development Trust

All properties situated in Gwatyu Administrative Area, Komani Enoch Mgijima Local Municipality in Chris Hani District Municipality in the Eastern Cape Province

DATE SUBMITTED : 12 November 1998

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

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

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

Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1578 **10 December 2021**

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

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

REFERENCE : 6/2/2/D/88/0/0/14

CLAIMANT : **R. Qengqeleka and Ngxukuma BhangazileNomkita (On behalf of Bolotwa Community)**

PROPERTY DESCRIPTION	EXTENT OF LAND	TITLE DEED	CURRENT OWNER
Farm no. 225	1080,6094 Hectares	T003321/2003	Ethereridge Christopher Mziwenkosi Bodlani
Farm Contest no. 226,	13,2377 Hectares	TF16790/1977	South African Bantu Trust

All properties situated in Gwatyu Administrative Area, Komani Enoch Mgijima Local Municipality,in Chris Hani District Municipality in the Eastern Cape Province

DATE CLAIM SUBMITTED : 03/11/1998

CURRENT OWNER : South African Development Trust

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

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

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

Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1579 **10 December 2021**

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

Notice is hereby given in terms of section 11 (1) (a) (b) (c) of the Restitution of Land Rights Act, 1994 as amended) that a claim has been lodged for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY DESCRIPTION	CURRENT LANDOWNERS	BONDS / NO BONDS	TITLE DEED
Z0038, Z0332 (KRP11321) and Z0349 (KRP11428)	Mkhuzelwa Fanie Msiza and Phahle Solomon Msiza	Portion 0 (Remaining Extent) of the farm Wolvengat 442 JR	Suid-Afrikaanse Ontwikkelings Trust	B20777/1985 Barclays	T9046/1985

Take further notice that the Commission on Restitution of Land Rights will conduct further investigations on the claim in terms of the provisions of section 12 read with 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 22 of 1994 as amended within 90 (ninety) working days from the publication date of this notice, any comments/information may be send to:

Chief Directorate: Land Restitution Support Gauteng Province
Private Bag X03
ARCADIA
0007
Tel: (012) 310-6500
Fax: (012) 324-5812

MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2021/11/19

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1580 **10 December 2021**

CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983

(ACT NO. 43 OF 1983)

Regulations: Amendment

I, Angela Thokozile Didiza, Minister for Agriculture, Land Reform and Rural Development, acting under powers vested in me by section 8 of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) hereby publish the amended soil conservation tariffs by the substitution for Table 1-24.

Any enquiries relating to this notice may be directed for the attention of:
Ms RL Bosoga or Ms NC Ntlokwana
Directorate Land and Soil Management
130 Union Street
Riviera
PRETORIA
0001
Email: L.diaB[illegible]dalrrd[illegible]ov.za/ M[illegible]umeN[illegible]dalrrd.gov.za

A. J. Di

MRS ANGELA THOKOZILE DIDIZA
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT
DATE: 03-11-2021

SCHEDULE

Definition

1. In this Act, "the Soil Conservation Scheme" means the scheme published by Government notice No. R. 1047, 25 May 1984

Amendment of Table 1 - 24

2. Tariffs are amended by the substitution for Table 1-24 under the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983).

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE
Table 01: Fences

Detail of fence	Rand per metre	
	New material	Used Material
1.2m High fence		
Fence of four (4) strands	44.06	13.22
Fence of five (5) strands	47.45	14.24
Fence of six (6) strands	50.85	15.25
Fence of seven (7) strands	54.24	16.27
Fence of eight (8) strands	57.24	17.29
Fence of nine (9) strands	61.03	18.31
Fence of ten (10) strands	64.42	19.33
Wire netting fences (not jackal proof)		
(a) Wire netting 600 mm wide	72.10	21.63
(b) Wire netting 900 mm wide	69.66	20.90
(c) Wire netting 1200 mm wide	108.43	32.53
Woven mesh fence (not jackal proof)	69.50	21.50
Game proof fence		
(a) Minimum height 2,4 metre		
Fence of 21 strands or woven mesh fence	136.47	40.94
Wire netting fence (6 strands)	198.73	43.36
(b) Minimum height 1,8 metre		
Fence of 16 strands or woven mesh fence	100.29	30.09
Wire netting fence (4 strands)	144.53	43.36
(c) Minimum height 1,4 metre		
Fence of 13 strands or woven mesh fence	80.36	24.11
Wire netting fence 13 strands	102.66	30.80

Note: Tariffs for fences of used material also apply to the shifting of existing fences

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 01: Fences continue

Type of work	Rand/ha Light cover < 200 trees/ha	Medium cover 200-600 trees/ha	Heavy cover > 600 trees/ha
Clearing area of cover Thornless trees (Manual)	956.25	1 381.25	2 018.75
Clearing area of cover Trees with thorns (Manual)	1 062.50	1 593.75	2 337.50

Note: Tariffs are applicable for clearing of a strip before the erection of fence.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 02: Contour banks and storm water furrows

Type of work	Tariff in Rand			
	Without hardpan		With hardpan	
Contour banks:				
(a) Construction of banks and terraces, also on sugar cane fields (labour)	480	/100m	670.00	/100m
Construction of banks and terraces, also on sugar cane fields (machine)	633.33	/100m	886.67	/100m
(b) Preparation of site (to a maximum of R 270 per ha) (labour)	21.33	/m³		
Storm water furrows				
(a) With banks to 500mm high (labour)	32.00	/m³	44.80	/m³
With banks to 500mm high (machine)	36.19	/m³	50.67	/m³
(b) With banks 501mm to 700mm high (labour)	40.00	/m³	56.00	/m³
With banks 501mm to 700mm high (machine)	55.24	/m³	77.33	m³
(c) With banks 701mm and higher (labour)	46.00	/m³	64.40	/m³
With banks 701mm and higher machine	55.24	/m³	77.33	/m³
Special cases Unconsolidated banks (labour)	21.33	/m³		
Unconsolidated banks (machine)	28.57	/m³	40.00	/m³

Note: Storm water furrows with banks higher than 800mm may be subsidised according to the table for earth moving, provided that the banks are properly compacted and are constructed by construction machinery to specified levels. (Must be motivated)

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 03: Waterways grassed

Type of work	Tariff in Rand	
Construction of waterways and preparation of seedbed: (Both trapezoidal and parabolic)		
Ripping of hard areas: machine (to be motivated)	1 716.6	/ha
Construction of waterway : labour	53.33	/m³
Construction of waterway: machine	41.20	/m³
Filling of gullies with soil from construction area : labour (compacting only)	40.00	/m³
Filling of gullies with soil from construction area : machine (compacting only)	30.00	/m³
Filling of gullies with soil from elsewhere : labour	59.67	/m³
Filling of gullies with soil from elsewhere : machine	41.20	/m³
Establishing suitable cover crop in waterway : labour (to be specified)	3460	/ha
Establishing suitable cover crop in waterway : machines (to be specified	4217	/ha

Note: The tariff for establishing a cover in a waterway, also applies to establishing grass strips where specified.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 04: New pipes. Low Density Polyethylene pipes, bearing SABS mark, for stock watering

Nominal diameter in mm	Rand per metre Design water head	
	0 - 30 m	30 - 60 m
15	17.05	17.93
20	18.12	19.99
25	19.37	23.64
32	22.04	28.10
40	24.63	33.30
50	50.22	44.68
65	41.09	46.80
80	53.83	77.84

Note: Fittings, transport and the laying of pipe at least 230mm below surface is included.
All Pipes must comply with SABS 533

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 05: New pipes. High Density Polyethylene pipes, bearing SABS mark, for stock watering

Nominal diameter in mm	Rand per metre Design water head				
	0 - 40 m	40 - 60 m	60 - 100 m	100 - 120 m	120 - 160 m
15	13,69	14,89	15,24	16,16	16,92
20	14,44	16,03	16,50	17,72	18,74
25	15,47	17,17	17,76	19,29	22,33
32	17,42	19,12	23,69	26,02	28,88
40	18,93	21,66	29,78	33,93	37,96
50	23,47	41,01	39,55	45,28	52,24
65	37,81	41,93	55,72	65,00	75,49
75	48,77	53,52	73,54	86,24	99,65

Note: Fittings, transport and the laying of pipe at least 230mm below surface is included.
All Pipes must comply with SABS ISO 4427

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 06: **New pipes. Galvanised and black steel pipes with screw and socket joints, for stock watering**

Nominal diameter in mm	Design working head (m)	Galvanised Rand per metre	Black Steel Rand per metre
15	210	66.00	48.76
20	210	96.13	59.18
25	210	119.17	77.85
32	170	154.17	97.41
40	170	177.34	117.30
50	140	250.72	213.94
65	140	342.90	306.84
80	140	450.94	386.25

Note: All other special application steel pipes as per invoice

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 07: New pipes. UPVC Household and irrigation pipe with SABS mark.

Nominal diameter in mm	Rand per metre Design water head				
	40 m	60 m	90 m	120 m	160 m
50	27.50	31.25	38.75	48.13	63.54
63	34.38	41.46	58.75	76.67	99.79
75	41.46	55.42	81.25	107.29	137.92
90	60.00	78.75	122.50	152.92	195.42
110	86.67	100.63	146.04	192.08	247.71
125	113.54	134.38	190.83	246.25	316.25
140	137.50	166.04	235.42	306.88	395.83
160	180.21	212.50	347.50	395.83	511.46
200	280.63	319.38	470.83	611.04	798.54
250	434.79	513.96	737.50	965.21	1232.08
315	737.50	821.25	1197.92	1562.50	2085.21
355	907.08	1058.13	862.92	2101.46	2834.58
400	1097.92	1322.92	1909.79	2708.13	3677.92

Note: Where these pipes are used in stock watering systems the cost of laying the pipes must be determined according to the specifications issued on the plans. It must be kept in mind that these pipes must be laid deeper and there are other specific prescribed construction methods by the manufacturer that must be adhered too. If these specifications are not met the stock watering system will not qualify for subsidy.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 08: New pipes. Ultraflow MPVC pressure pipes. (with no recycled materials included)

Nominal diameter in mm	Rand per metre Design water head					
	60 m	90 m	120 m	160 m	200m	250m
50	27,50	29,58	107,50	43,16	51,30	67,67
63	41,67	35,00	36,46	80,66	86,31	102,02
75	48,54	59,17	89,79	101,75	127,96	158,41
90	62,50	68,33	77,08	139,02	163,90	210,20
110	88,75	87,50	145,00	178,86	217,28	264,48
125	116,67	125,42	135,21	236,76	285,03	347,14
140	146,04	168,96	190,83	295,14	358,53	432,77
160	186,04	213,96	263,54	379,58	460,89	553,92
200	329,38	411,46	431,25	685,69	832,68	1003,07
250	404,17	575,21	778,54	835,40	1015,94	1282,45
315	670,83	696,25	838,54	1355,19	1678,57	0,00
355	874,17	1038,13	481,65	1657,44	0,00	0,00
400	1034,79	1334,08	618,59	2076,46	0,00	0,00

Note: Where these pipes are used in stock watering systems the cost of laying the pipes must be determined according to the specifications issued on the plans. It must be kept in mind that these pipes must be laid deeper and there are other specific prescribed construction methods by the manufacturer that must be adhered too. If these specifications are not met the stock watering system will not qualify for subsidy.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 09: New pipes: Drainage pipes

Type of pipe	Rand per metre						
	Ø 65	Ø 75	Ø 90	Ø 110	Ø 160	Ø 250	Ø 315
Geo Pipe	288.4	301.30	320.76	342.03	342		
Drainex	305.42	325.14	34339	371.00	425.51		
Un-perforated UPVC pipes (original with SABS mark)	291.05	305.52	330.37	365.32	473.18		
Slotted and holed UPVC pipes (original with SABS mark)	303.91	229.72	344.43	389.52	497.38		

Note: Laying of pipe, placing of filter material and initial backfill is included.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 10: Construction of drainage works

Type of work	R/m³		
	<2m	2 - 4m	4 - 6m
Open ditch soft soil (no pipes)	135	150	195
Open ditch soft rock (no pipes)	160		
Open ditch hard rock (no pipes)	260		
		157.5	217.5
Filled in ditch soft soil	137.5		
Filled in ditch soft rock	237.5		
Filled in ditch hard rock	287.5		

Note:

1. Filled in ditch includes excavation and backfilling with a suitable material, but not the cost of pipe or filter material.
2. A work will only qualify for subsidy if:
   (a) The depth of an open ditch or drainage work is 0,8m or deeper.
   (b) The nominal diameter for a drainage pipe is 50mm or larger, and
   (c) The opening for access to an access pit:
      1. For a circular access pit is 750mm diameter or larger, and
      2. For a rectangular or square access pit, the area is 0,45m² or larger.
3. The tariff for excavation includes the removal of material to a specified site and where applicable back filling with a suitable material.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 11: Drainage works

Type of work	Rand per metre
Access pit / collecting pit. Lower section < 1m (including cover)	4 768.30
Concrete	4 255.29
Labour	513.01
Upper portion > 1m	3 067.95
Concrete	2 638.94
Labour	429.01
Pump and motor (as specified)	Per invoice

Note:
1. Access pits are subsidised as two portions, viz. the lower section of 1 metre that includes the cover and the upper section to give the total depth.
2. Where no direct spillage is possible, drainage water shall be collected in a collecting pit where it is to be pumped to a suitable spillage point.
3. Agreements are required should delivery pipes cross adjoining properties.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 12: Cleaning and flushing of subsurface drainage pipes, reparation of flood damage.

Type of work	Rand per metre
Clearing of blocked pipe	79.00
Flushing of partially blocked pipes	47.00
Clearing of access pit (Removal of sediment)	130.90

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 13: Reservoirs for stock watering systems

				Rand per unit (Nominal diameter x nominal depth)					Fencing in Rand/Site	
		Nominal internal diameter (m)	Permissible internal diameter (m)	1,25 m (1,00-1,40)	1,50 m (1,41-1,65)	1,75 m (1,66-1,95)	2,00 m (1,96-2,25)	2,50 m (2,26-2,50)	New material	Used Material
NON-STANDARD	STANDARD	2	1,75 - 2,25	R 7 122	R 7 382	R 7 966	R 11 951	R 13 654	2139	842
		2.5	2,26 - 2,75	R 9 100	R 9 416	R 10 146	R 15 319	R 17 447	2234	870
		3	2,76 - 3,25	R 11 281	R 11 644	R 12 520	R 18 957	R 21 511	2329	899
		3.5	3,26 - 3,75	R 13 668	R 14 066	R 15 088	R 22 868	R 25 846	2424	927
		4	3,76 - 4,25	R 16 254	R 16 683	R 17 851	R 27 046	R 30 451	2518	956
		4.5	4,26 - 4,75	R 19 045	R 19 493	R 20 807	R 31 496	R 35 327	2613	984
		5	4,76 - 5,50	R 22 040	R 22 498	R 23 957	R 36 217	R 40 474	2708	1012
		6	5,60 - 6,50	R 28 639	R 29 089	R 30 840	R 46 470	R 51 579	2898	1069
		7	6,60 - 7,50	R 36 051	R 36 456	R 38 500	R 57 805	R 63 766	3088	1126
		8	7,60 - 8,50	R 44 277	R 44 600	R 46 935	R 70 224	R 77 035	3278	1183
		9	8,60 - 9,50	R 53 315	R 53 519	R 56 147	R 83 724	R 91 387	3468	1240
		10	9,60 - 11,00	R 63 167	R 63 215	R 66 135	R 98 307	R 106 822	3657	1297
		12	11,10 - 13,00	R 85 310	R 84 936	R 88 439	R 130 720	R 140 937	4037	1411
		14	13,10 - 15,00	R 110 706	R 109 761	R 113 848	R 167 462	R 179 383	4417	1525
		16	15,10 - 17,00	R 139 355	R 137 692	R 142 363	R 208 534	R 222 158	4796	1639
		18	17,10 - 18,75	R 171 257	R 168 727	R 173 982	R 253 935	R 289 262	5176	1753

Note:

1. Standard reservoirs are also used in non-standard stock watering systems.
2. An internal depth exceeding 2,0 meters is permissible only if the walls are of concrete.
3. Maximum dimensions of corrugated iron reservoirs are 9,00m x 1,75m deep and 15,00m x 1,25m deep.
4. Glass fiber reservoirs that bear the SABS mark are subsidised as per invoice.
5. Subsidy for fencing is for a fully stock proof fence with four sides.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 14: Rectangular drinking troughs

Width		Depth		Length		Tariff
Nominal mm	Permissible mm	Nominal mm	Permissible mm	Nominal m	Permissible mm	In Rand
150	125 - 224	150	125 - 199	2	1,5 -2,5	2144,26
				3	2,6 - 3,5	2581,72
				4	3,6 - 4,9	3019,18
				6	5,0 - 6,9	3894,09
				8	7,0 - 8,5	4769,00
300	225 - 349	150	150 - 199	2	1,5 -2,5	2395,97
				3	2,6 - 3,5	2912,57
				4	3,6 - 4,9	3429,17
				6	5,0 - 6,9	4462,37
				8	7,0 - 8,5	5495,57
350	225 - 349	250	200 - 259	2	1,5 -2,5	2801,26
				3	2,6 - 3,5	3477,75
				4	3,6 - 4,9	4154,24
				6	5,0 - 6,9	5507,22
				8	7,0 - 8,5	6860,19
400	350 - 449	300	260 - 349	2	1,5 -2,5	3070,62
				3	2,6 - 3,5	3846,47
				4	3,6 - 4,9	4622,31
				6	5,0 - 6,9	6174,00
				8	7,0 - 8,5	7725,69
500	450 - 699	400	350 - 499	2	1,5 -2,5	3657,02
				3	2,6 - 3,5	4644,02
				4	3,6 - 4,9	5631,02
				6	5,0 - 6,9	7605,02
				8	7,0 - 8,5	9579,02
900	850 - 950	600	550 - 650	2	1,5 -2,5	5693,70
				3	2,6 - 3,5	7332,96
				4	3,6 - 4,9	8972,22
				6	5,0 - 6,9	12250,74
				8	7,0 - 8,5	15529,26

Note: Drinking troughs shorter than 1,5m and drinking troughs smaller than 125mm wide and / or deep will not be subsidised.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 15: Circular drinking troughs.

Nominal internal diameter (m)	Permissible internal diameter (m)	Rand per unit Internal depth 300mm (150 - 450)	600mm (451 - 750)
1.5	1,00 - 1,75	5257,84	7805,30
2	1,76 - 2,25	6266,88	8955,71
2.5	2,26 - 2,75	7460,73	10290,93
3	2,76 - 3,25	8839,39	11810,96
3.5	3,26 - 3,75	10402,87	13515,81
4	3,76 - 4,25	12151,16	15405,47
4.5	4,26 - 4,75	14084,26	17479,95
5	4,76 - 5,50	16202,18	19739,24
6	5,51 - 6,50	20992,46	24812,26
7	6,51 - 7,50	26522,00	30624,54
8	7,51 - 8,25	32790,79	37176,08

Note: Drinking troughs with a diameter smaller than 1,5m and drinking troughs smaller than 150mm deep will not be subsidised.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 16: Concrete and masonry

Type of work	Details	Mixture in litre per pocket cement	Rand per m^3
Concrete floors on 100mm thick under layer of sand, gravel or broken bricks and concrete foundations as for buildings and reservoirs.	Reinforced or unreinforced	1:80:90 (stone 20mm) 1:90:140 (stone 400mm)	3848.49 3063.34
Reinforced concrete, in cladding laying of steel.	Walls and foundation	1:80:90 (stone 20mm) 1:90:140 (stone 40mm)	3873.07 3148.07
Mass concrete	All construction work thicker than 150mm	1:90:140 (stone 40mm) 1:100 / 110:200 (stone 40 / 75mm) 1:140:250 (stone 40mm)	3144.46 2668.96 2305.47
Concrete with plums	To 30% plums	1:110:200 (stone 40mm) 1:140:250 (stone 75mm)	2723.29 2288.83
Cyclopean concrete	With cement mortar	1:150 1:200	947.54 883.44
No fines concrete		1:200	1347.12
Brick masonry	In cement mortar Cement +lime mortar	1:150 or 1:200 1:1:200 or 1:2:300	1534.93 1466.03
Cement brick masonry	In cement mortar	1:150 1:200	1626.20 1626.20
Stone masonry	In cement mortar Cement +lime mortar	1:150 1:1:200	4362.10 4293.20
Cement mortar		1:150 1:200	1124.89 1188.57
Reinforcing steel	Copy of invoice with final inspection		Per invoice

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 17: Transport of building material

Vehicle utilized	Rate/km
1.0 tonne LDV	7.64
2.5 tonne	8.8
3 tonne	10.71
5 tonne	12.21
7 tonne	14.23
10 tonne	15.17
14 tonne	
18 tonne/Low bed	55.23

Note: These tariffs include drivers time.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 18: Excavation for foundations for concrete or masonry.

Type of work	Rand per m³ Excavation by machine and by hand				
	Pickable earth	Soft stony earth	Hard stony earth	Soft rock	Hard rock
Excavation:					
Less than 2,00m	200.77	235.11	258.78	329.56	386.22
2,01m to 4,00m	219.31	257.78			
4,01m to 6,00m	247.13	291.78			
Removal of debris by bulldozer	54.22	58.22	62.22	70.22	141 11
Demolition of concrete	Without reinforcing – 896.22			With reinforcing – 896.22	
Blasting			896.22		

Note: The tariff includes the removal of the material to a specified site.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 19: Other excavations for sub surface drainage

Type of work	Rand per m^3		
	Soft rock	Hard rock	Blasting
Machine excavation of hard rock formations	160.00	200.00	850
Excavation of wide open drainage ditch in soft soil by tractor and scoop or scraper		30.00	
Filter material		Per invoice	

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 20: Earth moving

Type of work	Rand per m^3
Excavation backfilling and compacting of earth works	163,33
Earth moving for spreader banks (not on Springbokflats)	93,33
Excavation for core trench	70,00
Clay for core	140,00
Gypsum application and plastic lining - as specified	Per invoice

Note: Tariff is applied for mechanical as well as manually constructed banks, irrespective of the nature of the soil.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 21: Stone packs and pitching.

