

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette **No. 11705** *Regulasiekoerant*

Vol. 707 **24** **May Mei** **2024** **No. 50686**

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

IMPORTANT NOTICE:

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

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government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

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

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** *REGULATION GAZETTE* 2024

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

- **28 December 2023,** Thursday for the issue of Friday **05 January 2024**
- **05 January,** Friday for the issue of Friday **12 January 2024**
- **12 January,** Friday for the issue of Friday **19 January 2024**
- **19 January,** Friday for the issue of Friday **26 January 2024**
- **26 January,** Friday for the issue of Friday **02 February 2024**
- **02 February,** Friday for the issue of Friday **09 February 2024**
- **09 February,** Friday for the issue of Friday **16 February 2024**
- **16 February,** Friday for the issue of Friday **23 February 2024**
- **23 February,** Friday for the issue of Friday **01 March 2024**
- **01 March,** Friday for the issue of Friday **08 March 2024**
- **08 March,** Friday for the issue of Friday **15 March 2024**
- **14 March,** Thursday for the issue of Friday **22 March 2024**
- **20 March,** Wednesday for the issue of Thursday **28 March 2024**
- **27 March,** Wednesday for the issue of Friday **05 April 2024**
- **05 April,** Friday for the issue of Friday **12 April 2024**
- **12 April,** Friday for the issue of Friday **19 April 2024**
- **19 April,** Friday for the issue of Friday **26 April 2024**
- **25 April,** Thursday for the issue of Friday **03 May 2024**
- **03 May,** Friday for the issue of Friday **10 May 2024**
- **10 May,** Friday for the issue of Friday **17 May 2024**
- **17 May,** Friday for the issue of Friday **24 May 2024**
- **24 May,** Friday for the issue of Friday **31 May 2024**
- **31 May ,** Friday for the issue of Friday **07 June 2024**
- **07 June,** Friday for the issue of Friday **14 June 2024**
- **13 June,** Thursday for the issue of Friday **21 June 2024**
- **21 June,** Friday for the issue of Friday **28 June 2024**
- **28 June,** Friday for the issue of Friday **05 July 2024**
- **05 July,** Friday for the issue of Friday **12 July 2024**
- **12 July,** Friday for the issue of Friday **19 July 2024**
- **19 July,** Friday for the issue of Friday **26 July 2024**
- **26 July,** Friday for the issue of Friday **02 August 2024**
- **01 August,** Thursday for the issue of Thursday **08 August 2024**
- **08 August,** Thursday for the issue of Friday **16 August 2024**
- **16 August,** Friday for the issue of Friday **23 August 2024**
- **23 August,** Friday for the issue of Friday **30 August 2024**
- **30 August,** Friday for the issue of Friday **06 September 2024**
- **06 September,** Friday for the issue of Friday **13 September 2024**
- **13 September,** Friday for the issue of Friday **20 September 2024**
- **19 September,** Thursday for the issue of Friday **27 September 2024**
- **27 September,** Friday for the issue of Friday **04 October 2024**
- **04 October,** Friday for the issue of Friday **11 October 2024**
- **11 October,** Friday for the issue of Friday **18 October 2024**
- **18 October,** Friday for the issue of Friday **25 October 2024**
- **25 October,** Friday for the issue of Friday **01 November 2024**
- **01 November,** Friday for the issue of Friday **08 November 2024**
- **08 November,** Friday for the issue of Friday **15 November 2024**
- **15 November,** Friday for the issue of Friday **22 November 2024**
- **22 November,** Friday for the issue of Friday **29 November 2024**
- **29 November,** Friday for the issue of Friday **06 December 2024**
- **06 December,** Friday for the issue of Friday **13 December 2024**
- **12 December,** Thursday for the issue of Friday **20 December 2024**
- **18 December,** Wednesday for the issue of Friday **27 December 2024**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

Closing Times for Acceptance of Notices

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

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

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

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
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

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 4851 **24 May 2024**

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

DRAFT REGULATIONS RELATING TO THE MANAGEMENT CONTROL SYSTEM IN RESPECT OF THE SALE AND EXPORT OF A CERTAIN AGRICULTURAL PRODUCT

INVITATION FOR PUBLIC COMMENTS:

I, Angela Thoko Didiza, Minister for Agriculture, Land Reform and Rural Development, acting under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), hereby make known that I intend to publish the following new regulations: "Regulations relating to the management control system in respect of the sale and export of a certain agricultural product".