Type of work	Rand per m^3
Pitching (minimum thickness 150mm)	506.67
Grouted stone pitching (minimum thickness 100mm) in cement mortar of:	
(a) 1:150 mixture	918.87
(b) 1:200 mixture	869.65
Gravel covering (minimum thickness 100mm)	434.00
Stone packs:	
1. Without wire cover	506.67
2. With wire netting	901.67
3. With home made wire netting of 3,15mm or 4,0mm wire with 150 - 200mm openings	901.67
4. In gabions: (a) stone fill	506.67
(b) gabions	Per invoice

Note: No provision for transport has been made in these tariffs

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 22: Reclamation of drift sand

Type of work	Tariff in Rand
Brush covering: Felling, transport and covering with:	
(a) Thorn less brush or other suitable material	10750.00 / ha
(b) Straw	6750.00 / ha
(c) Brush/ trees with thorns	13900.00 / ha
Cover crops:	
(a) Purchasing and sowing seed mixture of waxberry bush, sea wheat, blombos, pipe grass, blossom tea bush, bitou, snake bush and marram grass.	263.40 / R/kg/ha
(b) Rye	211.83 / R/kg/ha
(c) Planting marram grass and hay grass (Stipagrostis namaquensis)	9235.00 / R/ha
Fertelising. Purchasing and application of fertiliser	6042.50/ R/ha

Note: The soil must be fertilised during the sowing of seeds and the planting of cover crops.
Subsidy on brush coverings will only be payable if the final report is endorsed to the effect that the work has been done according to Forestry norms.

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 23: Reclamation of bare patches.

Type of work		Tariff in Rand
Brush covering: Felling, transport and covering with: (a) Brush with thorns		6750.00 / ha
Cover crops:		
(a) Purchasing and sowing of recommended seed mixture.		420.00 / ha
(b) Basin tiller or ripping :	rows < 2m	1019.64 / ha
	rows 2 - 4m	509.82/ ha
	rows 4 - 6m	305.89/ ha
(c) Fertelising as recommended: Purchasing of fertiliser		Per invoice

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

Table 24: % Payable for different works

Type of conservation work	% Subsidy
Protection works	70 %
Drainage works	33%
Veld utilisation works	25%

This gazette is also available free online at www.gpwonline.co.za

SUBSIDY TARIFFS FOR SOIL CONSERVATION WORKS - 100% VALUE

SLIDING SCALE FORMULA FOR FLOOD RELIEF WORKS:

$$\text{Sliding scale subsidy} = \frac{211\ 680\ 000}{y\ 76\ 400} + y - 3200$$

$$\text{Where } y = \frac{100}{75} \times \text{normal subsidy}$$

Applicable to flood damage works where the subsidy value of the work exceeds R1500.

This gazette is also available free online at www.gpwonline.co.za

DEPARTMENT OF HEALTH

NO. 1581 **10 December 2021**

NATIONAL DEPARTMENT OF HEALTH

EXCLUSION OF SCHEDULE 0 MEDICINES FROM THE OPERATION OF SECTIONS 22G AND 18A OF THE MEDICINES AND RELATED SUBSTANCES ACT 101, 1965 (Act 101 OF 1965)

I, DR MJ PHAAHLA, Minister of Health, in terms of Section 36 of the Medicines and Related Substances Act 101, 1965 (Act 101 of 1965) and on the unanimous recommendation of the members of the Pricing Committee, hereby exclude all schedule zero medicines registered in terms of Section 15 of the Medicines and Related Substances Act 101, 1965 (Act 101 of 1965) from the operation of Sections 22G and 18A of Act 101 of 1965 for a period of two (2) years from the date of publication of this Notice.

SCHEDULE

Name of Medicine	Registration No	Applicant
Schedule 0 medicines	Various	Various

DR MJ PHAAHLA, MP
MINISTER OF HEALTH
DATE: 02/11/2021

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 1582 **10 December 2021**

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)

AMENDED INSTITUTIONAL STATUTE OF THE MANGOSUTHU UNIVERSITY OF TECHNOLOGY

I, Dr Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997) hereby publish the amended Institutional Statute of the Mangosuthu University of Technology set out in the Schedule hereto, which comes into operation on date of publication hereof.



Dr BE Nzimande, MP
Minister of Higher Education, Science and Innovation
Date: 05/11/2021

INSTITUTIONAL STATUTE
as amended

The Council of Mangosuthu University of Technology has, after consultation with Senate, made the Statute set out in the schedule to this notice, in accordance with Section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which after submission to and approval by the Minister, in terms of provisions of Section 33 of the said Act, is hereby published by Gazette and comes into operation on the date of its publication.

SCHEDULE

To introduce the amended Statute for Mangosuthu University of Technology to give effect to the Higher Education Act, 101 of 1997, as amended and to promote the effective and responsible management and governance of the University in respect of matters not expressly prescribed by any law.

This gazette is also available free online at www.gpwonline.co.za

Table of Contents

PREAMBLE 6
DEFINITIONS 7
Chapter 1 - THE UNIVERSITY 9
1 Name, seat and powers 9
2 Language policy 9
3 Composition of the university 9
4 University Promise 10
5 University Crest 10
Chapter 2 - OFFICE BEARERS 11
6 The Chancellor 11
6.1 Functions of the Chancellor 11
6.2 Election and appointment of the Chancellor 11
6.3 Term of office of the Chancellor 12
7 The Vice-Chancellor and Principal 12
7.1 Appointment of the Vice-Chancellor and Principal 12
7.2 Terms of appointment of the Vice-Chancellor and Principal 12
7.3 Duties and Accountability 13
7.4 Relinquishing of office 13
7.5 Appointment of an Acting Vice-Chancellor 13
7.6 Filling of vacancy in the office of the Vice Chancellor and Principal 13
8 Deputy Vice Chancellor(s) 14
8.1 Appointment of the Deputy Vice-Chancellors 14
8.2 Terms of appointment of Deputy Vice-Chancellors 14
8.3 Duties and Accountability 14
8.4 Relinquishing of office 14
8.5 Appointment of an Acting Deputy Vice-Chancellor 14
8.6 Filling of vacancies of Deputy Vice-Chancellors 15
9 The Registrar 15
9.1 Appointment of the Registrar 15
9.2 Terms of appointment of the Registrar 15

This gazette is also available free online at **www.gpwonline.co.za**

9.3 Duties and Accountability 15
9.4 Relinquishing of office of the Registrar 15
9.5 Appointment of an acting Registrar 16
Chapter 3 – MANAGEMENT COMMITTEES 17
10 Executive Management Committee 17
10.1 Composition 17
10.2 Functions and Powers 17
10.3 Chairperson and Acting Chairperson of the EMC 17
10.4 Secretary of the EMC 17
10.5 Rules and meetings and procedures of the EMC 17
10.6 Subcommittees of the EMC 18
Chapter 4 - COUNCIL 19
11 Powers and Functions of Council 19
12 Council's responsibilities 19
13 Composition of Council 21
13.1 Membership 21
13.2 Guests 21
14 Expected contribution of membership 21
15 Eligibility for membership of Council 22
16 Term of office of Council members 22
17 Resignation of Council 23
18 Election of the Chairperson and Deputy Chairperson of Council 23
19 Term of office of the Chairperson and Deputy Chairperson 23
20 Meetings of Council 24
20.1 Ordinary meetings 24
20.2 Special meetings 24
20.3 Extraordinary or emergency meetings 24
20.4 Council meeting procedures 24
21 Discipline and conduct of Council members 25
22 Committees of Council 25
22.1 Establishment 25
22.2 The composition and terms of reference of committees 25

This gazette is also available free online at **www.gpwonline.co.za**

23 Minutes of Council and committee meetings 25
Chapter 5 - SENATE 27
24 Functions of Senate 27
25 Composition of Senate 28
26 Election of members of Senate 28
27 Term of office of Senate members 29
28 Chairperson, Deputy Chairperson and Secretary to Senate 29
29 Senate Meetings 30
30 Senate Meeting Procedures 30
31 Committees of Senate 30
32 Executive Committee of Senate 30
Chapter 6 - FACULTY BOARDS 32
33 Functions of the Faculty Boards 32
34 Composition and functions of Faculty Boards 32
35 Leadership of Faculty Boards 32
Chapter 7 - INSTITUTIONAL FORUM 33
36 Functions of the Institutional Forum 33
37 Composition of the Institutional Forum 33
38 Term of office of Institutional Forum members 33
39 Chairperson and Deputy-Chairperson of the Institutional Forum 34
40 Administrative support 34
41 Nomination of members of the Institutional Forum 34
42 Meetings of the Institutional Forum 34
43 Meetings procedures of the Institutional Forum 34
44 Decision-making 34
Chapter 8 - STUDENTS 35
45 Admission and registration of students 35
46 Student discipline 35
47 Student Representative Council (SRC) 35
48 Fees, admission to examinations and registration 35
Chapter 9 - CONVOCATION 36
49 Functions of Convocation 36

This gazette is also available free online at **www.gpwonline.co.za**

50 Establishment of the Convocation 36
51 Membership of Convocation 36
Chapter 10 - EMPLOYMENT AND CONDITIONS OF SERVICE OF EMPLOYEES 37
53 Appointment of employees 37
54 Recruitment of employees for senior management positions 37
55 Employee conduct 37
56 Evaluation of employee performance 37
57 Employee discipline 37
58 Representative employee organisations 38
Chapter 11 - GENERAL 39
59 Donors 39
60 Professors emeriti 39
61 Honorary Degrees 39
62 Drafting, amending or rescinding a Statute 39
Chapter 12 - IMPLEMENTATION OF THE STATUTE 40
63 Transitional Arrangements 40

This gazette is also available free online at **www.gpwonline.co.za**

PREAMBLE

Whereas it is the vision of Mangosuthu University of Technology (MUT) to be a pre-eminent academic institution through the scholarships of teaching, learning, applied research, community engagement and technology transfer, and is desirous of addressing the challenges in society through partnerships with the community and industry;

And whereas it is necessary to provide the regulation of Mangosuthu University of Technology in the manner that the Higher Education Act, 1997 (Act No 101 of 1997, as amended) requires;

The Council of Mangosuthu University of Technology, has developed this Statute to regulate its governance.

This gazette is also available free online at www.gpwonline.co.za

DEFINITIONS

In this Statute, any word or expression to which a meaning has been assigned by the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, has the meaning so assigned to it, and unless the context otherwise indicates:

“Academic employee” means any person appointed by Council after consultation with the Senate or a committee mandated by Senate to a teaching or research post at the University and any other employee designated as such by Council;

“Administrative and support employee” means any person appointed by the Council to perform an administrative or support function, other than academic employees;

“Act” means the Higher Education Act, 1997 (Act No. 101 of 1997), as amended;

“Chancellor” means the titular head of MUT, with functions contemplated in subparagraph 6 of this Statute;

“Charter” means a set of approved Rules describing the composition, mandate and functioning of a committee of Council, Senate or any other statutory structure;

“Compliance Officer” means the Registrar, who should, inter alia, monitor that the University does not contravene any legislation or regulations or rules which apply to its activities;

“Convocation” means the body composed in accordance with subparagraph 51 of this Statute;

“Council” means the governing body of the University contemplated in Section 27(4) of the Act and composed in accordance with subparagraph 13.1 of this Statute;

“Day” means a calendar day;

“Departmental manager(s)” means a senior manager who is reporting to an executive head, is responsible for managing resources and outputs and other persons as may be determined by the Executive Management Committee and as approved by Council;

“Donor” means a natural or juristic person, who has made a donation which, in the opinion of Council warrants that person’s recognition as a donor, as contemplated in subparagraph 59 of this Statute;

“Employee” means an academic or an administrative or a support staff member appointed by the Council in terms of its policies, rules and conditions of service;

“Employer” means Council of the University as contemplated in Section 34(1) (1) of the Act;

“Executive head” means a senior manager responsible for managing a portfolio of departments and reports to the Vice-Chancellor;

This gazette is also available free online at www.gpwonline.co.za

"Executive management committee" means a committee composed in accordance with subparagraph 10.1 of this Statute;

"Functions" includes powers and duties or such delegated or mandated powers and duties by a competent authority;

"Graduate" means a person who has obtained a qualification of an institution;

"Institutional Forum" means the body contemplated in Section 31 of the Act and composed in accordance with subparagraph 37 of this Statute;

"Minister" means the Minister responsible for Higher Education;

"Office bearer" means a functionary provided for in the Act, including the Chancellor, Vice-Chancellor, the Deputy Vice-Chancellor(s) and the Registrar or as may be determined by Council;

"Professor" means an academic employee or any other person who has been given the status and title of senior professor or professor and excludes emeritus, extraordinary, visiting, associate and honorary professors;

"Qualification" means any formal qualification registered on the respective sub-framework and includes a certificate, diploma or degree as approved by the Senate and Council;

"Representative employee organisation" means an employee organisation which is recognised by Council and is registered in accordance with the Labour Relations Act, 1995 (Act 66 of 1995), as amended;

"Rules" means the Institutional Rules of the University contemplated in Section 32 of the Act and approved by Council;

"Senate" means the body contemplated in Section 28 of the Act and composed in accordance with subparagraph 25 of this Statute;

"Senior manager(s)" means a management employee who either is an executive head or their direct report;

"Student Representative Council (SRC)" means the body contemplated in Section 35 of the Act and composed in accordance with subparagraph 47 of this Statute;

"Student" means any person registered at the University for full-time or part-time studies. Such registration is valid for one year;

"University" means Mangosuthu University of Technology (abbreviated as MUT).

This gazette is also available free online at www.gpwonline.co.za

Chapter 1 - THE UNIVERSITY

1 Name, seat and powers

a. The name of the University is Mangosuthu University of Technology.

b. Mangosuthu University of Technology is a university established in terms of the Act and is a juristic person as contemplated in Section 20(4) of the Act.

c. The University has its seat at No. 511 Griffiths Mxenge Highway, Umlazi, Durban, KwaZulu-Natal, 4001, in accordance with Section 65A of the Act.

d. The University may confer degrees and honorary degrees and award diplomas and certificates in its own name subject to this institutional statute and Sections 65B and 65C of the Act.

e. The Council may, in consultation with the Senate, withdraw and revoke any degree, diploma, certificate or other qualification that was awarded as contemplated in Section 65BA of the Act.

f. The University may not, without the concurrence of the Minister, dispose of or alienate in any manner, any immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude thereon.

2 Language policy

a. The language of tuition of the University is English, except where a particular language is taught, in which event that language is also used.

b. The languages of communication of the University are English and isiZulu depending on the nature of communication and practicality.

c. The University is committed to promoting multilingualism and the academic development of the official languages of South Africa through its programmes.

3 Composition of the university

a. The University consists of the following:
   i. All its property, plant, equipment and assets;
   ii. Chancellor;
   iii. Vice-Chancellor;
   iv. Deputy Vice-Chancellor(s);
   v. Registrar;
   vi. Academic employees;
   vii. Administrative and support employees; and
   viii. Students.

This gazette is also available free online at www.gpwonline.co.za

b. The University has the following bodies and structures:
   i. Council and its committees;
   ii. Senate and its committees;
   iii. Convocation;
   iv. Student Representative Council;
   v. Institutional Forum;
   vi. Such faculties, academic departments, centres, institutes and units as well as support services as Council may establish; and
   vii. Such other structures that the Council may deem necessary.

c. No vacancy in any of the offices contemplated in subparagraph 3 (a) nor any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subparagraph 3 (b) impairs or affects the existence of the University as a juristic person or any function conferred by the Act or this Statute upon the University, provided that no resolution of Council or of Senate shall be valid unless passed at a meeting at which a quorum was present and the rules relating to any such meeting have materially been complied with, further provided a meeting cannot lose its quorum once constituted.

4 University Promise

a. Council is the ultimate custodian of the university brand, its good name and reputation and shall do everything to ensure that it is a university and partner of choice for students, alumni, staff and stakeholders.

5 University Crest

a. Council shall approve the crest and the university colours.

This gazette is also available free online at www.gpwonline.co.za

Chapter 2 - OFFICE BEARERS

6 The Chancellor

6.1 Functions of the Chancellor

a. The Chancellor is the titular head of the University, and shall exercise no executive powers.
b. The Chancellor must at all times embody the aspirations of the University and actively advance the interests of the University.
c. The Chancellor shall confer all degrees and award all diplomas and certificates in the name of the University.
d. In the absence of the Chancellor, the Vice-Chancellor or in his or her absence, any of the Deputy Vice-Chancellors, who may act on behalf of the Chancellor at all congregations of the University, confers all degrees and awards all diplomas and certificates in the name of the University.
e. The Chancellor performs such other functions as are assigned to him or her by Council.

6.2 Election and appointment of the Chancellor

The Chancellor is elected by Council in the following manner:

a. The Chairperson of Council determines the date on which a meeting of Council is to be held for the purpose of electing a Chancellor;
b. The meeting contemplated in subparagraph 6.2(a) above must be constituted in accordance with Council meeting procedures in subparagraph 23.4 of this Statute;
c. The Secretary to Council gives due notice to the members of Council of the date, time of and venue for the meeting contemplated in subparagraph 6.2(a);
d. The Secretary to Council invites the members of Council and the members of the Institutional Forum to submit nominations for the office of the Chancellor;
e. The nominations contemplated in subparagraph 6.2(d) must be in writing and must include the nominees' written consent and complete Curriculum Vitae;
f. The nominations contemplated in subparagraph 6.2(d) must reach the Secretary to Council at least twenty-eight days before the meeting contemplated in subparagraph 6.2(a);
g. The Secretary to Council must, within seven days after the closing date for nominations, inform members of Council and the Institutional Forum in writing of the nominations received;
h. A special meeting of the Institutional Forum must be held before the meeting contemplated in subparagraph 6.2(a) for purposes of considering the nominations and advising Council on the appointment of a candidate to the office of Chancellor;
i. The Chancellor is elected by a majority of the members present at the meeting contemplated in subparagraph 6.2(a) through a secret ballot;
j. If no candidate receives a majority of votes, successive rounds of voting are held;

This gazette is also available free online at www.gpwonline.co.za

k. In each successive round of voting, the candidate receiving the fewest votes is eliminated as a candidate. The Chairperson shall have a casting and deliberative vote. In a case of equality of votes, the Chairperson of Council has a casting vote; and
l. After Council has elected a Chancellor, the name of the Chancellor is announced by the Chairperson of Council.

6.3 Term of office of the Chancellor

a. The Chancellor holds office for a period of four years.
b. The Chancellor may be re-elected, provided that a person may not serve as a Chancellor for more than two consecutive terms of office.
c. If the Chancellor is unable, for any reason, to perform the functions of his or her office, or if the office of Chancellor becomes vacant, the Vice-Chancellor and Principal or the Acting Principal performs the functions of the Chancellor.
d. The term of office of the Chancellor terminates in the event of:
    i. Death or incapacity;
    ii. Resignation,
    iii. Removal from office by Council;
    iv. Imprisonment without the option of a fine;
    v. Conviction by a court of law for crimes that may bring the university into disrepute; or
    vi. Expiry of the term of office.
e. The Chancellor may only be removed from office by Council by means of a resolution passed by at least two-thirds of the members of Council. Without limiting the generality of this, the resolution contemplated may not be passed without prior notice to the Chancellor of the pending motion for his or her removal and the reasons therefore, and the Chancellor must be provided with a reasonable opportunity to present his or her case.
f. If the office of the Chancellor becomes vacant, the Council must, as soon as possible, elect a new Chancellor in accordance with the procedures prescribed in this Statute or such Institutional Rules.

7 The Vice-Chancellor and Principal

7.1 Appointment of the Vice-Chancellor and Principal

a. The Council appoints the Vice-Chancellor and Principal in accordance with the rules, after consultation with Senate and taking into consideration the advice of the Institutional Forum.
b. The advertising of the post, the invitation for the nomination of candidates, the search for suitable candidates, the criteria for the shortlisting of candidates, and the interviewing and appointment processes are accomplished in a manner determined by Council.

7.2 Terms of appointment of the Vice-Chancellor and Principal

a. A Vice-Chancellor is appointed for an initial term of not more than five years.

This gazette is also available free online at www.gpwonline.co.za

b. A Vice-Chancellor may be appointed for an additional term of office of not more than five years, as determined by Council, following a review process as contemplated in the Rules and after consultation with Senate and the Institutional Forum.

7.3 Duties and Accountability

a. The Vice-Chancellor and Principal is:
   i. The chief executive and accounting officer of the University;
   ii. The legal, administrative and academic head of the University; and
   iii. Responsible for the day-to-day management and administration of the University.
b. The Vice-Chancellor is accountable for the performance and execution of his/her duties and functions to Council and thus reports to it.
c. The Council shall delegate to the Vice-Chancellor all the powers necessary to perform his or her duties.
d. The Vice-Chancellor and Principal is an ex-officio member of all the committees of Council and Senate, unless otherwise provided for in the Statute or the Institutional Rules.
e. In the absence of the Chancellor, or when the office of Chancellor is vacant, the Vice-Chancellor may exercise any official duty of the Chancellor.
f. The Vice-Chancellor has a responsibility to advise the University community and stakeholders on the activities and performance of the University.

7.4 Relinquishing of office

a. The Council may, after following due process as set out in the Institutional Rules, discharge a Vice-Chancellor from office by a vote with the support of two thirds of all the members of the Council (excluding any vacancies on Council that may exist) on the following grounds:
   i. Serious misconduct;
   ii. Operational requirements;
   iii. Incapacity;
   iv. Persistent poor performance; and
   v. Any other reason sufficient in law.

7.5 Appointment of an Acting Vice-Chancellor

a. An Acting Vice-Chancellor shall be appointed only from one of the Deputy-Vice-Chancellors unless in exceptional circumstances approved by Council.
b. Procedure for the appointment of the Acting Vice-Chancellor shall be in accordance with the Institutional Rules approved by Council.
c. An Acting Vice-Chancellor may exercise and perform all the powers, functions and duties of the substantive Vice-Chancellor unless limited by specific directive of the Chairperson of Council as the case may be.

7.6 Filling of vacancy in the office of the Vice Chancellor and Principal

a. If the office of the Vice-Chancellor becomes vacant for whatever reason, the Council must appoint an Acting Vice-Chancellor, as provided for in 7.5(a), in accordance with

This gazette is also available free online at www.gpwonline.co.za

the Institutional Rules and after consulting with Senate and the Institutional Forum, to act as Vice-Chancellor until the position of a Vice-Chancellor is filled.

b. A successor must be appointed not later than a year after the vacancy arose.

c. A person(s) may not act as an Acting Vice-Chancellor for a continuous or cumulative period of 12 months.

8 Deputy Vice Chancellor(s)

8.1 Appointment of the Deputy Vice-Chancellors

a. The Council must appoint a Deputy Vice-Chancellor(s) after complying with the procedures set out in the Statute and the Institutional Rules after consultation with the Vice-Chancellor, the Senate and the Institutional Forum.

b. A person considered for appointment as a Deputy Vice-Chancellor should not be ineligible or disqualified in accordance with the criteria set for a Vice-Chancellor in the Statute and the Institutional Rules, wherever provided.

8.2 Terms of appointment of Deputy Vice-Chancellors

a. The terms of appointment of Deputy Vice-Chancellors must be determined by Council, on the recommendation of the Vice-Chancellor.

b. A Deputy Vice-Chancellor is appointed for an initial term of not more than five years, renewable for not more than a further term of five years.

c. A Deputy Vice-Chancellor is eligible for re-appointment in accordance with the rules in line with a performance based contract of employment.

8.3 Duties and Accountability

a. A Deputy Vice-Chancellor is accountable to the Vice-Chancellor and is responsible for assisting the Vice-Chancellor in the management and administration of the University.

b. Unless, determined otherwise by the Council, the Deputy Vice-Chancellor(s) are, members of all the committees of the Senate.

8.4 Relinquishing of office

a. The Council may, after following due process as set out in the Institutional Rules, discharge a Deputy Vice-Chancellor from office by a vote with the support of two-thirds of all members of the Council (excluding any vacancies on Council that may exist) on any or all of the following grounds:

   i. Serious misconduct;
   ii. Operational requirements;
   iii. Incapacity;
   iv. Persistent poor performance;
   v. Any other reason sufficient in law.

8.5 Appointment of an Acting Deputy Vice-Chancellor

a. Procedure for the appointment of the acting Vice-Chancellor shall be in accordance with the institutional rules approved by Council.

This gazette is also available free online at www.gpwonline.co.za

b. An Acting Deputy Vice-Chancellor has the same duties, functions, powers and responsibilities as a substantive Deputy Vice-Chancellor unless determined otherwise by Council at the recommendation of the Vice-Chancellor.

8.6 Filling of vacancies of Deputy Vice-Chancellors

a. At least six (6) months prior to the office of a Deputy Vice-Chancellor becoming vacant due to the effluxion of time, the Registrar, must notify, in writing, every member of the Council, the Senate and the Institutional Forum, and the Council must appoint a new Deputy Vice-Chancellor in accordance with subparagraph 8.2.
b. In the event of a vacancy for any other reason, the Registrar must bring the notice in the manner determined in subparagraph 8.6(a).

9 The Registrar

9.1 Appointment of the Registrar

a. The Council must appoint a Registrar in compliance with the procedures set out in the Statute and the Institutional Rules after consultation with the Senate and the advice of the Institutional Forum.

9.2 Terms of appointment of the Registrar

a. The terms of appointment of the Registrar must be determined by Council, on the recommendation of the Vice-Chancellor.
b. A Registrar is appointed for an initial term of not more than five years, renewable for not more than a further term of five years.
c. A Registrar is eligible for re-appointment in accordance with the rules in line with the performance-based contract of employment.

9.3 Duties and Accountability

a. The Registrar is accountable to the Vice-Chancellor and is responsible for assisting the Vice-Chancellor in the academic administration of the University.
b. The Registrar is the Secretary to Council as contemplated in Section 26 of the Act.
c. The Registrar is the electoral officer for all statutory bodies at the University.
d. The Registrar attends all meetings and keeps all records of Council.

9.4 Relinquishing of office of the Registrar

a. The Council may, after following due process as set out in the Institutional Rules, discharge the Registrar from office by a vote with the support of two-thirds of all members of the Council (excluding any vacancies on Council that may exist) on any or all of the following grounds:
    i. Serious misconduct;
    ii. Operational requirements;
    iii. Incapacity;
    iv. Persistent poor performance; and/or
    v. Any other reason sufficient in law.

This gazette is also available free online at www.gpwonline.co.za

9.5 Appointment of an acting Registrar

a. Procedure for the appointment of an acting Registrar shall be in accordance with the Institutional Rules approved by Council.
b. An Acting Registrar has the same duties, functions, powers and responsibilities as a substantive Registrar unless determined otherwise by Council at the recommendation of the Vice-Chancellor.

This gazette is also available free online at www.gpwonline.co.za

Chapter 3 – MANAGEMENT COMMITTEES

10 Executive Management Committee

10.1 Composition

a. The Executive Management Committee (EMC) consists of the following members drawn from executive and senior managers:
   i. Vice-Chancellor and Principal;
   ii. Deputy Vice-Chancellors;
   iii. Registrar; and
   iv. Such other executive and senior managers as may be approved by Council on the recommendation of the Vice-Chancellor and Principal.

b. The executives in 10.1 (a) (i) to (iii) shall be the voting members of EMC.

c. The Vice-Chancellor may invite persons, who are not members of the EMC, to attend in an advisory capacity as and when necessary.

10.2 Functions and Powers

a. The EMC assists the Vice-Chancellor and Principal in the management and administration of the University.

b. The Vice-Chancellor shall develop a schedule of delegated authorities for the EMC as a body and also for the individual executive and senior managers.

c. The EMC under the leadership of the Vice-Chancellor:
   i. Integrates the management processes of the university;
   ii. Makes recommendations to the respective committees of the Council regarding all matters which are subject to the approval of the Council, or the committees of the Council;
   iii. Ensures that the University complies with all the relevant laws and regulations; and
   iv. Performs such other functions as may be determined by the Statute and the Institutional Rules.

10.3 Chairperson and Acting Chairperson of the EMC

a. The Vice-Chancellor acts as chairperson at the meetings of the EMC.

b. In the absence of the Vice-Chancellor from any meeting of the EMC, the Acting Vice-Chancellor (selected amongst the Deputy Vice-Chancellors) will chair the meeting, or in the absence of the Deputy Vice-Chancellors, a member of the EMC designated by the Vice-Chancellor.

10.4 Secretary of the EMC

a. The Registrar, or an employee designated by him or her, acts as secretary to the EMC.

10.5 Rules and meetings and procedures of the EMC

a. The Institutional Rules as approved by Council determine the provisions regarding the meetings, meeting procedures and attendance of management meetings, dissolution

This gazette is also available free online at www.gpwonline.co.za

of a committee contemplated in subparagraphs 10.6 (a) to 10.7 (b) as well as all other matters relating to the activities of these management subcommittees are determined by the Institutional Rules.

10.6 Subcommittees of the EMC

a. The EMC may establish subcommittees to perform any of its functions.
b. The composition, functions and powers of any management subcommittee shall be defined in its own Charter as approved by the EMC.
c. The composition, functions, meeting procedures, attendance of meetings, dissolution of a committee contemplated in subparagraphs 10.6 (a) to 10.7 (b) as well as other matters relating to the activities of these management subcommittees are determined by the Institutional Rules.

This gazette is also available free online at www.gpwonline.co.za

Chapter 4 - COUNCIL

11 Powers and Functions of Council

The Council:

a. governs the University in accordance with its scope of authority as provided for in the Act, any other applicable legislation and this Statute and monitors compliance therewith;
b. ensures good management of the University and is inter alia responsible for policy-making; the monitoring of the implementation of policies; the appointment of the Vice-Chancellor, Deputy Vice-Chancellors, Executive Directors and the Registrar; the establishment and disestablishment of faculties and academic departments and the determination of fees;
c. adopts the University's vision, mission and values, and monitors the realisation thereof;
d. is responsible for sustaining the University's reputation and financial health, and the well-being of its employees and students;
e. is responsible for establishing and maintaining high standards of academic conduct and probity in concurrence with the Senate;
f. is responsible for adopting and monitoring financial and non-financial performance measures related to the University's strategic objectives;
g. is responsible for laying down guidelines and policy on staff matters including staff and student disciplinary matters;
h. determines, in consultation with the Vice-Chancellor, the nature and scope of the University's social responsibilities;
i. protects the institutional autonomy of the University and the academic freedom of its employees while upholding public accountability, and deliberates on the nature and role of the University;
j. approves the SRC Constitution after consultation with the SRC; and
k. is accountable to the Minister in terms of the provisions of Section 41 of the Act.

12 Council’s responsibilities

The Council's responsibilities include:

a. subject to Section 34 of the Act, appointing employees whom the Council considers necessary to manage the University effectively and to fulfil the University’s vision and mission. All appointments are made in line with the Act, this Statute and the human resource policies of the University: Provided that no person shall be appointed as an academic employee except after consultation with the Senate or a Senate committee mandated by Senate for this purpose.
b. reviewing the institution’s strategic plan and annual performance plan and targets, specifically in relation to the institution’s annual budget, and other strategic plans such as academic and financial plans as well as risk management and other sustainability plans;

This gazette is also available free online at www.gpwonline.co.za

c. approving the University's annual budget;
d. entering into financial agreements and agreements for the construction of buildings in accordance with Sections 40(2) and (3) of the Act;
e. determining after consultation with Senate –
    i. what academic structures are required and what the functions of each structure are in order to ensure efficient governance;
    ii. the appointment of academic employees;
    iii. the student academic admission policy of the University;
f. determining with the approval of Senate –
    i. the entrance requirements for particular higher education programmes, the number of students who may be admitted for a particular higher education programme, the way in which to select/place students; the minimum requirements for readmission to study at the University; and to refuse such readmission to a student who fails to satisfy such minimum requirements for readmission; and
    ii. the language policy of the University.
g. The Council shall ensure that:
    i. an external audit is conducted on an annual basis in accordance with accepted audit principles and standards and that the recommendations of the auditors are implemented;
    ii. comprehensive records of all Council and Council committees' proceedings are kept;
    iii. complete accounting records of all assets, liabilities, income, expenditure, and other financial transactions are kept as required by Section 41(1) of the Act;
h. The Council, after consultation with the Student Representative Council, shall make provision for and establish in accordance with the Institutional Rules of the University, a structure or structures for advising the Council on the policy for support student services at the University.
i. Council shall report to the Minister as contemplated in Section 41(2) of the Act and must ensure compliance with the directives of the Minister.
j. The Council establishes Council committees and joint Council and Senate committees, including the approval of concomitant charters, to perform any of its functions and may appoint persons, who are not members of Council, as co-opted members of its committees as it deems fit.
k. The Council may, on such conditions it may determine, delegate any of its functions or powers to the Executive Committee of the Council, the Vice-Chancellor or any structure of the University, except for the powers set out in Section 68(2) of the Act.
    i. All delegated functions and responsibilities will be reflected in a delegation framework which Council will review, and amend if necessary, on an annual basis but at least every two years;
    ii. The delegation shall be in writing.
l. The Council remains responsible and accountable for the performance and outcome of any delegated function.

This gazette is also available free online at www.gpwonline.co.za

m. Council shall adopt a framework governing fees for preparing for, and attending of Council and Council Committee meetings or engagements.
n. Council shall adopt a code of conduct to guide the contribution, behaviour and conduct of members of Council as provided for in Section 27(7e) (a) of the Act and subparagraph 21(b) of this Statute.
o. Council must conduct a periodic external and internal performance assessment of all its structures and officers as provided for in the Rules.
p. Council approves the titles of all senior management positions in the university.

13 Composition of Council

13.1 Membership

Council, as contemplated in Section 27 of the Act, consists of members as follows:

a. Internal members
   i. The Vice-Chancellor and Principal;
   ii. Not more than two of the Deputy Vice-Chancellor(s) rotated annually by the Vice-Chancellor with the approval of Council;
   iii. Two members elected by the Senate;
   iv. Two members elected by the permanent academic employees of the University;
   v. Two members elected by administrative and support employees; and
   vi. Two members elected by the SRC.
b. External members
   i. No more than five persons appointed by the Minister in accordance with Section 24 (7) (c) the Act;
   ii. Two members elected or appointed by Convocation in line with its Constitution;
   iii. Twelve members appointed by Council in accordance with the rules based on their expertise and experience in the fields of further education and training, higher education, strategy, business, marketing, tourism, information technology, law, engineering, fundraising, finance, auditing and human resource management, taking into consideration the skills already in Council as well as any possible skills lacuna.

13.2 Guests

The Council may invite any person to attend a Council meeting in an advisory role or as an observer, and such an invited person does not have any voting rights.

14 Expected contribution of membership

a. The applicable bodies and functionaries must strive to ensure that members elected, designated and appointed to the Council are representative of the demographics of the country, having regard to race and gender.
b. Council members must have knowledge and experience relevant to the objects and governance of the University.

This gazette is also available free online at www.gpwonline.co.za

15 Eligibility for membership of Council

a. No person can be elected or appointed as a member of Council if they have been declared insolvent by a court of law.
b. No person can be appointed or elected as a member of Council if they have been found guilty of an act of dishonesty by a competent tribunal or court or is removed from an office of trust by a court of law or is convicted of an offence of which dishonesty is an element for which he or she receives a term of imprisonment without an option of a fine;
c. It is the responsibility of the nominating body or person to conduct the due diligence on their nominees before submitting them to the Secretary of Council, and it is the responsibility of the proposed nominee to declare that he/ she is eligible for nomination to Council and can be subject to probity tests as determined by Council and to declare any issues;
d. An external member of Council who becomes a student or an employee of the University or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University, must immediately vacate his or her seat on Council;
e. A proposed nominee of Council must disclose and declare any acts of misconduct, dishonesty, acts that impact on the trust relationship, including all matters where findings, including adverse findings have been made against the proposed nominee; and
f. A proposed nominee must declare if a conflict of interest situation exists in respect of a staff member, student, supplier of services etc. at the University.

16 Term of office of Council members

a. The Vice-Chancellor is a member of Council for as long as he/she remains in office.
b. A Deputy Vice-Chancellor nominated by the Vice-Chancellor may, with the approval of Council, be rotated annually.
c. The term of office of the members of the SRC on Council corresponds with the term of office of the SRC that elected them.
d. The term of office of all other members of Council is four years, provided that a member whose term of office has expired may, as an interim measure, be extended by Council once-off for a maximum period of six months should Council believe that special circumstances so demand.
e. Members of Council whose terms of office have expired may be re-elected or re-appointed, provided that members, excluding ex officio members, may not serve more than two consecutive terms.
f. A Council member's membership is terminated:
    i. When the term of office expires;
    ii. Upon death or incapacity;
    iii. If the Council member fails to attend three consecutive ordinary meetings of Council without the consent of Council;
    iv. If the Council member is sequestrated;

This gazette is also available free online at www.gpwonline.co.za

v. If the Council member is found guilty of conduct that in the exclusive opinion of Council is of such a nature that the member's ability to exercise his or her fiduciary duties and obligations is compromised and that continued membership of Council is not desirable;
vi. If a Council member, who is also a member of staff or a student of the University, is found guilty of misconduct in terms of the Disciplinary Code of the University which, in the opinion of Council, is of such a serious nature that the member's continued membership of Council is not desirable;
vii. If the Council member is elected or appointed by a particular interest group and the Council member's membership of, or association with the interest group is terminated;
viii. If Council rules, after following due process, that the member has transgressed Council's Code of Conduct;
ix. If a person is disqualified in terms of the Act to serve on a Council, or if the member is declared a delinquent director or is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine.

g. Constituencies who appointed or nominated persons to Council shall be informed by the Registrar of any termination in accordance with subparagraph 16 (f).
h. All Council members elected or appointed to Council are entitled, at any time, to submit their resignations in writing to the Chairperson of Council. This does not apply to members that serve in Council ex officio.

17 Resignation of Council

a. If seventy-five percent (75%) or more of the members of Council resign at a meeting of Council, Council is deemed to have resigned and dissolved, as contemplated in Section 27(8) and (9) of the Act.

18 Election of the Chairperson and Deputy Chairperson of Council

a. The Chairperson and the Deputy-Chairperson of Council must not be elected from members contemplated in subparagraph 13.1 (a) (i- vi).
b. The procedure for the election of the Chairperson and Deputy-Chairperson is conducted as per the Charter of Council.

19 Term of office of the Chairperson and Deputy Chairperson

a. The Chairperson and the Deputy-Chairperson of Council are elected for a period of two years in a respective role.
b. The Chairperson and the Deputy-Chairperson are eligible for re-election for a further two years only, subject to a majority of the members present in the meeting of Council voting for their re-election.
c. If the Chairperson of Council is unable, for any reason, to perform the functions of his or her office, the Deputy Chairperson of Council performs the functions of the Chairperson of Council.

This gazette is also available free online at www.gpwonline.co.za

d. If the office of Chairperson of Council becomes vacant, the Deputy Chairperson of Council performs the functions of the Chairperson of Council until the next meeting where an election must be held.

20 Meetings of Council

20.1 Ordinary meetings

a. Council has at least four ordinary meetings during each academic year either by physical, electronic or any other means as determined by Council.
b. Ordinary meetings of Council will receive reports on all strategic matters contemplated under subparagraphs 11 and 12.
c. With the approval of a majority of members present, urgent matters may be placed on the agenda during a meeting.

20.2 Special meetings

a. The Chairperson must call a special meeting at the request in writing of at least five members, the objective of the meeting being clearly stated in the request, provided that at least seven days' notice is given. No business other than that for which the special meeting was called may be transacted at the meeting.
b. The minutes of the special meeting will be adopted at the next Council meeting, save if another special meeting or an emergency meeting is held prior to the next Council meeting, then such special or emergency meeting will adopt the minutes.
c. The special meeting may be held either by physical, electronic or any other means as determined by Council.

20.3 Extraordinary or emergency meetings

a. An emergency meeting, when human life and university property is threatened, or when the issue is serious and warrants an emergency meeting as it may impact negatively on the university or employees, or students at the university, such an emergency meeting, may be called by the Chairperson or at the instance of the Vice-Chancellor and Principal to the Chairperson at any time, provided that members are given at least 24 hours' notice of the meeting. No business other than that for which the emergency meeting was called may be transacted at the meeting.
b. The minutes of the emergency meeting will be adopted at the next Council meeting, save if another special meeting or an emergency meeting is held prior to the next Council meeting, then such special or emergency meeting will adopt the meetings.
c. The emergency meeting may be held either by physical, electronic or any other means as determined by Council.

20.4 Council meeting procedures

a. Council meeting procedures shall be as per the Charter of Council that is reviewed every two years, provided that the Charter shall deal with the collapse of meetings.
b. A majority of all members of Council qualified to serve and vote at the time shall constitute a quorum provided the external members are in the majority, further provided that a Council meeting may not lose a quorum once constituted.

This gazette is also available free online at www.gpwonline.co.za

21 Discipline and conduct of Council members

a. Council members must participate in the deliberations of Council in the best interests of the University.
b. All members of Council shall abide by a code of conduct as approved by Council.
c. A member of Council cannot enter in any commercial transaction with the university, and cannot have any commercial interest in the university whether directly or indirectly.
d. Council has the power to suspend, take disciplinary action or terminate a member's membership in the event of a transgression of the Council approved code of conduct.
e. No person who has been a member of Council may conduct business with the university within thirty-six (36) months of the lapse of their membership in Council.

22 Committees of Council

22.1 Establishment

Council establishes, by charter:

a. An executive committee of Council;
b. An audit, risk and compliance committee;
c. A finance and investment committee;
d. A human resources committee;
e. A planning and resources committee;
f. A student affairs committee, and
g. Any such other committees as may be required to ensure that Council provides leadership and oversight on all matters within the University.

22.2 The composition and terms of reference of committees

a. The composition and terms of reference of the committee (mandate, powers, functions and duties) of the committees are determined by Council and are reviewed annually at the fourth ordinary meeting of Council each year.
b. Charters approved by Council will have the status of Rules as contemplated in Section 29(4) of the Act.
c. The Council may appoint persons who are not members of the Council as members of the Committee of the Council on account of their special skills and expertise on a specific area that the Committee may be lacking in- depth knowledge in or seeks professional advice on, provided that such persons do not account for the majority of the membership of the Committee.
d. The chairperson of a committee may not be an employee or a student of the University;

23 Minutes of Council and committee meetings

a. The Secretary to Council keeps the minutes of each meeting of Council and includes such minutes in the agenda of the next Council meeting when the agenda is sent out.

This gazette is also available free online at www.gpwonline.co.za

b. The minutes of all Council and committee meetings must be included by the Secretary to Council in the agenda of the next ordinary meeting of Council or Council committee following the respective meetings.

This gazette is also available free online at www.gpwonline.co.za

Chapter 5 - SENATE

24 Functions of Senate

a. Provides academic leadership and debates matters of academic principle;
b. Promotes an institutional culture of high academic and ethical standards;
c. Ensures the academic quality of programmes, research and community engagement;
d. Ensures legal compliance on academic matters;
e. Makes recommendations to Council policy regarding admission, teaching, learning, assessment, research, quality assurance, community engagement and other matters that form part of its functions;
f. Makes recommendations to Council on the organization of and structures for teaching, learning, research and community engagement;
g. Makes recommendations to Council on the introduction or suspension of degrees, diplomas, certificates, programmes, courses and subjects;
h. Makes recommendations to Council on matters related to academic development and support services, professional specialist services for students, student discipline, the constitution of the University Student Representative Council, and other student matters of an academic or academic nature;
i. Makes recommendations to Council or finalises matters delegated or entrusted to it by Council;
j. Determines guidelines for the appointment and promotion of academic employees, advise the Council in this regard, and makes recommendations on the appointment of academic and senior academic employees in terms of subsection 34(2) of the Act;
k. Determines the Rules for degrees, diplomas, certificates and other academic programmes;
l. With the approval of Council determines:
    i. The entrance requirements for particular higher education programmes, the number of students who may be admitted for a particular higher education programme, the way in which to select/place students; the minimum requirements for readmission to study at the University; and to refuse such readmission to a student who fails to satisfy such minimum requirements for readmission; and
    ii. The language policy of the University.
m. Establishes committees to promote its functions;
n. Considers and approves recommendation from its committees, including faculty boards;
o. Advises the Council on the procedure for the appointment of the Vice-Chancellor, the Deputy Vice-Chancellors and the Registrar;
p. Advises academic management structures how to manage matters relating to Senate functions;
q. Advises the Council on the library and information services in regard to academic matters;
r. Fulfils such other functions as may be determined by the Council or in terms of the Institutional Rules

This gazette is also available free online at www.gpwonline.co.za

25 Composition of Senate

a. The Senate, subject to the provisions of the Act, consists of
   i. The Vice-Chancellor and Principal;
   ii. The Deputy Vice-Chancellor(s)
   iii. The Registrar;
   iv. All the deans of faculties;
   v. All the heads of academic departments;
   vi. All professors (excluding honorary, associate, visiting, emeritus and adjunct professors);
   vii. The head of the library;
   viii. The head of research;
   ix. The head of quality management;
   x. The head of student affairs;
   xi. The head of operations;
   xii. The head of human resources and development;
   xiii. The head of finance;
   xiv. The head of legal services;
   xv. The head of institutional planning and research;
   xvi. Two students who are elected by members of the SRC;
   xvii. An administrative and support employee from among the three faculties elected by the administrative and support employees;
   xviii. An academic employee from among the three faculties elected by the academic employees;
   xix. Two external members of Council designated by Council; and
   xx. Such additional members as are approved by Council and proposed by Senate.

b. The majority of Senate members must be academic employees.

26 Election of members of Senate

a. Academic and administrative and support staff employee representatives on the Senate shall be elected in accordance with a process approved by Council facilitated by the Registrar;

b. Within 21 days before a specific election date, the Registrar shall invite academic and administrative and support staff employees to nominate an academic employee or an administrative and support staff employee to represent the academic and administrative and support staff employees respectively on the Senate; and

c. Each nominated candidate shall be seconded by at least ten employees (in the case of an academic nominee they must be academic employees and in the case of an administrative and support staff employee they must be an administrative and support staff employee) and the nominee shall indicate in writing to the Registrar that he or she accepts the nomination.

d. On the closure of nominations, the Registrar shall arrange for an election in accordance with generally acceptable election procedures.

This gazette is also available free online at www.gpwonline.co.za

e. Academic employees shall vote in respect of the vacancy to be filled by an academic employee and an administrative and support staff employee shall vote in respect of the vacancy to be filled by an administrative and support staff employee.
f. An election shall be valid only if at least 10 per cent of the academic employees or administrative and support staff employees, as the case may be, participated in the election.
g. The Registrar shall announce the results of the election as soon as possible after the conclusion of the election.
h. The Registrar shall determine, after consultation with the Director of Human Resources, whether an employee of the University, or an employee of the University jointly appointed by the University and another body, qualifies as an academic or an administrative and support staff employee.
i. If an employee performs academic and non-academic tasks in accordance with his or her job description, that particular employee is considered to be an academic employee.

27 Term of office of Senate members

a. Members appointed in terms of subparagraph 25(a) (i-xv) hold office for as long as they are employed by the University in that capacity.
b. Members appointed in terms of subparagraph 25(a) (xvii-xx) hold office for a period of four years.
c. The term of office for student members is determined by the SRC Constitution provided that membership automatically lapses when a member ceases to be a registered student or a member of the SRC.
d. Where a member who has been elected or appointed dies, resigns or vacates office for any reason including the expiry of his or her term of office, the Secretary to Senate must notify the constituency or body that has appointed or elected that member of the vacancy, and request that constituency or body to appoint or elect a successor.

28 Chairperson, Deputy Chairperson and Secretary to Senate

a. The Vice-Chancellor and Principal is the Chairperson of Senate as contemplated in Section 26 (4) (a) of the Act.
b. The Deputy Chairperson of Senate is the Deputy Vice-Chancellor: Teaching and Learning/ Academic.
c. The Secretary to Senate is the Registrar.
d. The Secretary to Senate must:
    i. Act as secretary to all committees and joint committees of Senate: Provided that the Registrar is entitled to designate a staff member of the University to assist him or her with the compilation of the Agenda and the minutes;
    ii. Keep the minutes of the meetings of Senate and its committees and distribute copies of the minutes together with the agenda of the next meeting of Senate to members; and
    iii. Keep a register of resolutions adopted by Senate, the Executive Committee of Senate and Senate Committees and all members of these bodies must have access to this register.

This gazette is also available free online at www.gpwonline.co.za

e. The Vice-Chancellor may designate an employee to assist the Registrar with his or her duties as the secretary to the Senate or to act in his or her place. Such designated employee shall have the same fiduciary duties and obligations as the Registrar.

29 Senate Meetings

a. Senate has at least four ordinary meetings during each academic year.
b. Ordinary meetings of Senate will receive reports on all strategic matters contemplated under subparagraph 24.
c. With the approval of a majority of members present, urgent matters may be placed on the agenda during a meeting.
d. A special meeting must be called by the Chairperson at the request in writing of at least five members, the objective of the meeting being clearly stated in the request, provided that at least seven days' notice is given. No business other than that for which the special meeting was called may be transacted at the meeting.
e. An emergency meeting may be called by the Chairperson at any time, provided that members are given at least 24 hours' notice of the meeting. No business other than that for which the emergency meeting was called may be transacted at the meeting.

30 Senate Meeting Procedures

a. Senate meeting procedures shall be as per the charter of the Senate provided these do not contradict the principles established in the rules and Charter of Council.
b. The charter of Senate is to be reviewed every two years.
c. The quorum of Senate is fifty percent plus one (50%+1) of the members.

31 Committees of Senate

a. Senate may delegate any of its functions through an approved academic affairs delegations of authority framework.
b. The Senate, in addition to an Executive Committee of Senate and Faculty Boards, may constitute other committees as it sees fit to assist in the performance of its duties.
c. Except as otherwise provided in the Statute, the composition, election, terms of office, functions and procedures of Senate committees are as reflected in the Rules.

32 Executive Committee of Senate

a. The functions of the Executive Committee of the Senate are determined by Senate, defined in the Rules and reflected in the Charter for the Executive Committee of Senate. The functions include the appointment (on behalf of Senate) of Honorary Professors (subject to the concurrence by Council), Adjunct Professors, Fellows, Distinguished Research Associates and Visiting Professors.
b. The Executive Committee consists of -
    i. The Vice-Chancellor;
    ii. The Deputy Vice-Chancellors;
    iii. The Registrar;
    iv. Deans;
    v. Four Senate members, in addition to the members listed in subparagraphs 32 (b) i-iv, elected by the Senate who must be academic members; and

This gazette is also available free online at www.gpwonline.co.za

vi. Additional members as determined by the Senate from time to time and reflected in the Charter approved by the Senate.

c. The Chairperson of the Senate is also the Chairperson of the Executive Committee.

d. The members listed in subparagraphs 32(b) (i-iv) above remain members of the Executive Committee by virtue of their office.

e. The term of office of Senate representatives on the Executive Committee in terms of subparagraphs 32(b) v-vi above is three years and these Senate representatives are eligible for one additional term of office if elected or appointed.

This gazette is also available free online at www.gpwonline.co.za

Chapter 6 - FACULTY BOARDS

33 Functions of the Faculty Boards

a. Subject to Council and Senate, governs and regulates the activities of the Faculty in accordance with the Rules and the policies of the University;
b. Considers and recommends to the Senate the Academic programmes (both subsidised and non-subsidised) offered by Faculties;
c. Promotes research in the Faculty;
d. Submits recommendations to the Senate on matters that affect the Faculty as well as matters referred to it by the Senate;
e. Appoints subcommittees of the Faculty Board; and
f. Fulfils such other functions as the Rules and/or Senate may describe.

34 Composition and functions of Faculty Boards

a. The Faculty Board of every Faculty is a standing committee of the Senate.
b. The composition of a Faculty Board is determined by Senate after consultation with the Faculty Board.
c. Membership of Faculty Boards, terms of office, meeting procedures and other matters relating to Faculties are reflected in the Rules and approved.

35 Leadership of Faculty Boards

a. The Dean of a Faculty is the Chairperson of the relevant Faculty Board.
b. The Council appoints a Dean for every Faculty in accordance with the Rules approved by Council, who is accountable to the relevant Faculty Board, Senate, the Management Executive Committee and Council and fulfils the functions as described in the Rules.

This gazette is also available free online at www.gpwonline.co.za

Chapter 7 - INSTITUTIONAL FORUM

36 Functions of the Institutional Forum

a. The Institutional Forum advises Council on the following issues affecting the University:
   i. The implementation of the Act and the national policy on Higher Education;
   ii. Transformation which includes race and gender equity policies;
   iii. The selection of candidates for senior management positions;
   iv. Codes of conduct, mediation and dispute resolution procedures;
   v. The fostering of an institutional culture which promotes transformation, social cohesion and respect for fundamental human rights, and creates an appropriate environment for teaching, research, learning and community engagement, and
   vi. The language policy of the University.
   vii. The Institutional Forum performs such other functions as determined by Council.

b. The advice given by the Institutional Forum must be submitted in writing by the Chairperson of the Institutional Forum to the Council through the Office of the Registrar, who must thereafter provide a copy to the Vice-Chancellor.

c. The Council must consider the advice given by the Institutional Forum; and provide written reasons if the advice is not accepted.

37 Composition of the Institutional Forum

The Institutional Forum consists of:

a. Two members from the Executive Management appointed by the Vice-Chancellor;
b. Two members of Council who are not employees or students of the University;
c. One member of Senate elected by Senate;
d. One member representing academic employees;
e. One member representing the administrative and support employees;
f. One member from each representative employee organization;
g. Two students designated by the SRC with one being a current SRC member and the other a postgraduate student;
h. Two members designated by the Executive Committee of Convocation;
i. One person appointed by the Vice-Chancellor who is an expert on transformation.

38 Term of office of Institutional Forum members

a. The term of office of student members is as per subparagraph 43(d).
b. The term of office of all other members, except executive management, is four years.
c. Membership as per subparagraph 37(b-h) automatically ceases when the member ceases to be a member of his/her respective constituency.
d. The termination of membership of the members of the Institutional Forum shall be as determined in the Institutional Rules.

This gazette is also available free online at www.gpwonline.co.za

39 Chairperson and Deputy-Chairperson of the Institutional Forum

a. The Institutional Forum must elect a Chairperson and a Deputy Chairperson from its ranks, provided that either the Chairperson or the Deputy Chairperson is an external member.
b. The Chairperson of the Institutional Forum is an *ex officio* member of Senate.
c. The term of office of the Chairperson and the Deputy Chairperson will be three years or of a lesser duration depending on their membership of the Institutional Forum.
d. If the office of the Chairperson or the Deputy Chairperson becomes vacant, the Institutional Forum will elect a successor at its next meeting.
e. The Chairperson of the Institutional Forum reports to the Institutional Forum the decision of Council on the advice submitted by the Institutional Forum to the Council.

40 Administrative support

a. The Registrar shall be the Secretary of the Institutional Forum.

41 Nomination of members of the Institutional Forum

a. The nomination of representatives must be transparent and democratic, and each constituency must follow the procedure determined within its own constituency and submit the names of its representatives to the Registrar.

42 Meetings of the Institutional Forum

a. The Chairperson must convene a meeting of the Institutional Forum at least twice in each semester. The dates for meetings shall be set out in the University Calendar.
b. Fifty percent plus one (50%+1) of the members form a quorum.

43 Meetings procedures of the Institutional Forum

a. The meeting, meeting procedures and attendance of meetings of the Institutional Forum shall be in compliance with Institutional rules as approved by the Council.
a. Subject to the provisions of this Statute and the Rules, the Institutional Forum must conduct its meeting procedures with due observance of generally accepted norms and practices of fair administrative process.

44 Decision-making

a. If at least 75% per cent of the members present at a meeting vote either in favour of or against a specific proposal, the Institutional Forum has taken a decision on the advice to be provided to Council.
b. In the event of the Institutional Forum members do not reach a decision as set out in subparagraph 44(a), the Chairperson of the Institutional Forum, with the assistance of the Secretary of the Institutional Forum, must compile a summary of the various opinions expressed at the Institutional Forum and submit the summary to the Council.

This gazette is also available free online at www.gpwonline.co.za

Chapter 8 - STUDENTS

45 Admission and registration of students

a. The requirements for admission of a student to a particular academic programme are set out in the Admissions Policy of the University.
b. A person is registered as a student of the University only if he or she meets the admission requirements contemplated in subparagraph 45(a) as determined from time to time by Senate and approved by Council.
c. A student is registered for one year or such shorter period as may be determined by Senate in general or in a particular case.
d. A student's signature upon registration binds the student to the rules of the University.

46 Student discipline

a. The disciplinary measures and disciplinary provisions applicable to students are set out in the University rules and may be amended by Council after consultation with Senate and the SRC.
b. The Vice-Chancellor and Principal may, from time to time, amend monetary penalties and such amendments must be placed before Council at its next ordinary meeting for approval.
c. If Council should alter or set aside any such amendment, its validity up to the time of alteration or setting aside by Council is not affected.

47 Student Representative Council (SRC)

a. The students of the University are represented in matters that affect them by the SRC.
b. The composition, manner of election, term of office, functions and privileges of the students' representative council are determined by the SRC Constitution.
c. The SRC Constitution or any amendment thereof must be approved by Council, after consultation with the SRC.
d. The term of office of the SRC is one year as determined in the SRC Constitution.

48 Fees, admission to examinations and registration

a. Council determines, after consultation with the SRC, the fees, levies and fines payable by students to the University.
b. Council, in consultation with Senate, shall determine the conditions for admission to examinations and registration at the University, as well as the awarding of or conferral of qualifications to students owing the University fees, levies or fines.

This gazette is also available free online at www.gpwonline.co.za

Chapter 9 - CONVOCATION

49 Functions of Convocation

The functions of Convocation are to:

a. Discuss and state its opinion on any matter relating to the University, including matters which may be referred to it by Council;
b. Engage in fundraising for the university;
c. Foster and maintain a positive image of the University as a whole in the context of community and business interests;
d. Actively foster a spirit of belonging amongst alumni;
e. Create in the alumni a sense of responsibility, obligation and accountability towards the community in general and their alma mater in particular;
f. Liaise and consult with all other University constituencies on matters of common interest and to foster unity of purpose, and action.

50 Establishment of the Convocation

a. Council must approve the constitution of the Convocation adopted at a meeting called by the Registrar attended by the members as stated in subparagraph 51(a-f), called only for this purpose and subsequently by the AGM of the Convocation.

51 Membership of Convocation

Convocation consists of the following:

a. Vice-Chancellor and Principal,
b. The Deputy-Vice Chancellors,
c. The Registrar,
d. Permanent academic employees,
e. All persons who are graduates of the University, and
f. Such other persons as Council may determine, including, professors' emeriti, and retired academic employees who were in the employ of the University for at least ten years immediately before retirement.

52 The Convocation Executive Committee (CONVEXCO)

a. The Convocation Executive Committee's composition and functions shall be as determined in the Constitution of Convocation.

This gazette is also available free online at www.gpwonline.co.za

Chapter 10 - EMPLOYMENT AND CONDITIONS OF SERVICE OF EMPLOYEES

53 Appointment of employees

a. Subject to Section 34 of the Act, Council appoints all employees according to the human resource policies and procedures of the University as approved by Council from time to time.

54 Recruitment of employees for senior management positions

a. Council shall recruit members of senior in accordance with policies, processes and procedures approved by Council and delegated to management, where necessary, after consultation with Senate and the advice of the Institutional forum.
b. The Vice-Chancellor determines and proposes to Council the powers, functions, duties and the term of office of members of senior management.

55 Employee conduct

a. An employee must in writing-
   i. Before he or she takes up an offer of employment, and yearly thereafter, declare any business that may raise a conflict or possible conflict of interest with the University as is provided for in the Act; and
   ii. Notify the University of any conflict or potential conflict of interest before the University procures any goods or services from the employee or an organisation within which the employee holds an interest.
b. An employee may not conduct business directly or indirectly with the University that entails or may entail a conflict of interest with the University unless the Council of the University is of the opinion that-
   i. The goods, product or service in question are unique;
   ii. The supplier is a sole provider; and
   iii. It is in the best interest of the University.
c. An employee may not on behalf of the University contract with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.
d. Contracting referred to in subparagraph 55(c) relates to conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the employment relationship contemplated in subparagraph 55(a).
e. No academic employee can be appointed in the University without consulting Senate or a committee of Senate as designated by Senate.

56 Evaluation of employee performance

a. All employees of the University are subject to continuous evaluation of their performance in accordance with a performance management system as approved by Council from time to time and such evaluation may, with the approval of the relevant committee of Council, institutionally be tied to remuneration.

57 Employee discipline

a. Subject to the provisions of the relevant labour legislation and codes of good practice all employees (full time or part-time, permanent, temporary or contract work) of the

This gazette is also available free online at www.gpwonline.co.za

University shall subscribe to the institutional code of conduct, the disciplinary code and procedure and the grievance procedure as approved by Council.

58 Representative employee organisations

a. The University may enter into appropriate recognition agreements with registered labour unions and staff associations with the view to recognising such entities as representatives of staff in University processes determining conditions of employment and remuneration levels and adjustments thereto.

This gazette is also available free online at www.gpwonline.co.za

Chapter 11 - GENERAL

59 Donors

a. The University may receive donations in the form of property, plant and equipment (PPE), money, books, etc., from donors to assist the institution in providing an enabling environment for students' success.
b. Any person or entity, who is not an organ of state or a representative thereof and who has made a particular donation to the University, shall be deemed to be a donor, provided that if a donation is made by a juristic person, the representative of such juristic person shall represent the donor.
c. The University may recognise and register specific donors as determined in the University rules.

60 Professors emeriti

a. The University may, on the resolution of Council and Senate, confer the status of Professor emeritus in any faculty upon any retired professor of the University, who the University may deem worthy of such status.
b. The privileges attendant upon this award will be as determined by Council upon the recommendation of Senate.

61 Honorary Degrees

a. Subject to subparagraph 1(d), the University may, on the recommendation of Senate and approval of Council, and without examination, confer a degree honoris causa of masters or doctor in any faculty upon any person who the University may deem worthy of such a degree, provided that the holder of such a degree shall not by virtue of the fact that he or she has been admitted thereto, be entitled to practise any profession.
b. Council, in consultation with Senate, has the power to revoke an award previously conferred upon a person by MUT.

62 Drafting, amending or rescinding a Statute

a. No motion to draft, amend or rescind a statute or a rule is of force and effect unless adopted by at least seventy-five percent (75%) of all members present at the meeting, provided that the meeting is constituted by at least seventy-five percent (75%) of the total number of members of Council.
b. Any motion to draft, amend or rescind a statute or a rule must be in accordance with the provisions of Section 32 of the Act.

This gazette is also available free online at www.gpwonline.co.za

Chapter 12 - IMPLEMENTATION OF THE STATUTE

63 Transitional Arrangements

a. Anything done under any provision of Mangosuthu University of Technology Statute before this Statute came into operation is deemed to have been done under the corresponding provision of Statute.

b. Any existing rules in force upon the commencement of this Statute continue to apply until replaced by any provision of the Statute, or any rule that may be made in terms of the Statute.

c. With the coming into force of this Statute, the existing Council of Mangosuthu University of Technology shall have the power and authority to take steps to implement the provisions of the Act, the Statute and Institutional Rules.

d. The steps referred in subparagraph 52(c) above may include the termination of the membership of Council members to make it possible to reconstitute Council in accordance with the Statute.

e. There shall be no interruption in the legal personality of the University as it existed before and after the coming into operation of this Statute.

f. Nothing in this Statute shall prevent the University from exercising its rights and duties that the University against any person or entity or which any person or entity had against the University prior to the coming into operation of this Statute, except as expressly provided for herein.

g. The Statute applicable to the University published under Government Notice No. 998, Government Gazette No. 39315 of 23 October 2015 is hereby repealed.

This gazette is also available free online at www.gpwonline.co.za

SOUTH AFRICAN REVENUE SERVICE

NO. 1583 **10 December 2021**

PUBLIC NOTICE IN TERMS OF SECTION 20(5B) OF THE VALUE-ADDED TAX ACT, 1991 (ACT NO. 89 OF 1991) PRESCRIBING THE PARTICULARS THAT A TAX INVOICE MUST CONTAIN IF THE SUPPLY BY A VENDOR RELATES TO ANY ENTERPRISE CONTEMPLATED IN PARAGRAPHS *(b)*(vi) AND *(b)*(vii) OF THE DEFINITION OF "ENTERPRISE" IN SECTION 1 (1) OF THE ACT

In terms of section 20(5B) of the Value-Added Tax Act, 1991, I, Edward Christian Kieswetter, Commissioner for the South African Revenue Service, hereby prescribe, in the Schedule hereto, the particulars that a tax invoice must contain if the supply by a vendor relates to any enterprise contemplated in paragraphs *(b)*(vi) and *(b)*(vii) of the definition of "enterprise" in section 1(1) of that Act.

I SHAIK

ACTING COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

SCHEDULE

1. General

In this notice, unless the context indicates otherwise, any term to which a meaning has been assigned in the Value-Added Tax Act, 1991, has the meaning so assigned thereto, and the terms hereunder have the following meanings:

"electronic services recipient" means a resident of the Republic who is a recipient of electronic services supplied by an electronic services supplier;

"electronic services supplier" means a vendor supplying electronic services in the course or furtherance of an enterprise contemplated in paragraph *(b)(vi)* and *(b)(vii)* of the definition of "enterprise" in section 1(1) of the Act;

"tax invoice" means a document provided as required by section 20 of the Act;

"VAT" means value-added tax; and

"the Act" means the Value-Added Tax Act, 1991 (Act No. 89 of 1991).

2. Purpose

This notice sets out the particulars that must be contained on a tax invoice issued in terms of section 20(5B) of the Act.

3. Tax invoices

(1) An electronic services supplier is required to issue a tax invoice in terms of section 20(5B) of the Act, containing, as a minimum, the following particulars:

(a) The name and VAT registration number of the electronic services supplier;

(b) The name and, where the electronic services recipient is a vendor, the VAT registration number of the electronic services recipient;

(c) The business address, residential address or postal address of the electronic services recipient;

(c) An individual serialised number;

(d) The date on which the tax invoice is issued;

(e) A full and proper description of the electronic services supplied; and

(f) The consideration in money for the supply in the currency of any country and if the consideration is reflected in the currency of—

(i) the Republic—

(aa) the value of the supply; and

(bb) the amount of tax charged or a statement that the consideration includes a charge in respect of the tax and the rate at which the tax was charged; or

(ii) any country other than the Republic—

(aa) the amount of the tax charged in the currency of the Republic and the exchange rate used; or

(bb) a separate document issued by the electronic services supplier reflecting the amount of tax charged in the currency of the Republic and the exchange rate used.

(2) An electronic services supplier issuing a tax invoice reflecting the consideration in money in the currency of any country other than the Republic must convert the tax charged to the currency of the Republic. In this regard, the exchange rate that must be applied in order to determine the tax charged, is the—

(a) daily exchange rate[1] on the date the time of supply occurs;

(b) daily exchange rate on the last day of the month preceding the time of supply; or

(c) monthly average rate for the month preceding the month during which the time of supply occurs.

(3) The exchange rate to be used by the vendor for purposes of paragraphs (2)*(a)*, *(b)* and *(c)* is the rate as published by—

(a) the South African Reserve Bank (www.resbank,co,za);

(b) Bloomberg (www.bloomberg.com); or

(c) the European Central Bank (www.ecb.europa.eu).

[1] The exchange rate is the weighted average of the banks' daily rates at approximately 10:30 am.

SUID-AFRIKAANSE INKOMSTEDIENS

NO. 1583 **10 December 2021**

PUBLIEKE KENNISGEWING INGEVOLGE ARTIKEL 20(5B) VAN DIE WET OP BELASTING OP TOEGEVOEGDE WAARDE, 1991 (WET NO. 89 VAN 1991) WAT DIE BESONDERHEDE UITEENSIT WAT 'N BELASTINGFAKTUUR MOET BEVAT INDIEN DIE LEWERING DEUR 'N ONDERNEMER BETREKKING HET OP ENIGE ONDERNEMING BEOOG IN PARAGRAWE *(b)*(vi) EN *(b)*(vii) VAN DIE OMSKRYWING VAN "ONDERNEMING" IN ARITKEL 1 (1) VAN DIE WET

Ingevolge artikel 20(5B) van die Wet op Belasting op Toegevoegde Waarde, 1991, bepaal ek, Intikhab Shaik, Waarnemende Kommissaris van die Suid-Afrikaanse Inkomstediens, in die Bylae hierby, die besonderhede wat 'n belastingfaktuur moet bevat indien die lewering deur 'n ondernemer betrekking het op enige onderneming beoog in paragrawe *(b)*(vi) en *(b)*(vii) van die omskrywing van "onderneming" in artikel 1(1) van die Wet.

I SHAIK
WAARNEMENDE KOMMISSARIS: SUID-AFRIKAANSE INKOMSTEDIENS

BYLAE

1. Algemeen

Enige woord of uitdrukking in hierdie kennisgewing vervat waaraan ’n betekenis geheg is in die Wet op Belasting op Toegevoegde Waarde, 1991, omskryf, dra die betekenis aldus daaraan geheg, tensy die samehang andersins aandui, en dra die terme hieronder die volgende betekenisse:

“elektroniese dienste ontvanger” beteken ’n inwoner van die Republiek wat die ontvanger is van elektroniese dienste verskaf deur ’n elektroniese dienste verskaffer;

“elektroniese dienste verskaffer” beteken ’n ondernemer wat elektroniese dienste verskaf in die loop van die bevordering van ’n onderneming in paragraaf *(b)(vi)* en *(b)(vii)* van die omskrywing van “onderneming” in artikel 1(1) van die Wet, beoog;

“belastingfaktuur” beteken ’n dokument verskaf soos vereis deur artikel 20 van die Wet;

“BTW” beteken belasting op toegevoegde waarde; en

“die Wet” beteken die Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 89 van 1991).

2. Doel

Hierdie kennisgewing sit die besonderhede uiteen wat vervat moet word op ’n belastingfaktuur ingevolge artikel 20(5B) van die Wet, uitgereik.

3. Belastingfakture

(1) ’n Elektroniese dienste verskaffer word vereis om ’n belastingfaktuur uit te reik ingevolge artikel 20(5B) van die Wet, wat as ’n minimum, die volgende besonderhede moet bevat:

(a) Die naam en BTW registrasienommer van die elektroniese dienste verskaffer;

(b) Die naam en, waar die elektroniese dienste verskaffer ’n ondernemer is, die BTW registrasienommer van die elektroniese dienste ontvanger;

(c) Die besigheidsadres, woondadres of posadres van die elektroniese dienste ontvangers;

(c) ’n Individuele opeenvolgende nommer;

(d) Die datum waarop die belastingfaktuur uitgereik is;

(e) ’n Volledige en behoorlike beskrywing van die elektroniese dienste verskaf; en

(f) Die vergoeding vir die lewering in geld in die geldeenheid van enige land en indien die vergoeding in die geldeenheid aangedui word van—

(i) die Republiek—

(aa) die waarde van die lewering; en

(bb) die bedrag belasting gehef of ’n stelling dat die vergoeding ’n heffing ten opsigte van die belasting insluit en die koers waarteen die belasting gehef was; of

(ii) enige land buiten die Republiek—

(aa) die bedrag belasting gehef in die geldeenheid van die Republiek en die uitruilkoers gebruik; of

(bb) ’n Aparte dokumente uitgereik deur die elektroniese dienste verskaffer wat die bedrag belasting gehef in die geldeenheid van die Republiek aandui en die uitruilkoers gebruik.

(2) ’n Elektroniese dienste verskaffer wat ’n belastingfaktuur uitreik wat die vergoeding in geld in die geldeenheid van ’n land anders as die Republiek aandui, moet die belasting gehef na die geldeenheid van die Republiek omskakel. In hierdie verband, is die uitruilkoers wat toegepas moet word ten einde die belasting gehef te bepaal, die—

(a) daaglikse uitruilkoers[1] op die datum wat die tyd van lewering plaasvind;

(b) daaglikse uitruilkoers op die laaste dag van die maand wat die tyd van lewering voorafgaan; of

(c) maandelikse gemiddelde koers vir die maand wat die maand waartydens die tyd van lewering plaasvind, voorafgaan.

(3) Die uitruilkoers wat deur die ondernemer vir doeleindes van paragrawe (2)*(a)*, *(b)* en *(c)* gebruik moet word, is die koers gepubliseer deur—

(a) die Suid-Afrikaanse Reserwebank (www.resbank.co.za);

(b) Bloomberg (www.bloomberg.com); of

(c) die Europese Sentrale Bank (www.ecb.europa.eu).

[1] Die uitruilkoers is die geweegde gemiddelde van die banke se daaglikse koerse omstreeks 10:30 vm.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 1584 **10 December 2021**

NATIONAL CONSUMER COMMISSION

I, **Thezi Mabuza**, the Acting Commissioner of the National Consumer Commission, hereby publish draft guidelines the National Consumer Commission will follow when assessing an application for accreditation of Consumer Protection Group in terms of Section 78 (3) of the Consumer Protection Act 68 of 2008.

Interested persons/ groups /entities /institutions may submit their written comments to the draft guidelines not later than the 31 January 2022, quoting the following reference number **NCC/GN01/2021** to The National Consumer Commission, P.O. Box 36628, Menlo Park, 0102, for the attention of Mr Jabulani Mbeje or email to J.Mbeje@thencc.org.za.

Ms Thezi Mabuza

Acting Commissioner

National Consumer Commission

Accreditation Application: Consumer Protection Group

Accreditation and certification	*The National Consumer Commission (NCC) and/ or its delegated structure shall give a written assurance and formal recognition that the applicant's application conforms to the specific requirements of Section 78 of the Consumer Protection Act (CPA) and capable of carrying the required tasks by issuing an accreditation certificate to an accredited consumer protection group*
Governing operating procedures and quality assurance	*The NCC and/ or its delegated structure shall have an oversight over the applicant with regard to execution of function rerated to the CPA and the associated consumer programs, by way of monitoring the effectiveness of any accredited consumer protection group.*
Name of the applicant	
Domicilium Citandi (Business Address) of the applicant	
Statement of Purpose	*The applicant must outline the statement of purpose to assist the NCC to easily determine and ascertain if the applicant is fit for purpose in terms of Section 78 of the Consumer Protection Act (CPA).*
Scope of accreditation application	*The applicant must indicate if they apply for accreditation for specific category of consumers or all consumers in general in terms of section 78 (3) (a) of the CPA.*

This gazette is also available free online at **www.gpwonline.co.za**

Overview of the capacity, expertise, experience and skills	*The applicant must provide an overview of the capacity, expertise and the requisite skills and experience that they have*
Terms of accreditation	*The applicant must demonstrate if they have the resources carry to out its functions in terms of Section 78 (1) and (2) of the CPA. The resources must include infrastructure and financial resources*
Governance and the structure of the applicant	*What is the governance structure of the applicant? Is the applicant fit for purpose to be a consumer ambassador in line with the CPA and the applicable consumer regulations? Is the applicant a going concern without and free from any potential insolvency cases?*
Certification & accreditation by other bodies	*Is the applicant certified and/or accredited with other bodies/agencies?*

This gazette is also available free online at **www.gpwonline.co.za**

Business plans and financial plans	*Seeking accreditation requires commitment, planning, knowledge and resources. How will the applicant execute/ fulfil its role as consumer protection group in terms of the CPA? What is the allocated budget and what are its plans for carrying out its functions as an accredited consumer protection group? What is its financial model?*
Organizational structure	
Conflict of interests	*Any conflict of interests must to be declared by the applicant. As a condition preceding accreditation. All the applicant's directors and officers must familiarize themselves with the NCC Conflict of Interest Policy.*
Anti-fraud and anti-corruption statement	
Description of planned activities	
Annexures	*Mention annexures that supports this accreditation application:*

This gazette is also available free online at **www.gpwonline.co.za**

GUIDELINES TO BE FOLLOWED BY THE NATIONAL CONSUMER COMMISSION IN ASSESSING APPLICATIONS FOR ACCREDITATION OF CONSUMER PROTECTION GROUPS IN TERMS OF SECION 78 OF THE CONSUMER PROTECTION ACT 68 OF 2008 (THE CPA)

1. PART A

1.1 PREAMBLE

The National Consumer Commission (The NCC) has identified the accreditation of Consumer Protection Groups as one of its priority initiative for promotion and compliance with the Consumer Protection Act 68 of 2008 (CPA).

Section 78 (3) of the CPA empowers the NCC to accredit Consumer Protection Groups that will protect interests of consumer individually, or of consumers collectively, in any matter or before any forum contemplated in the CPA and or intervene in any matter before any forum contemplated in the CPA, if the interest of consumer/s represented by that group are not otherwise adequately represented in the said forum.

Section 78(5) also empowers the NCC to put in place a monitoring system to ensure the effectiveness of the accredited Consumer Protection Group. The Minister has already promulgated Regulations in terms of section 78(6) of the CPA, relating to standards, procedures and related matters for the NCC to follow in assessing applicants for accreditation as Consumer Protection Groups. Despite the promulgation of such regulations, Consumer Protection Groups have not yet applied to the NCC for their accreditation.

The NCC has now undertaken to develop these guidelines to assist the interested Consumer Protection Groups and provide guidance on critical information required when applying for accreditation as a Consumer Protection Group in terms of section 78 (3), read with regulation 38 of the CPA.

This gazette is also available free online at **www.gpwonline.co.za**

1.2. INTRODUCTION

The purpose hereof is to provide practical guidelines to prospective consumer protection groups on matters that need to be covered when applying for accreditation as a consumer protection group in terms of section 78 of the CPA. The requirements listed herein are not exhaustive, but contain the minimum contents that should form part of the accreditation application.

Consumer protection groups are encouraged to use these guideline as the basis for their accreditation applications. There are many advantages that can be gained by being accredited as a consumer protection group in terms of section 78 of the CPA and those advantages also come with certain obligation such as being monitored by the NCC whether the accredited consumer group is effective and efficient in that it can comply with the purposes and policies of the CPA when carrying out its functions in terms of the CPA.

The NCC may also impose reasonable conditions on the accreditation of consumer protection group so as to further the purposes of the CPA. Although the CPA does not impose an obligation on the Commission to prepare these guidelines, the NCC has found it prudent to assist the aspirant consumer protection groups to understand the basic/ minimum requirements and the procedure for application for accreditation it terms of the CPA.

Accreditation should be seen as a mutual benefit for both the consumers and consumer protection groups.

1.3. LEGISLATIVE FRAMEWORK

Section 78 (3) of the CPA empowers the NCC to accredit a consumer protection group which can be a person or association that;

This gazette is also available free online at **www.gpwonline.co.za**

a) Functions predominantly to promote or represent the interest of all or a specific category of consumers generally;

b) Is committed to achieving the purposes of the CPA, and

c) Engages in or makes a realistic proposal to engage in actions to promote and advance the consumer interest of persons contemplated in section 3 (1) (b) of the CPA.

The purpose and policy of the CPA is clearly set out in section 3 of the CPA. Consumer protection groups are encouraged to refer to the said section when preparing their applications for accreditation.

1.4 ENFORCEMENT ACTION

Section 78 (1) of the CPA empowers an accredited consumer protection group to;

a) Commence or undertake any act to protect the interest of a consumer individually or of consumers collectively in any matter or before any forum contemplated in the CPA.

b) Intervene in any matter before any forum contemplated in the CPA, if the interests of the consumer represented by that group are not adequately represented in that forum.

In addition to the above section, an accredited consumer group is also empowered in terms of section 78 (2) of the CPA to direct a general stated concern or complaint to the NCC in respect of any matter within the purpose of the CPA.

2. PART- B

This gazette is also available free online at www.gpwonline.co.za

2.1. These guidelines are not intended to replace or amend regulation 38 of the CPA, which was promulgated by the Minister to regulate standards, procedures and related matters which the NCC has to follow in assessing an applicant for accreditation as a consumer group, but should be used to assist the person or association who is applying for accreditation as a consumer protection group, to prepare and submit the application in an easier and more friendly manner.

2.2. PERTINENT INFORMATION TO BE INCLUDED IN THE APPLICATIONAND TO BE USED AS A CRETERIA TO ASSESS APPLICATION FOR ACCREDITATION

2.2.1. The accreditation application must be sent by email and addressed to:

J.Mbeje@thencc.org.za.

2.2.2. The applicant must address and cover the following critical points;

a) The registered name of the association/legal entity and its registration number, if available; where the applicant is legally bound to be registered for VAT, provide the latest copy of its tax clearance certificate, issued by SARS. If it is an ordinary person, his/her full names, identity number, residential and postal address.

b) The scope of the application: describe whether it will promote interest of all consumers or a specific category of consumers, and the geographical location of the specific category of consumers must be clearly defined.

c) Its capacity, skills, resources and experience where necessary.

d) Its business and financial plans for the proposed accreditation.

This gazette is also available free online at www.gpwonline.co.za

e) State whether it subscribes to any anti-corruption and anti-fraud values and principles.

f) Demonstrate that it is financially viable and detail the financial model it will use to carry out its functions as an accredited consumer protection group.

g) Provide policies and procedures, together with a schedule of proposed schedule of activities on how to implement its plans.

h) If the applicant is not an entity, but an individual person, must demonstrate that such individual will not prejudice either him/herself, the consumer and or the NCC.

i) Any intended collaboration with similar stakeholders in advancing its proposed plans that will provide a service to historically disadvantaged, low income consumers in rural or urban areas.

j) Its composition, including its governance structure, if applicable.

k) Its infrastructure and support mechanism that will assist in fulfilling its intended function.

l) Any other relevant information that will assist the NCC in determining whether the applicant will comply with the provisions of the CPA read with regulation 38 of the CPA.

2.3. OBLIGATIONS OF THE NCC

This gazette is also available free online at **www.gpwonline.co.za**

2.3.1. The NCC shall;

a) Acknowledge receipt of the application.

b) Publish the application in the Gazette and any newspaper in compliance with regulation 38 (5) of the CPA.

c) Assess the application using a desktop process.

d) Interview and or request further information, where necessary.

e) Call upon any interested person to make written submission in support or opposition of the application.

f) Furnish the outcome of the application within 40 working days from the date of receipt of all required information.

g) If the application is not successful, provide the reasons for the outcome thereof.

f) Issue an accreditation certificate to a successful applicant that must be displayed in its offices at all time.

g) Provide support, where necessary, excluding financial support to accredited consumer protection group.

2.4. MONITORING AND EVALUATION OF CONSUMER PROTECTION GROUPS

2.4.1. The NCC shall ensure that the services provided by the accredited consumer protection groups are in line with the purpose and policies of the CPA, by monitoring the effectiveness of the accredited consumer protection groups.

This gazette is also available free online at **www.gpwonline.co.za**

2.4.2. The accredited consumer protection groups shall provide quarterly progress report on scheduled activities to the NCC.

2.4.3. The NCC shall agree on the format of the quarterly reports to be submitted by consumer protection groups.

2.4.4. In addition to quarterly reports referred to above, the NCC may reasonably require any accredited consumer protection group to provide information necessary for the purpose of monitoring, as referred above.

2.4.5. Accreditation shall be valid for a period of five (5) years and the accredited consumer protection group must re-apply for accreditation.

2.5. **BASIC PRINCIPLES FOR ADVANCING THE PURPOSE AND POLICY OF THE CPA APPLICABLE TO CONSUMER PROTECTION GROUPS**

The accredited consumer protection groups shall at all times:

2.5.1. Promote the spirit, purpose and policy of the CPA.

2.5.2. Advocate and promote the realization of consumer rights as enshrined in the CPA.

2.5.3. Operate within the confines of the CPA accreditation certificate.

2.5.4. Not charge any fee for its services other than out of pocket expenses.

This gazette is also available free online at **www.gpwonline.co.za**

2.5.5. Prioritize the interest of consumers.

2.5.6. Keep records of all its activities carried within the scope of accreditation.

These guidelines may be amended from time to time by the NCC whenever necessary. A copy of a pro- forma accreditation application is attached hereto and shall be accessible from the NCC's website.

This gazette is also available free online at **www.gpwonline.co.za**

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 1585 **10 December 2021**

NATIONAL CONSUMER COMMISSION

I, **Thezi Mabuza**, the Acting Commissioner of the National Consumer Commission, hereby publish draft amendment of Motor Industry Code of South Africa, in terms of Section 82 (3) (a) of the Consumer Protection Act 68 of 2008.

Interested persons/groups/associations may submit their comments to the draft guidelines in writing not later than 30 days from the date of publication of the Code, quoting the following reference number **NCC/GN02/2021** to The National Consumer Commission, P.O. Box 36628, Menlo Park, 0102, for the attention of Mr Jabulani Mbeje or email to J.Mbeje@thencc.org.za.

_____

Ms Thezi Mabuza

Acting Commissioner

National Consumer Commission

NATIONAL CONSUMER COMMISSION
a member of the dti group

GENERAL EXPLANATORY NOTE:

[ ] Word/s that are between square brackets and in bold typeface, indicate deletions from the existing Codes

" " Word/s that are between inverted commas, indicate word/s substituting the deleted word/s

_____ Word/s that are underlined with a solid line, indicate insertions in the existing codes

In terms of Section 82 (3) and (5) the South African Automotive Industry code is hereby amended as set out below

SOUTH AFRICAN
AUTOMOTIVE INDUSTRY CODE OF CONDUCT

Vision:

The Automotive Industry of South Africa will at all times endeavour to comply with the contents and spirit of the Consumer Protection Act 68 of 2008 when supplying goods and services to consumers.

Mission:

The Automotive Industry of South Africa will achieve its vision in three ways, by:

1. Subscribing to this Code of Conduct;
2. Providing goods and services that are safe and at prices that are fair and reasonable;
3. Publicly acknowledging the consumer's rights to be heard, to be informed, to have the right to safety, the right to choose, and the right to redress with regard to the South African Automotive Industry.

INDEX

PART A 3
1. INTRODUCTION: 3
2. DEFINITIONS 4
3. REQUIRED PERFORMANCE STANDARDS 6

4. OBLIGATIONS BY SUPPLIERS REGARDING COMPLAINTS 6
5. NON-COMPLIANCE WITH THE CODE 7
PART B: ALTERNATIVE DISPUTE RESOLUTION 7
6. DISPUTE RESOLUTION MECHANISMS 7
7. MAINTAINING THE INDEPENDENCE OF THE MOTOR INDUSTRY OMBUD 7
8. OBJECTIVES OF MIOSA 8
9. MIOSA SELECTION CRITERIA 8
10. OMBUD APPOINTMENT PROCEDURES 8
11. REMOVAL OF THE OMBUD 9
12. MINIMUM STANDARDS AND POWERS OF THE MIOSA 9
12A. COMPOSITION OF THE BOARD 11
12B BOARD'S MEETINGS 13
12C. POWERS, DUTIES, AND FUNCTIONS OF THE BOARD 13
13. FUNDING THE MIOSA 12
13A. INTERNAL DISPUTE RESOLUTION MECHANISM BETWEEN MIOSA AND ITS MEMBERS 16
14. CONFLICT OF INTEREST 13
15. ACCOUNTABILITY 14
16. REPORTS, STATISTICS AND AWARENESS 14
17 JURISDICTION OF THE MIOSA 15
18 GENERAL ADMINISTRATIVE POWERS OF OMBUD 16
19 DEREGISTRATION AND LIQUIDATION OF MIOSA 16
20. CONSIDERING COMPLAINT 20
21. PROCEDURE FOR MEDIATION OF A DISPUTE 20
22 MIOSA ACTIONS 18
24 GENERAL OPERATIONS 18
25 [TRANSITIONAL PERIOD] 19
SCHEDULE 1: LIST OF CURRENT INDUSTRY ASSOCIATIONS 19
SCHEDULE 3: INTERNAL COMPLAINTS HANDLING SUGGESTED PROCEDURES 22
SCHEDULE-4: COMPLAINT FORMS 26
SCHEDULE 5: FUNDING OF MIOSA 31

This gazette is also available free online at **www.gpwonline.co.za**

PART A

1. INTRODUCTION:

The South African Automotive Industry Code (the Code) was proposed by the automotive industry and recommended to the Minister of Trade and Industry by the National Consumer Commission in accordance with the provisions of Section 82(3) of the Consumer Protection Act 68 of 2008 (the Act). The Code **[will]** regulate the interactions between persons conducting business in the automotive industry and their interactions with consumers.

Purpose of the Code is to regulate relations between persons conducting business within the automotive industry and to provide for a scheme of alternative dispute resolution between consumers and all participants in the industry and to create an industry ombud to provide alternative dispute resolution services. Any provision in the Code that is inconsistent with the Act will be invalid.

The Code is an industry code and it applies to the entire Automotive Industry as defined in this code of conduct irrespective of whether such persons are members of any automotive industry association. The Code relates to the conduct for the supply of goods and services by the Automotive Industry and consumers within the Republic of South Africa and focuses on consumer protection, supplier guidance and fair business practices.

The Automotive Industry for the purposes of this Code means: importers, distributors, manufacturers, retailers, franchisors, franchisees; suppliers ,and intermediaries who import, distribute, produce, retail or supply passenger, recreational, agricultural, industrial, or commercial vehicles, including but not limited to passenger vehicles, trucks, motor cycles, quad cycles , whether self-propelled or motor an internal combustion propelled engine for a boat, or import, distribute, manufacture, retail or supply any completed components and/or accessories to such vehicles, and/or renders a related repair or replacement service to consumers in respect of such vehicles; and trailers, and —anyone who modifies , converts or adapts vehicles .

This Code will be implemented by the Motor Industry Ombudsman of South Africa (MIOSA) and its interpretation is vested in the MIOSA.

The Code provides for an Alternative Dispute Resolution process, within the Automotive Industry, and between:

- consumers and suppliers; and

This gazette is also available free online at **www.gpwonline.co.za**

- suppliers themselves, which will, amongst other things, include instances in which:
  - a supplier falls within the definition of consumer as envisaged in the Act; and
  - a supplier falls under the threshold as determined by the Regulations to the Act; and
  - supplier and manufacturer;
  - consumer and manufacturer.

2. DEFINITIONS

The definitions in the Act will apply to the Code.

In this Code:

2.1. **—ADR** means Alternative Dispute Resolution;

2.2. **—the Act** means The Consumer Protection Act 68 of 2008 and the Regulations thereto, as amended from time to time;

2.3. **—Automotive Industry** means importers, distributors, manufacturers, retailers, franchisors, franchisees; suppliers ,and intermediaries who import, distribute, produce, retail or supply passenger, recreational, agricultural, industrial, or commercial vehicles, including but not limited to passenger vehicles, trucks, motor cycles, quad cycles or, whether self -propelled or motor an internal combustion propelled engine for a boat, or import, distribute, manufacture, retail or supply any completed components and/or accessories to such vehicles, and/or renders a related repair or replacement service to consumers in respect of such vehicles; and trailers, and —anyone who modifies , converts or adapts vehicles.

2.4. **—the Code** means this Code of Conduct as amended from time to time;

2.5. **—days** means business days which is any day other than a Saturday, Sunday or public holiday as gazetted by the government of the Republic of South Africa from time to time;

2.6 **—dealer** means a retailer who supplies goods or services to the end-consumer;

2.7 **—distributer** in relation to any particular goods, means a person who, in the ordinary course of business—

2.7.1. is supplied with those goods by a manufacturer; and

2.7.2. in turn, supplies those goods to either another distributor or to a retailer;

2.8. **__importer''** means, with respect to any particular goods, a person who brings those goods, or causes them to be brought, from outside the Republic into the Republic,

This gazette is also available free online at **www.gpwonline.co.za**

with the intention of making them available for supply in the ordinary course of business;

2.9. —**manufacturer** includes a producer or importer and it means a person who: –

2.9.1. manufactures or produces goods, or causes any goods to be manufactured or produced, with the intention of making them available for supply in the ordinary course of business; or

2.9.2. by applying a personal or business name, trademark, trade description or other visual representation on or in relation to the goods, has created or established a reasonable expectation that the person is a person contemplated in clause 2.9.1;

2.10. —**MIOSA**ll means Motor Industry Ombudsman of South Africa, established to assist in resolving disputes that

arise in terms of the Act regarding any goods or services provided by the Automotive Industry to such consumers, including suppliers who are in turn also consumers within the industry supply chain;

2.11. **—motor vehicle**ll means any vehicle designed or adapted for propulsion or haulage on a road by means of fuel, gas or electricity or any other means, including a motorcycle, trailer, caravan, an agricultural or any other implement designed or adapted to be drawn by such motor vehicle;

2.12. **—NCC**ll means the National Consumer Commission

2.13. **—NCT**ll means National Consumer Tribunal;

2.14. —**normal office hours**ll means from 08H30 to 16H30 Monday to Thursday and

08H30 to 16H00 on Fridays;

2.15. **—OEM** means the original equipment manufacturer, and for the purposes of this code includes the distributor, importer or manufacturer as the case may be;

2.16. **—trade associations** means associations that act as a collective to represent, assist, educate and advise their members in matters of common interest;

2.17__ "**vehicle**" means any device, structure or machine that travels on or off a public road and includes agricultural, recreational(i.e. quadbike), industrial or commercial vehicles, including but not limited to passenger vehicles, trucks, trailers, motorcycles, quad cycles, tricycles, whether self-propelled or not including an internal combustion engine for a boat

This gazette is also available free online at **www.gpwonline.co.za**

2.17. —**used vehicle** means a motor vehicle that has been previously licensed or registered and includes demonstration (demo) vehicles but excludes a vehicle or the components thereof disposed of as scrap or utilised for parts and not saleable as an operating vehicle.

3. REQUIRED PERFORMANCE STANDARDS

3.1.1. Individuals and businesses operating within the Automotive Industry are required to follow the purpose and policy of the Act, to refrain from prohibited conduct and particularly to, in their dealings with consumers, protect consumers from: -

3.1.1.1. unconscionable conduct;

3.1.1.2. unfair, unreasonable, unjust contracts and contractual terms;

3.1.1.3. unfair, unreasonable, unjust or otherwise improper trade practices; and

3.1.1.4. deceptive, misleading, unfair or fraudulent conduct.

4. OBLIGATIONS BY SUPPLIERS REGARDING COMPLAINTS

4.1 Suppliers shall:

4.1.1.Establish internal complaints handling processes, including the following:

4.1.1.1. an internal complaints handling department, if any, of the supplier; and/or

4.1.1.2. a suitable complaints resolution procedure, and

4.1.1.3. the process to be followed by the consumer in order for such complaint to be lodged with the MIOSA.

4.1.2. Display in or at all trading premises a notice that:

4.1.2.1. reflects that there is a Code which binds suppliers; and

4.1.2.2. when requested by consumers, and at no cost, provide the consumers with the contact details of:

4.1.2.2.1 the particular internal complaints handling department, if any, of the supplier, and

4.1.2.2.2 the MIOSA, including details relating to the process to be followed by the consumer in order for such complaint to be lodged;

4.1.3. Train, or if not possible inform all relevant staff members in respect of:

4.1.3.1. the Act and Regulations, as issued and / or amended from time to time; and

4.1.3.2. the Code, as amended from time to time; and

This gazette is also available free online at **www.gpwonline.co.za**

4.1.3.3. general principles and procedures on effective handling of complaints

4.1.4 . Attempt to resolve complaints and disputes in accordance with:

4.1.4.1. the spirit and provisions of this Code, the Act and Regulations; and

4.1.4.2. the spirit and provisions of dispute procedures;

4.1.5. Make every reasonable effort to resolve complaints within 30(thirty) days and if unable to do so, for reasons such as on-going technical testing or the like, then to inform the consumer thereof before the expiry of 30 (thirty) days..

5. NON-COMPLIANCE WITH THE CODE

5.1. Non-compliance with the Code is prohibited by Section 82(8) of the Act.

5.2. Where there is any non-compliance with the Code by suppliers within the Automotive Industry and such noncompliance is brought to the attention of the MIOSA, the matter will be investigated and dealt with in accordance with the MIOSA procedures.

5.3. The MIOSA may, in addition to any step taken in terms of its procedures, refer such non-compliance to the NCC.

5.4. Where there is any non-compliance with the Code by an importer, distributor, manufacturer, retailer, franchisor, franchisee, supplier and/or intermediary (members) within the Automotive Industry and such non-compliance relates to the non-payment of a due funding contribution, any competent court in the district where MIOSA is situated, is vested with jurisdiction to adjudicate such non-compliance.

PART B: ALTERNATIVE DISPUTE RESOLUTION

This part of the Code deals with specific sections of the Act that cater for the resolution of disputes through an ADR function such as the MIOSA

6. DISPUTE RESOLUTION MECHANISMS

6.1. If a matter is not resolved within 30 days of a dispute between a consumer and a supplier, the consumer may approach MIOSA.

7. MAINTAINING THE INDEPENDENCE OF THE MOTOR INDUSTRY OMBUD

7.1. The MIOSA is [**a voluntary, non-statutory body that has been afforded recognition under section 82(6) of the Act] "**an alternative dispute resolution scheme accredited in terms of section 82(6) of the Act as the official ombudsman for the South African Automotive industry"**.**

This gazette is also available free online at **www.gpwonline.co.za**

7.2. The MIOSA may engage in the resolution of disputes arising within the automotive industry.

8. OBJECTIVES OF MIOSA

8.1. The objective of the MIOSA, in terms of clause 12.1below, is to consider and dispose of complaints in a procedurally fair, informal, economical and expeditious manner in accordance with the principles of natural justice and by reference to what is equitable in all the circumstances in accordance with the Act and its Regulations.

9. MIOSA SELECTION CRITERIA

9.1. The Ombud and all persons conducting alternative dispute resolution must ideally have:

9.1.1. Suitable qualifications and experience in economics, law, commerce, industry or public affairs and dispute resolution;

9.1.2. sufficient knowledge of the technical aspects of the goods and services provided in the Automotive Industry;

9.1.3. sufficient knowledge and skill to comprehend the Act to ensure that the staff component of the MIOSA will diligently and honestly conduct their day-to-day tasks.

9.2.An Ombud may not:

9.2.1. have any previous criminal conviction or conviction during her/his tenure of which dishonesty is an element;

9.2.2. be an un-rehabilitated insolvent or commit an act of insolvency during her/his tenure,

9.2.3. have a current interest (manufacturing, importing, distribution or retail) directly or indirectly in the Automotive Industry or serve in any capacity with regard to policy-making bodies or industry associations within the Automotive Industry whatsoever.

9.3. Selection criteria and qualifications of the Board of Directors:

9.3.1. All Board members will be selected in terms of the Memorandum of Incorporation of the MIOSA.

10. OMBUD APPOINTMENT PROCEDURES

10.1. An Ombud will be appointed as follows:

10.1.1. Subject to clause **[10.4]** "10.3", each board member as well as the incumbent Ombud will have one vote;

10.1.2. A new Ombud will be elected by way of simple majority of votes of the Board of Directors following the completion of a diligent recruitment process;

10.1.3. The Ombud will be appointed for fixed periods of 5(five) years at a time with the option of a single further 5 (five) year appointment.

10.2. Whenever a new Ombud is to be appointed, the new Ombud will be appointed one year prior to his/her commencement of the period of service and will be remunerated

This gazette is also available free online at **www.gpwonline.co.za**

according to the remuneration criteria as set by the MIOSA board for **[this] "** that specific**"** period.

10.3. The Board of the MIOSA will be required to invite applications from the general public who meet the selection criteria as set out in clause 9.3.1 above.

11. REMOVAL OF THE OMBUD

11.1. During the period envisaged in clause 10.1.3 above, the Ombud enjoys security of tenure and can only be dismissed on the grounds of gross misconduct, incompetence, or its inability to effectively carry out duties.

12. MINIMUM STANDARDS AND POWERS OF THE MIOSA

12.1. The MIOSA will:

12.1.1. Be registered with the Companies and Intellectual Property Commission as a NOT FOR PROFIT company in terms of the Companies Act, 71 of 2008;

12.1.2. Comply with the requirements of the King Code of Governance Principles as amended from time to time.

12.1.3. At all times comply with the provisions of the Companies Act, 71 of 2008 and its regulations as amended from time to time relating to NOT FOR PROFIT Companies;

12.1.4. Comply with all government regulation and legislation concerning Broad-Based Black Economic Empowerment including the Preferential Procurement Framework requirements;

12.1.5. Be sufficiently resourced to perform and carry out its functions;

12.1.6. Not be influenced when making its decisions;

12.1.7. Be entirely responsible for the management and **[determination]** "mediation" of complaints;

12.1.8. Be accountable to the Minister, the Commissioner of the NCC and the Board;

12.1.9. Act independently, objectively, openly and honestly;

12.1.10. have regard to the provisions of the Act as well as principles of the rule of law, of equality, fairness, justice and equity;

12.1.11. equally and impartially balance the rights of consumers (also called —complainantsll) and the rights of suppliers;

12.1.12. exercise its functions and duties in terms of these operating procedures;

12.1.13. **[resolve]** "mediate" complaints as efficiently and as speedily as is possible; and

12.1.14. ensure that its staff perform their functions in terms of and according to these operating procedures;

12.1.15. be guided by the following considerations:

12.1.15.1. the Act;

This gazette is also available free online at **www.gpwonline.co.za**

12.1.15.2. the need to resolve disputes expeditiously.

12A. Composition of the Board

12A.1.1. The Board consist of at least six and no more than seven voting members appointed by the board on the basis of their knowledge, experience or qualifications relating to the functions of the Board.

12A.1.2. Before appointing the members of the Board contemplated in clause `12.1.1. the Board must invite nominations for membership of the Board and the notice must specify a period of at least 30 days for nominations to be submitted.

12A.1.3. When appointing the members of the Board, the Board must ensure that the Board is broadly representative of society, with due regard to race and gender

12A.1.4. If the Board receives no nominations or an insufficient number of nominations within the period specified in the invitation, the Board may appoint the required number of persons.

12A.1.5. A member of the Board contemplated in clause 12.1.1. holds office for the period determined by his or her appointment. Any person whose period of office has expired is eligible for reappointment.

12A.1.6. A person may not be appointed as member of the Board if that person-

(i) is not a South African citizen and ordinarily resident in the Republic;

(ii) is an rehabilitated insolvent;

(iii) is disqualified under any law from practising that person's profession;

(iv) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both.

(v) has been convicted of an offence in a foreign country and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both; or

(vi) has at any time been removed from an office of trust on account of breach of a fiduciary duty.

12A.1.7. A member of the Board must vacate office if the member-

(i) resign by written notice addressed and delivered to the chairperson of the Board;

(ii) cease to hold any qualification necessary for that member's appointment to the Board;

(iii) is unable to perform his or her functions due to mental illness or severe or profound intellectual disability contemplated in the Mental Health Act, 2002 (Act No 17 of 2002);

(iv) become subject of any disqualification contemplated in section 15; or (v) is removed from office by the Board, on good cause shown.

12A.1.8. The members of the Board must elect and appoint a chairperson from

This gazette is also available free online at www.gpwonline.co.za

among themselves. The chairperson holds office until such chairperson resigns or ceases to be a member of the Board. If the chairperson has been given leave of absence, the members of the Board must elect a person from among themselves to act as chairperson until the chairperson resigns or resumes duty or is removed from office.

12B Board's Meetings

12B.2.1. The Board must hold at least four ordinary meetings every year.

12B.2.2. The Chairperson of the Board-

(i). may convene a special meeting of the Board; and

(ii). must convene a special meeting within 14 days of receiving a written request to do so, signed by at least two members of the Board.

12B.2.3. The request contemplated in subsection (ii) must clearly state the reason for the request.

12B.2.4. The Ombud may at any time request a meeting with the Board, should the need arise,

12B.2.4. The quorum for any meeting of the Board is a majority of the voting members of the Board in office at the time. A decision of the majority of the voting members of the Board at any quorate meeting constitutes a decision of the Board.

12B.2.5. A member of the Board who has any personal or financial interest and withdraw from the proceedings of the Board when that matter is considered.

12C. Powers, duties and functions of the Board;

(i) It is the duty of the board and the Board to act in the best interest of the Ombud in order to promote the spirit of good governance and social responsibility.

(ii) The Board is required to act in the manner that efficiently fulfils the objectives of the Ombud and act in the manner that promote the values and principles of the Constitution.

(iii) The Board should direct, govern and provide strategy in relation to the governance of the Ombud.

(iv) The Board must provide a link between the Ombud and other stakeholders in order to identify and take into consideration the interest of all stakeholders.

(v) The board should ensure that the Ombud is acts and is seen to be a responsible corporate citizen.

(vi) The Board shall ensure that all members are responsible and take part in the development of strategy and such strategy must be set in accordance with objectives of the Ombud.

(vii) The Board shall be responsible to identify risk and processes to mitigate such risk.

(viii) Conflict of interest must be managed and the interest of the Ombud shall take precedence.

(ix) The Board must ensure that there is an effective risk-based internal audit.

This gazette is also available free online at **www.gpwonline.co.za**

13. FUNDING THE MIOSA

The MIOSA:

13.1. Financial year will be from 1 March to 28 February of each year.

13.2. Is funded by the Automotive Industry in the manner as set out in Schedule 5.

13.3. **[will provide the Commissioner of the NCC with a written report on the progress made with the compilation of the database every 6 (six) months, the first report to be submitted within 6 (six) months of accreditation and every six months thereafter]**.

13.4. Will be responsible to collect all contributions due and owing by the members of the Automotive Industry.

13.5. May put out to tender the **[compilation]** "review" of the database of all members of the Automotive industry and the collection of funding contributions from those members, provided that it will only be entitled to do so if the related expenditure has been approved as part of the annual budget.

13.6. Will invoice the members of the Automotive Industry monthly on or before the 7th (seventh) day of each month and the invoices are payable monthly in arrears on or before the 20th (twentieth) day of each month.

13.7. Must deposit all funds in an account opened with a bank registered under the Banks Act, 1990 (Act No. 94 of 1990).

13.8. Must utilise all funds received for the defrayal of expenses incurred in the performance of its duties and may invest funds which are not required for immediate use.

13.9. Payments, excluding petty cash, must be made by way of cheques or Electronic Funds Transactions and/or debit orders drawn against the bank account of the MIOSA and must be signed in a manner decided on by the Board after consultation with the Ombud; provided that all cheques, bills and other negotiable instruments to be drawn on the MIOSA's bank accounts will at all times require the approval of **[2 (two)]** "1 (one)" of the directors of the MIOSA.

13.10. Funds standing to its credit at the end of the financial year, as well as funds invested, must be carried forward to the next financial year.

13.11. Will, through the Ombud, submit an annual budget to the Board on 1 [November] "December" of each year which budget will include, without limitation, the budget for:

13.11.1. Awareness and as per clause 16.3;

13.11.2. remuneration of the staff, including directors;

13.11.3. operating capital in respect of normal business activities;

13.11.4. capital in respect of training for staff;

13.11.5. unforeseen contingencies;

13.11.6. marketing in order to promote the MIOSA.

This gazette is also available free online at **www.gpwonline.co.za**

13.12. Board must consider the proposed budget and furnish the MIOSA with an approved budget by 31 **[January]** "December" of each year.

13.13. Approved financial statements will be made available to the mentioned all members by way of publishing the same in MIOSA's website, within one month of approval thereof

13A. INTERNAL DISPUTE RESOLUTION MECHANISM BETWEEN MIOSA AND ITS MEMBERS

13A.1. In the case of a dispute arising between MIOSA and any of its members, the parties shall endeavour to resolve the dispute by negotiation. This entails that one party invites the other in writing to a meeting and to attempt to resolve the dispute within seven days from date of the written invitation.

13A.2. In the event the dispute is not resolved through that process, either party can request in writing that the parties attempt in good faith to resolve the dispute promptly by referring the dispute for mediation, and the parties shall ensure that they mediate in good faith.

13A.3. The parties shall agree on the name of the mediator who will facilitate resolution of their dispute. Should the parties not agree, the NCC shall be asked to propose the name of the mediator.

13A.4. If the dispute remain unresolved after it was referred for mediation, the parties can refer the matter for arbitration.

13A.5. The parties shall agree on the name of the arbitrator. If parties fail to agree on the name of the arbitrator, the dispute shall be referred to Association of Arbitrator who shall appoint one of their members.

14. CONFLICT OF INTEREST

14.1. The MIOSA must adopt a conflict of interest policy which includes at least the:

14.1.1. Identification of conflicts of interest in which the Ombud and/or any Director and/or employee of the MIOSA have an actual or potential interest that may influence the objectivity of the Ombud and/or Director and/or employee may be in question;

14.1.2. Provisions for avoiding any conflicts of interest, and where not possible, reasons therefore and procedures to mitigate such conflicts and internal controls to adhere to the policy;

14.1.3. processes to disclose any conflicts of interest;

This gazette is also available free online at **www.gpwonline.co.za**

14.1.4. Rules relating to the giving and receipt of gifts, vouchers, incentives, hospitality or other benefits; and 14.1.5. creation and maintenance of a gift register.

15. ACCOUNTABILITY

15.1. The Ombud is the accounting officer in respect of all funds received and all payments made in respect of expenses incurred by the MIOSA.

15.2. The Ombud, as accounting officer, must ensure that proper accounting records for the recording of all the MIOSA's transactions are kept, which records will:

15.2.1. be kept at the main offices of the MIOSA regarded as such from time to time by the Board;

15.2.2. at all times during normal working hours, be available for inspection by the Minister, the NCC and the Board or their duly appointed and authorised representatives.

15.3. The MIOSA will ensure that financial statements consisting of

15.3.1. An income and expenditure account for the financial year under observation; and

15.3.2. A balance sheet reflecting the financial position of the MIOSA at the end of the financial year, are prepared by a firm of auditors appointed by the board of the MIOSA as soon as possible after the financial year end, but not later than 90 (ninety) days after the financial year end.

15.4. A copy of the financial statements must as soon as possible, but not more than 7 (seven) days after those statements have been prepared, be made available to each member of the Board.

15.5. The Board will, within one month of the finalization of the financial statements, meet to consider, provide comment and / or approve such financial statements.

15.6. A copy of the approved financial statements will be made available to the Minister, the Commissioner of the NCC and each member of the Board.

15.7. [**MIOSA shall sign a Stakeholder Compact Agreement annually with the NCC that will regulate monitoring process as envisaged by section 82 (7) of the CPA**]

16. REPORTS, STATISTICS AND AWARENESS

16.1. The MIOSA will, in terms of Section 82(5) and (7) of the Act, provide **[monthly]** "quarterly" reports on:

16.1.1. Management accounts;

16.1.2. trends,

16.1.3. statistics,

16.1.4. systemic issues;

16.1.5. general case information on

This gazette is also available free online at **www.gpwonline.co.za**

16.1.5.1. Number cases referred to MIOSA for each supplier (OEM, dealer or repair workshop)

16.1.5.2. Number of cases considered and closed

16.1.5.3. Number of cases resolved; and

16.1.5.4. Turn-around times for case closure;

16.1.5.5. Consumer details, [**including gender, province etc;]**

16.1.5.6. origin of complaint

16.1.6. Any other information agreed between the NCC and MIOSA

16.2. The MIOSA will annually provide the NCC with:

16.2.1. An annual Report on the general functionality of the Code, its successes and operation as well as the methods used by the MIOSA to monitor the effectiveness of the Code.

16.2.2. Annual Financial Statement, approved by the auditors of the MIOSA;

16.3. The MIOSA shall conduct ongoing awareness in order to educate and create awareness for consumers, suppliers and all other participants within the Automotive industry on vehicle-related matters within the Act and the role of the MIOSA.

17 JURISDICTION OF THE MIOSA

17.1. The authority of the MIOSA to resolve disputes is acquired from this Code and the Act.

17.2. It should be noted that the MIOSA does **not** have jurisdiction in respect of any dispute:

17.2.1. which falls within the exclusive mandate of any other Ombudsman;

17.2.2 which has prescribed in terms of the Prescription Act

17.2.2.1. the period of 3 (three) years commences on the date on which the complainant became aware or ought reasonably to have become aware of such occurrence, whichever occurs first;

17.2.3. which requires the determination of merits and the quantum of damages;

17.2.4 which requires the Ombud to act as arbitrator in the above mentioned circumstances;

17.2.5 where a class action must be determined;

17.2.6 where legal action has been instituted by either party unless such complaint was received by the MIOSA before such legal action was instituted;

17.2.7 where it appears that a criminal offence has been committed by either party, in which event the MIOSA will only deal with the facts outside the ambit of the suspected criminal offence;

17.3 Limits on the MIOSA's jurisdiction:

17.3.1 The MIOSA may not consider a complaint or dispute that relates to a juristic person as a consumer whose asset value or annual turnover equals or exceeds the threshold (limit) being the amount as determined by the

This gazette is also available free online at **www.gpwonline.co.za**

Minister by regulation issued in terms of section 5(2) of the Act, from time to time;

17.3.2 The MIOSA **[may not make a finding on product liability]** "does not have powers to make a finding, besides mediation".

.

18 GENERAL ADMINISTRATIVE POWERS OF OMBUD

18.1. The Ombud may for the performance of functions in the MIOSA and as a charge against or for the benefit of the funds of the MIOSA, as the case may be, **[including but not limited to**]-

18.1.1. hire, purchase or otherwise acquire property, and let, sell or otherwise dispose of property so purchased or acquired;

18.1.2. enter into an agreement with any person for the performance of any specific act or function or the rendering of specific services;

18.1.3. insure the office against any loss, damage, risk or liability;

18.1.4. employ sufficiently trained persons to assist the Ombud, determine their terms of appointment and, subject to such conditions as may be determined by the Ombud, delegate or assign to any such employee, including a Deputy Ombud, any administrative function vesting in the Ombud in terms of this part;

18.1.5. obtain such professional advice as may reasonably be required; and

18.1.6. in general, do anything which is necessary or expedient for the achievement of the objectives of the Ombud.

19 DEREGISTRATION AND LIQUIDATION OF MIOSA

19.1. The MIOSA may not be deregistered, dissolved or liquidated except in terms of the Companies Act or other relevant prevailing legislation.

20. CONSIDERING A COMPLAINT

20.1. The MIOSA may consider a complaint brought by or on behalf of a consumer I as defined in the Act.

21. PROCEDURE FOR [DETERMINATION] "MEDIATION" OF A DISPUTE

21.1. [**Any party will be required to respond to a request by the MIOSA within 10 (ten) days of receiving notification from MIOSA, failing which the party will be barred from providing information, unless the MIOSA in its discretion and considering the reasons for the delay determines otherwise].**

This gazette is also available free online at **www.gpwonline.co.za**

21.1.1. Upon receipt of a complaint alleging any contravention of the provisions of the Code or CPA by anyone falling within its jurisdiction, MIOSA shall.

21.1.2. Advise the other party to the complaint that it has been requested to mediate in the matter.

21.1.3. Provide the other party to a complaint with the said complaint and request such party to respond to the complaint by presenting its version within 10 days of receipt of the request, except where an extension thereof has been granted by MIOSA, upon receipt of the request for extension of time

21.1.4. Where necessary provide the complainant with the copy of the response from the other party

21.1.5[After complaints are lodged with the MIOSA for investigation regarding alleged contraventions of the Code or the Act, the MIOSA must:

21.2.1. investigate and evaluate alleged complaints arising from the alleged contraventions of the Code or the Act;

21.2.2 attempt to facilitate a settlement between the parties and where possible, provide a recommendation with regard to such settlement;]

21.1.5. Based on information presented, engage the parties for purposes of mediating and resolving the complaint.

21.3. In the event of the other party not responding to the request by MIOSA, then MIOSA must terminate its mandate and advise the complainant to refer the matter to the NCC. MIOSA shall keep records of all non-co-operative suppliers and submit such list to the NCC quarterly.

21.4. Where parties to the dispute cooperate with MIOSA and a settlement is reached, such settlement maybe recorded in writing, in the form of an order and if parties to the dispute consent to that order, MIOSA may submit it to the Tribunal or High Court to be made a consent order, in terms of the rules of such forum.

21.5. Where the dispute is not resolved, MIOSA shall terminate its mandate by written notice to the parties and advise the complainant to refer the complaint to the NCC .

21.6. The MIOSA will **[determine] "**mediate**"** a dispute within 30 (thirty) days from the date it has received all the necessary documentation/ information to enable the MIOSA to **[make an informed decision against] "**finalising its mediation of" the complaint**.**

21.7. The MIOSA will publish on its website summaries of matters resolved that will be in the interest of consumers and suppliers without naming the parties involved.

This gazette is also available free online at **www.gpwonline.co.za**

22 MIOSA ACTIONS

22.1. The MIOSA can act upon disputes involving:
  22.1.1. consumers
  22.1.2. consumers on the one hand and suppliers and/or
  22.1.3. complaints concerning alleged contraventions of the Code or the Act.

22.2. The MIOSA can further act upon disputes where a supplier has referred a dispute on behalf of a consumer with the permission of the consumer.

22.3. Where more than one Ombud has jurisdiction to decide a matter, the MIOSA will have jurisdiction to the extent that the dispute relates to the automotive industry.

23. [POST RESOLUTION OF DISPUTE

23.1. in the event of a dispute being resolved, the MIOSA must

23.1.1. record the resolution thereof in the form of an order in terms of section 70(3)(a) of the Act;

23.1.2 at the request of a party to a dispute, submit an order to the Tribunal or the High Court for purposes of a consent order in terms of its rules and of section 70(3)(b), the cost of such order to be borne by the party making such request;

23.1.3. terminate the process by notice to the parties in terms of section 70 (2) of the Act;

23.1.4. report any non-compliance with the Code or the Act by a supplier or service provider to the Automotive Industry Association to which it is a member (if any), in order for that particular Association to investigate the allegations;

23.1.5. Publish on its website, summaries of its significant findings that will be of interest to consumers and suppliers.]

24 GENERAL OPERATIONS

24.1. Should resolution of any particular complaint require the input of a specialist authority or technical expert in any field, or advice from any third party, then in order to resolve such dispute before it, the MIOSA may employ or utilize the services of any specialist authority or technical expert to assist the MIOSA with its investigation or in order to produce any required report. "The specialist authority or technical expert report will be at the expense of the party who has requested such services and shall be payable in advance before the specialist is instructed.

This gazette is also available free online at www.gpwonline.co.za

24.2. Should the MIOSA, its staff or any supplier become aware of any criminal act being committed or intended to be committed within the Automotive Industry, or of any practice that may be deemed or alleged to be criminal, then in such event the supplier, and/or the MIOSA and/or its staff will be obliged to report such practice or behaviour to the relevant authority(ies), in which case evidence may have to be given in a court of law, without having informed the NCC and the Minister in writing.

24.3. Nothing contained herein precludes the MIOSA from developing internal rules, forms and procedures that are not in conflict with the provisions of this document or the Act.

24.4. All information (including settlement offers) provided by one party to a dispute before MIOSA to the other party will be deemed to be provided on a confidential —without prejudicell basis and may not be disclosed to any other party or used in any subsequent arbitration or litigation.

25 [TRANSITIONAL PERIOD]

[25.1. The MIOSA is currently established as an Alternative Dispute Resolution body. The Incumbent Ombud and the 3 (three) Directors appointed by him will continue in this position for 5 (five) years so as to ensure that the Code can be adequately enforced from the date of approval.]

SCHEDULE 1: LIST OF CURRENT INDUSTRY ASSOCIATIONS

ASSOCIATION	INDUSTRY TYPE
AMID – Association of Motorcycle Importers and Distributers	Motorcycle
IDA – Independent Dealers Association	Independently Owned Dealers, Inclusive Of Independently Owned Franchisees
NAACAM – National association of Automotive Component & Allied Manufacturers	Components
NAAMSA – National Association of Automobile Manufacturers of South Africa	Motor Vehicle OEM & Importer And Distributor
RMI – Retail Motor Industry Organisation	Umbrella Body For Various Automotive Retail Associations

This gazette is also available free online at www.gpwonline.co.za

SCHEDULE 2: MIOSA COMPLAINTS PROCESS

Stage 1 — Laying of First Complaint

1 A consumer who has a complaint is advised to address the query in writing to the supplier and/or trade association to which the supplier subscribes

2 The supplier must provide the consumer with a written acknowledgement of receipt of any complaint submitted to it.

3 The supplier may endeavour to resolve the dispute directly with the consumer. In this regard the supplier will respond to the query substantively, in writing, within 10 (ten) days of receipt of the query. If the supplier is unable to provide a substantive response or resolve the matter within 10 (ten) days thereafter, the supplier shall communicate this to the consumer "and MIOSA", and provide reasons to the extent possible in writing.

4 "The MIOSA shall keep a register of all the complaints it refers to the suppliers, as well as the appropriate tracking mechanisms and records – to ensure that all of the complaints are able to be tracked at any time and are eventually addressed".

5 If the query is not resolved within the time period as mentioned in clause 2 above or such period as the parties may agree to in writing:

5.1 the consumer shall file a complaint, in writing, with the office of the MIOSA by completing MIOSA's Assistance Form located on the MIOSA website and submitting the same either manually, facsimile, e-mail or pre-paid registered post or online, stating the nature of the complaint and dispute as well as the action required and expected outcome;

5.2 copies of all relevant documentation shall accompany the complaint.

6 If a consumer requires assistance in understanding the procedures to conduct a dispute with the MIOSA, the MIOSA will assist the consumer in this regard.

Stage 2A — Lodging a Complaint with [Motor Industry Ombud] MIOSA

A complainant who:

6.1 referred a complaint to a supplier, and who is dissatisfied with the manner in which the supplier is dealing with it, or how it has been dealt with or with the outcome thereof, or

6.2 has not approached the supplier as this would cause or be likely to cause the complainant undue harm or prejudice,

may refer the complaint to the MIOSA.

7 The complainant must refer the complaint to the MIOSA within a reasonable time.

8 Receipt of each complaint should be acknowledged to the complainant within 2 (two) business days of receipt thereof by way of phone, facsimile or e-mail.

9 The supplier shall file its substantive response with the MIOSA within 10 (ten) days of receipt of the complaint as provided in clause 7. If the supplier is unable to provide a

This gazette is also available free online at www.gpwonline.co.za

substantive response within 10 (ten) days, the supplier must advise the MIOSA and provide acceptable reasons.

10 All communication between the parties and the MIOSA regarding the dispute must be in writing, unless alternative arrangements have been agreed between the parties, in writing.

11 After receipt, an initial assessment must be made of each complaint to ascertain whether it falls within the jurisdiction of the MIOSA.

12 The MIOSA shall be entitled to request further particulars from the parties. The parties shall provide all relevant information to each other and the MIOSA to deal with the query within 10 (ten) days of such a request. If oral evidence is necessary to resolve the dispute:

12.1 the MIOSA shall request the parties to attend a **[hearing]** "mediation" on not less than 10 (ten) days prior written notice;

12.2 attendance at the **[hearing]** "mediation" shall be at each party's own expense;

12.3 the languages of MIOSA shall be English and isiZulu and if requested and at the requesting party's expense, arrange for an interpreter for any other language to be present; either party shall be entitled to be represented by a suitable party, including a legal representative, with the permission of the MIOSA, to [**make submissions and cross examine the other party and witnesses at the hearing] "**engage in mediation process on behalf of such party".

13 All [**decisions]** "recommendations" fall exclusively within the discretion of the MIOSA.

14 An up-to-date status should be made available to both the complainant and the supplier at least at the time of pre-set deadlines.

[Stage 2B — Referral by the MIOSA]

15 [**The MIOSA may refer a complaint to any supplier within the supply chain, or to all suppliers within the supply chain, as the MIOSA considers appropriate in the circumstances.]**

16 **[Once the decision has been made to refer the complaint, it must be referred to the relevant party, body or institution within 10 (ten) days of it being received by MIOSA.]**

17 **[The MIOSA, and to the extent the MIOSA considers it necessary, will provide the supplier concerned with full details of the complaint, including copies of relevant documentation as submitted to MIOSA].**

18 **[The MIOSA shall keep a register of all the complaints it refers to the suppliers, as well as the appropriate tracking mechanisms and records – to ensure that all of the complaints are able to be tracked at any time and are eventually addressed.]**

Stage 3 – Resolution by MIOSA

19 [**The supplier must acknowledge receipt of the notification within 10 (ten) days and may do so by letter delivered by hand or sent by post, telefax or e-mail.]**

20 [**The MIOSA shall first attempt to mediate the dispute between the parties. If mediation fails to resolve the dispute the MIOSA shall issue a certificate to that effect to the parties.]**

This gazette is also available free online at **www.gpwonline.co.za**

21 Proceedings may be recorded at the request of a party, provided the requesting party tenders the costs of the recording, payable to the MIOSA at least 10 (ten)days before the hearing takes place.

22 The MIOSA will present its **[decision] "**recommendation**"** within 10 (ten) days of conclusion of the **[proceedings]** "mediation". The MIOSA is allowed to provide its **[decision]** "recommendation" in writing and deliver the findings to the parties'chosen addresses.

23. In promoting the spirit of the CPA, MIOSA shall draw the attention of the parties to the relevant applicable sections of the CPA, when making its recommendation.

24. The recommendations of MIOSA are not binding to the parties but such recommendations will guide the parties towards resolution of the dispute.

25. If ADR fails to resolve the dispute the MIOSA shall issue a certificate to that effect to the parties, who will then have a right to refer the dispute to the National Consumer Commission

SCHEDULE 3: INTERNAL COMPLAINTS HANDLING SUGGESTED PROCEDURES

1. When dealing with complaints; customers, complainants and other interested parties should receive the following:
   1.1. necessary information concerning the internal complaints-handling process applicable to the supplier;
   1.2. any relevant MIOSA brochures and pamphlets.

2. All information must be provided in plain language and, where reasonably possible, in an accessible format to ensure that complainants are not disadvantaged by any format in which information is provided.

3. The following are examples of such information:
   3.1. where complaints can be made;
   3.2. how complaints can be made;
   3.3. information to be provided by the complainant (see Schedule 5 for suggested format);
   3.4. the process to be followed when handling complaints;
   3.5. the time periods associated with the various stages in the process;
   3.6. the complainant's options for remedy, including referral to the MIOSA;
   3.7. the manner in which the complainant can obtain feedback on the stage of the complaint.

4. Receipt of complaint:
   4.1. When the complaint is first reported, the complaint must be recorded and a unique identifier code or number must be provided for each complaint.

This gazette is also available free online at **www.gpwonline.co.za**

4.2. Any other information necessary for the effective handling of the complaint must also be recorded or attached to the complaint, including at least the following:

4.2.1. a description of the complaint must be made including:

i. the products or related organization practices complained about;

ii. information on the persons involved including department, branch, organization and market segment;

4.2.2. all supporting information, all relevant supporting data and documentation must also be recorded or attached to the complaint;

4.2.3. the record of the initial complaint should also specify:

i. the remedy that the complainant is seeking;

ii. the due date for a response; and iii. Whether any immediate action was or must be taken (if any).

5. Time limits for Complaint resolution:

5.1. The supplier should make every effort to resolve the matter within 15 (fifteen) business days.

5.2. If the supplier is unable to resolve the complaint within that period for reasons such as on-going technical testing, the supplier shall inform the complainant of that fact at least 2 (two) days before the expiry of the 15 (fifteen) business day deadline.

6. Complaint resolution:

6.1. The supplier should make every effort to resolve the matter in good faith and in accordance with its internal complaints-handling processes.

6.2. In doing so, the supplier should deal with the complaint:

6.2.1. politely and courteously;

6.2.2. promptly and efficiently; and

6.2.3. in a confidential manner.

7. Acknowledgement of complaint:

7.1. Receipt of each complaint should be acknowledged to the complainant:

7.1.1. immediately; or

7.1.2. by the latest within 2 (two) business days (for example via post, phone or email).

8. Tracking of complaint:

8.1. The complaint should be tracked from initial receipt through the entire process until the complainant is satisfied or the final decision is made.

8.2. An up-to-date status should be made available to the complainant:

8.2.1. upon request ; and

8.2.2. at regular intervals; or

8.2.3. at least at the time of pre-set deadlines.

This gazette is also available free online at **www.gpwonline.co.za**

9. Initial assessment of complaint:

9.1. After receipt, each complaint should be initially assessed by the supplier in terms of criteria such as:

9.1.1. severity;

9.1.2. safety implication;

9.1.3. complexity;

9.1.4. impact; and

9.1.5. the need and possibility for immediate action.

10. Attempt to settle:

10.1. The supplier should contact the complainant to:

10.1.1. clarify any issue; and

10.1.2. ascertain the essence of the complaint.

11. Investigation of complaints:

11.1. Every reasonable effort should be made by the supplier to investigate all the relevant circumstances and information surrounding a complaint.

11.2. The level of investigation should be commensurate with the seriousness, frequency of occurrence and severity of the complaint.

12. Response to complaints following an investigation

12.1. Where able and appropriate, the supplier should offer a response, for example that will:

12.1.1. correct the problem and

12.1.2. prevent it from happening in the future.

13. Communicating the decision:

13.1. As soon as is reasonably possible, after a decision has been made regarding the complaint or any action has been taken regarding the complaint, the supplier must advise:

13.1.1. the complainant of such decision made or action taken; and

13.1.2. any of its staff who may have been involved in the incident (if any).

14. Closing the complaint:

14.1. If the complainant accepts the proposed decision or action, then:

14.1.1. the decision or action should be implemented; and

14.1.2. the decision or action should be recorded.

14.2. If the complainant rejects the proposed decision or action, and the supplier rejects or refuses to implement or take further steps or measures regarding the complaint, then:

14.2.1. this should be recorded by the supplier; and

This gazette is also available free online at **www.gpwonline.co.za**

14.2.2. the complainant should be informed of his/her rights in respect of the referral of the complaint to either:

14.2.2.1 the MIOSA; or

14.2.2.2 other entity with jurisdiction.

This gazette is also available free online at **www.gpwonline.co.za**

SCHEDULE-4: **COMPLAINT FORMS**

FOUNDER MEMBER OF ASSOCIATION OF

MOTOR INDUSTRY OMBUDSMAN OF SOUTH AFRICA

THE OMBUDSMAN SOUTH AFRICA

NPC (Reg. No. 2001/004871/08)

Tel: 0861 1 MIOSA (64672) TEL: 010 590 8378 Fax: 086 630 6141 E-mail: info@miosa.co.za

Suite 156, Private Bag X025, Lynnwood Ridge, 0040

ASSISTANCE REQUEST FORM

Reference No: _____ ***For office use only***

The Motor Industry Ombudsman of South Africa's (MIOSA) mandate consists of consequences flowing from problematic transactions whereby vehicles were sold, leased or repaired. To apply the South African Automotive Industry Code of Conduct (Code), published on the 17th October 2014 in the Government Gazette No. 38107, which can be viewed on our website (www.miosa.co.za).

WHERE DID YOU HEAR ABOUT THE MIOSA: _____

DATE SUBMITTED : _____

Details of Complainant:

1. **a) If Complainant is an Individual:**

TITLE (Hon, Dr, Mr, Mrs, Miss, Ms): _____
SURNAME: _____
FIRST NAMES: _____

b) Name of Individual/Organisation authorized to act on the Complainant's behalf (in terms of Section 4 of the Consumer Protection Act No. 68 of 2008) *(Please attach an original or certified Power of Attorney, as well as the reason for your mandate)*:

TITLE (Hon, Dr, Mr, Mrs, Miss, Ms): _____
SURNAME: _____
FIRST NAMES: _____

This gazette is also available free online at **www.gpwonline.co.za**

2. Contact information of Complainant:

DAYTIME TEL: ID Number:	CODE	FAX : CELL:	CODE
E-MAIL:			

Preferred means of contact: ***(Please tick one)*** ☐ FAX ☐ EMAIL

Complainant Initial: _____

Confirmation of Jurisdiction and Undertaking

I _____ (the complainant or representative of the complainant), confirm that I have given the Manufacturer/Importer/Dealer/Service Provider an opportunity to resolve the complaint before submitting this form to the **MIOSA**. When I did this I spoke to Mr/Ms _____ of _____ on or about _____

I have applied to the MIOSA for assistance because: ***(Please tick)***

(a) ☐ My complaint was not resolved by the Manufacturer/Importer/Dealer/Service Provider over _____ (period of time).

(b) ☐ The Manufacturer/Importer/Dealer/Service Provider rejected my complaint and I am unhappy with the result. **(*Please attach a copy of the letter if any)***

I confirm that my complaint is not: ***(Please tick)***

☐ the subject of any legal proceedings. If I have consulted an Attorney it has only been to get advice or assistance in drafting my complaint.

VEHICLE DETAILS

MAKE:	
MODEL (YEAR):	
REGISTRATION NO.:	

This gazette is also available free online at **www.gpwonline.co.za**

ENGINE NO. (**on license disc**):						
VIN NO. (**on license disc**):						
GEARBOX: ***(Please tick one)***		**MANUAL**		**AUTOMATIC**		
DATE OF PURCHASE & KILOMETRES:	**DATE**		**KM**			
DATE DISPUTE BEGAN & KILOMETRES:	**DATE**		**KM**			
KILOMETRES NOW:						
IS SERVICE HISTORY UP TO DATE:						
WAS VEHICLE UNDER WARRANTY AT TIME:						
ROAD VEHICLE USED ON:***(Please tick one or both)***		**TAR**		**DIRT**		
FINANCED BY (FINANCIAL INSTITUTION):						

Complainant Initial: _____

DETAILS OF WHOM COMPLAINT IS AGAINST

NAME OF DEALERSHIP/SERVICE PROVIDER					
COMPLAINT REFERENCE NUMBER: (If known)					
SUBURB		TOWN		PROVINCE	
TEL NO	CODE				
FAX NO	CODE		**OR**		
E-MAIL					
WHAT DID THEY SUGGEST:					

This gazette is also available free online at **www.gpwonline.co.za**

DETAILS OF COMPLAINT

Please type or write legibly on a separate piece of paper **ALL** the relevant facts including dates, times, places and names, preferably in date order.

NO COMPLAINT CAN BE PROCESSED WITHOUT ALL THE INFORMATION REQUIRED. THE INFORMATION SUBMITTED WILL BE USED BY THE **MIOSA** IN THE RESOLUTION OF THIS DISPUTE SO MAKE SURE THAT ALL RELEVANT DOCUMENTATION IS SUBMITTED WITH THIS FORM. I/WE HEREBY EXPLICITLY GIVE THE **MIOSA** MANDATE TO FORWARD MY COMPLAINT AND ALL ATTACHED
DOCUMENTATION TO THE MANUFACTURER/ IMPORTER/DEALER/SERVICE PROVIDER AND ALL NECESSARY AUTHORITIES AND/OR ORGANIZATIONS RELEVANT TO THIS COMPLAINT, FOR THEIR COMMENT, TO ASSIST IN RESOLVING MY COMPLAINT.

Even if you have submitted a complaint letter, please summarise your complaint in the space below: **This summary will be used by the MIOSA to arrive to a conclusion of the matter.**

This gazette is also available free online at **www.gpwonline.co.za**

Complainant Initial: _____

Briefly state what outcome you hope to achieve

TERMS AND CONDITIONS

1. The **MIOSA** assists consumers to resolve their complaints by investigating and making a ruling or recommendation. This service is not the same as that provided by an attorney. **I/we agree not to hold the MIOSA or any of its staff liable for any loss or damage of any nature that I/we may suffer as a result of the MIOSA accepting and dealing with my complaint.**

2. The service provided by the **MIOSA** to consumers is free.

3. **Confidentiality Agreement**

   My/our complaint and the documents that I/we submit to the **MIOSA** will be treated as confidential. The letters and documents sent to the **MIOSA** by the Manufacturer/Importer/Dealer/Service Provider will also be treated as confidential. The **MIOSA** has the right to decide which of the documents received by the **MIOSA** are disclosed to the Manufacturer/Importer/Dealer/Service Provider and to me. If I/we submit a document

This gazette is also available free online at www.gpwonline.co.za

that I/we do not want the Manufacturer/Importer/Dealer/Service Provider to see, I/we will mark it **"Confidential".**

Should my/our complaint be the subject of a court case or any other dispute resolving process, neither my representative nor I will subpoena the documents in my/our file, or the **MIOSA** or any member of his staff. Neither my representative nor I will order that any of these documents be disclosed in terms of any court rule unless ordered to do so by a court of law. I/we understand and comprehend the above and confirm that it is fair and reasonable in the circumstances to protect both myself/ourselves and the other party's rights to prevent prejudice in respect of our rights.

I/we authorise the Manufacturer/Importer/Dealer/Service Provider to disclose any information they may have that the **MIOSA** may require in the investigation of my/our complaint.

By my signature below, I/we agree that my complaint shall be dealt with by the MIOSA on the above terms and conditions and according to the rules of the MIOSA. The information provided by me/us herein is, to the best of my knowledge, true and correct. I/we understand that the submission of a false claim may constitute the crime of fraud.

Signed at _____ on the ____ Day of _____ (month) 20 ____ (year)

_____

Complainant or person authorized to act on the Complainant's behalf

Issued by the office of the Motor Industry Ombudsman of South Africa

<u>SCHEDULE 5:</u> FUNDING OF MIOSA

BACKGROUND AND EXPLANATION

i. **[The MIOSA is an established Ombud Scheme and has operated since 2001. Due to this, there is an existing staff contingent, expert knowledge base, premises,**

This gazette is also available free online at **www.gpwonline.co.za**

telephone infrastructure, certain equipment, assets and stationary and IT network in place and sustainable]

ii. **[During 2012, the MIOSA received 22,320 complaints with a value of R 156,500,000.00 all of which have been resolved.]**

iii. **[Before to the coming into operation of the Act, the MIOSA adjudicated disputes between consumers, OEM's and Retailers.]** In terms of the Act, the MIOSA has jurisdiction over all the members within the Automotive Industry.

iv. [**According to the records of the Motor Industry Bargaining Counsel, there are approximately 24 000 entities forming part of the Automotive Industry. In addition there are currently 42 motor vehicle OEM's and Importers forming part of the Automotive Industry**.] All members of the automotive Industry are therefore obliged to pay their required contributions to the MIOSA

v. The MIOSA shall vastly expand its current infrastructure to meet the needs of Consumers in line with other Ombud MIOSA's established under various forms of legislation. [**However as an existing MIOSA, the majority of start-up pressures and challenges will not be present which leads to a cost and efficiency saving from the beginning].**

vi. [**The sustainable funding model below is based on the assumption that, following accreditation, the MIOSA will initially, in the first one to two years, only be able to recover contributions from 60% of the retailers and all of the NAAMSA motor vehicle OEM's and Importers forming part of the Automotive Industry**].

vii. **[The contribution rate as set out in clause "vi' above is based on a worst-case scenario and the quantum of each entity's contribution has initially been increased accordingly in order to ensure that the MIOSA is able to fulfil its obligations in terms of its budget requirements without the necessity of collecting more than 60% of required contributions.]**

viii. The MIOSA shall review, in each year, the quantum of required contribution [will be reviewed] in line with the success rate of the previous year's contributions collected along with the revised budget requirements. At no stage will the model rely on a 100% collection success rate. Such review shall be done in consultation with its members

ix. The cost of collection will at all times be kept to a minimum and decisions regarding outsourced collection or in-house operations will be made with this in mind. The model has been structured to allow for this cost.

1. **[Funding during Transitional Phase from date of accreditation]:**

[During the transitional period, the MIOSA will be funded as follows:]

This gazette is also available free online at **www.gpwonline.co.za**

1.1 **[The MIOSA will charge and invoice all motor vehicle OEM's and Importers a combined annual fee equalling 50% of the MIOSA budget and each individual OEM or Importer's contribution shall be calculated by dividing 50% of the approved budget by the total number of entities who directly import or manufacture Goods]**

1.2 **[The MIOSA will charge and invoice all retailers a combined annual fee equalling 50% of the MIOSA budget and each individual retailer's contribution shall be calculated by dividing that percentage of the approved budget by the total number of retail premises from which business is being conducted in the Automotive Industry]**

SCHEDULE 5: **Funding "of MIOSA" [from date of accreditation]:**

[**From the first anniversary of the date of accreditation**,] The MIOSA [will be] "is" funded as follows:

2.1 The OEM's and Importers **[shall be liable to**] contribute 20% of the approved budget and each individual OEM or Importer's contribution **[shall be]** "is" calculated by dividing 20% of the approved budget by the total number of entities who directly import or manufacture Goods.

2.2 The retailers **[shall be liable to]** contribute 80% of the approved budget and each individual retailer's contribution **[shall be]** "is" calculated by dividing 80% of the approved budget by the total number of retail premises from which business is being conducted in the Automotive Industry.

29. CONCLUSION

This Code is called the MIOSA's Amendment Industry Code of 2021

This gazette is also available free online at **www.gpwonline.co.za**

CIVILIAN SECRETARIAT FOR THE POLICE SERVICE

NOTICE 708 OF 2021

DEPARTMENT OF CIVILIAN SECRETARIAT FOR POLICE SERVICE

PUBLICATION OF THE EXPLANATORY SUMMARY OF THE CRIMINAL LAW (FORENSIC PROCEDURES) AMENDMENT BILL, 2021

1. Notice is hereby given in terms of Rule 276(1)(b) of the Rules of the National Assembly that the Minister of Police intends to introduce the Criminal Law (Forensic Procedures) Amendment Bill, 2021 (Bill), in the National Assembly shortly.

2. The explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.

3. The Bill aims to –

   (a) make a new provision in respect of the full implementation of certain transitional arrangements contained in the Criminal Law (Forensic Procedures) Amendment Act, 2013;
   (b) provide for accounting responsibilities and reporting obligations in respect of the fulfillment of this new provision;
   (c) provide for the enforcement of the obligation to submit to the taking of a buccal sample; and for matters connected therewith.

A copy of the Bill can be found on the website of the Department of Civilian Secretariat for Police Service at **http://www.policesecretariat.gov.za**, and after introduction may also be obtained from the Government Printers: Cape Town (Telephone number 021 405 7531).

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NOTICE 709 OF 2021

MR MOGAMAD GANIEF EBRAHIM HENDRICKS, MP

NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT ON THE DRAFT BILL, NAMELY THE MAINTENANCE AMENDMENT BILL, 2021

Mr. Mogamad Ganief Ebrahim Hendricks, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996 ("Constitution"), intends to introduce the Maintenance Amendment Bill, 2021 ("the draft Bill), in the National Assembly of Parliament. An explanatory summary of the member's draft Bill is hereby published in accordance with Rule 276(1)(*c*) of the Rules of the National Assembly of Parliament (the 9th Edition).

Although the aims of the Maintenance Act, 1998 (Act No. 99 of 1998) ("the Maintenance Act"), were to bring about a fair, equitable and sensitive maintenance service with simplified, speedier and cheaper procedures prioritising the rights of children, as well as to improve effectiveness of enforcement, it was, however, introduced as an interim measure pending a review of the South African maintenance system by the South African Law Reform Commission. This revision or overhaul, if it took place, has not resulted in an effective maintenance system.

While the Maintenance Act gives effect to the rights of children as set out in section 28 of the Constitution, various studies undertaken since the promulgation of the Act have highlighted challenges regarding the effective operation of the law and the maintenance system.[1] A public webinar on maintenance held on 14 August 2021,[2] has also confirmed the findings of these studies, which continue to plague the system to date, and also identified more concerns. These challenges,

---

[1] See Coutts, T. L. 2014. "A Critical analysis of the implementation of the Maintenance Act 99 of 1998: Difficulties experienced by the unrepresented public in the Maintenance Court as a result of the poor implementation of the Act", LLM Dissertation, UKZN [Online]. Available at https://researchspace.ukzn.ac.za/bitstream/handle/10413/12124/Coutts_Tamazin_L_2014.pdf?sequence=1&isAllowed=y ; See also the following studies as cited in Coutts, 2014: Grieves et al 2005, "Defining the Functions of Maintenance Investigators and setting out Proposals for their Remuneration"; De Jong, M, 2009 "Ten-year anniversary of the Maintenance Act 99 of 1998- a time to reflect on improvements, shortcomings and the way forward", 126 SALJ 590; Budlender, D & Moyo, B (ed) *'What about the children?: The Silent Voices in Maintenance'* (2004) 72.

[2] This webinar was hosted by the Al-Jamaa'ah Party.

inter alia, include that the system remains in disarray, is slow, ineffective, clogged up and fairly unproductive to enforce rights; that maintenance debtors evade their legal duty to maintain dependents with seeming impunity despite active maintenance orders; that court dates are shunned without providing reasons, resulting in matters being postponed or struck off the roll - requiring the complainant to start the process afresh; a lack of court resources, disinterested maintenance officers, and the lengthy delays in finalisation of matters; the difficulties experienced by maintenance officers and investigators in obtaining the necessary documentation for the finalisation of matters or maladministration resulting in lost files; and lengthy waiting times at court resulting in complainants being late for work or unable to attend work resulting in loss of income, reduction in annual leave days or even termination of employment. In addition, complainants have to pay their own transport and subsistence costs, while these are paid to respondents.

The lack of women's ability to realise their rights in respect of maintenance has a direct impact on the rights, wellbeing and quality of the lives of their children, who are usually placed in the primary care of their mothers. Improving access to the maintenance system will thus include the improvement of children's health and education prospects, thus improving their employment prospects, and so drive national development.[3] Several social justice and women's rights advocates have called for amendments to be made to the Maintenance Act, amongst others, in order to ensure a speedier process and timeous delivery of fair and just rulings.

The draft Bill accordingly seeks to amend the Maintenance Act to, *inter alia*, provide for the following:

(a) Process and criteria for provisional maintenance: An assessment upon lodgement of a maintenance claim of any undue hardship to the complainant if required to follow the current process, and where *prima facie* evidence is found, application for, and granting and service of, an *ex parte* provisional maintenance order in respect of maintenance for the complainant and children in their care, in the form of a rule *nisi*;
(b) the duration of the provisional maintenance order be until the final determination of the matter or a formal hearing in terms of Uniform Rule 43 of the High Court or Rule 58 of the Magistrates' Court Rules;

[3]See the Children's Institute (2020) Child Gauge: Food and Nutrition Security. Available at http://www.ci.uct.ac.za/cg-2020-food-and-nutrition-security. Accessed on 15.10.2020.

(c) application for a garnishee order where the respondent fails to abide the provisional maintenance order;
(d) the complainant being advised of, and entitled to claim, allowances for subsistence and travel to and from court;
(e) the option to resolve any maintenance enquiry or investigation related dispute through mediation or arbitration; and
(f) consequential amendments to other legislation as may be necessary.

The failure to effect the amendments proposed in the draft Bill, would not only result in a failure to give effect to rights enshrined in the Constitution, but will also perpetuate the severe structural oppression and violence against women, and thus the impoverishment and destitution of women and children.

Interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly of Parliament by **31 January 2022**. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker, PO Box 15 Cape Town 8000, or emailed to speaker@parliament.gov.za and copied to mhendricks@parliament.gov.za.

Copies of the Maintenance Amendment Bill, 2021, may, after introduction, be obtained from:
Party name: Al Jama –ah
5 Bolton Road, Rondevlei, Weltevreden Valley, Mitchells Plain, 7780
Attention: Mr Ganief Hendricks
Telephone: 061 373 7169
Email: gsamodien@parliament.gov.za

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 710 OF 2021

COMPETITION TRIBUNAL

NOTIFICATION OF DECISION TO APPROVE MERGER

The Competition Tribunal gives notice in terms of rules 34(b)(ii) and 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following mergers:

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM064Aug21	Hatfield Holdings (Pty) Ltd	Summit Auto Trading	26/10/2021	Approved Subject to Conditions
LM067Aug21	Sun Valley Estate (Pty) Ltd	Ascendis Vet (Pty) Ltd, Kyron Laboratories (Pty) Ltd	09/11/2021	Approved Subject to Conditions
LM092Oct21	Bonitas Medical Fund	Nedgroup Medical Aid	09/11/2021	Approved

The Chairperson
Competition Tribunal

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 711 OF 2021

COMPETITION TRIBUNAL

NOTIFICATION OF COMPLAINT REFERRAL

The Competition Tribunal gives notice in terms of Section 51(3) & (4) of the Competition Act 89 of 1998 as amended, that it received the c COVCR074Jul20omplaint referrals listed below. The complaint(s) alleges that the respondent(s) engaged in a prohibited practice in contravention of the Competition Act 89 of 1998.

Case No.	Complainant	Respondent	Date received	Sections of the Act
CRP122Nov21	Pension Protect NPC	Government Employees Pension Fund	17/11/2021	5,8

The Chairperson
Competition Tribunal

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 177 OF 2021



INVITATION TO COMMENT ON EXPOSURE DRAFT 196 ISSUED BY THE ACCOUNTING STANDARDS BOARD

Issued: 10 December 2021

The Accounting Standards Board (the Board) invites comment on the proposed *Due Process Handbook* (ED 196). Comment is due locally by **31 March 2022**.

All those affected by, or who are interested in the Exposure Draft, are encouraged to provide written responses to the Board.

Responses to the Exposure Draft should be received by the comment deadline indicated above.

Copies of the documents

The documents are available electronically on the Board's website – http://www.asb.co.za, or can be obtained by contacting the Board's offices on 011 697 0660 (telephone), or 011 697 0666 (fax).

Comment can be emailed to info@asb.co.za or can be submitted in writing to:

Accounting Standards Board

c/o the Office of the Accountant General

National Treasury

240 Madiba Street

Pretoria

0001

We look forward to receiving your responses.

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

This gazette is also available free online at **www.gpwonline.co.za**