All interested parties are invited to submit comments or make representations concerning the above-mentioned proposed regulations, in writing, within 30 days from the date of publication of this Notice, to the following address:

Executive Officer: Agricultural Product Standards
Department of Agriculture, Land Reform and Rural Development
Private Bag X343, Pretoria, 0001
30 Hamilton Street, Harvest House Building, Arcadia, Room 130
Tel. no. 012 319 6121
Email: MbulaheniM@dalrrd.gov.za

The proposed amendment will be available on the Department's website at the following link: https://old.dalrrd.gov.za/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Draft-Legislation-for-Comments or can be forwarded via electronic mail or posted to any person upon request.

MRS A.T. DIDIZA
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

No. R. dd/mm/yyyy

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

DRAFT REGULATIONS RELATING TO THE MANAGEMENT CONTROL SYSTEM IN RESPECT OF THE SALE AND EXPORT OF CERTAIN AGRICULTURAL PRODUCTS

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

Mrs A.T.Didiza
Minister of Agriculture, Land Reform and Rural Development

SCHEDULE

DRAFT

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Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and –

"accreditation" means a procedure by which an authoritative body evaluates and gives a formal recognition that a certification programme is per the standards of the authoritative body.

"**agricultural product/s**" means any primary or processed product regulated in terms of sections 3(1) and 4(1) read in connection with section 15 of the Act, but does not include a liquor product as defined under the Liquor Products Act, 1989 (Act No. 60 of 1989);

"applicant" means a person or Food business operator who exercises or implements control over the management control system in the production, processing, or preparation of certain agricultural products, and may include the person or FBO applying for registration of a Management Control system with the Executive Officer;

"assignee" means a person, undertaking, body, institution, association, or board designated as such under section 2(3)(a)(ii) of the Act;

"attestations" means documents evidencing that the imported consignment complies with the claimed method of production and such documents are issued through certification by a certification body accredited by an accreditation body affiliated with the international accreditation forum, and are endorsed by the relevant competent authority;

"audit" means an examination by the assignee of the management control system to determine whether activities and related results comply with the claims associated with certain agricultural products;

"audit findings" means the results of the auditors' data collection and analysis;

"certification" is the procedure by which an assignee provides written or equivalent assurance that the management control system conforms to the requirements;

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"claim" means the use of a name, or word in connection with the sale and export of certain agricultural products;

"competent authority" means a specific Government department or other entity designated by such Government department in a foreign country that is responsible for the registration of a management control system;

"days" means calendar days;

"department" means a Department of Agriculture, Land Reform and Rural Development;

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

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

"**homonymous**" means a word or name or an indication that has the same spelling or sounds the same as a claimed method of production;

"management control system" means a method of production that may be claimed through the use of a name, word, expression, reference, particulars, or indication in any manner, either by itself or in conjunction with any other verbal, written, printed, illustrated or visual material;

"method of production" means a manner of production, and or processing, and or handling of certain agricultural products following a particular auditable protocol which is distinguished by the use of a claim;

"**monitoring**" means evaluating the effectiveness of the management control system while ensuring that all findings are resolved promptly;

"**product**" means---

(a) Any commodity of vegetable or animal origin, or produced from a substance of vegetable or animal origin, and which consists wholly or partially of such substance; and

(b) Any other commodity which in general appearance, presentation, and intended use corresponds to a commodity referred to in paragraph (a);

"protocol" means written procedures and guidelines for the practical implementation or application of a management control system;

"register" means an electronic record of all the registered management control systems in terms of regulation 12;

"**the Act**" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) as amended; and

"trademark" means a trademark as defined by the Trademarks Act, 1993 (Act No. 194 of 1993), and in the context of these regulations also includes a registered trademark, a certification trademark, and a collective trademark as defined in the same Act.

Scope of the regulations

2. These regulations shall apply to a registered management control system in connection with the sale and export of certain agricultural products.

Prohibition on the use of a management control system

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3. (1) No person shall use a management control system in connection with the sale and export of agricultural products –

(a) unless such a management control system is applied with the Executive Officer in terms of regulation 4;

(b) unless the application received is processed and information therein is verified in terms of regulation 6;

(c) unless such a management control system is registered with the Executive Officer in terms of regulation 10;

(d) unless a management control system is amended and notified to the Executive Officer in terms of regulation 12;

(e) unless a management control system is labelled in terms of regulation 15;

(f) unless a registered management control system is audited in terms of regulation 17; and

(g) unless a claim of a method of production in respect of imported agricultural products is accompanied by relevant attestations.

(2) The Executive Officer may exempt a person in writing, entirely or partially and on the conditions as he or she deems necessary, from the provisions of subregulation (1).

Application for registration of a management control system

4. (1) An application for registration of a management control system shall be submitted electronically to the Executive Officer at least in English by an applicant: Provided that an application for registration shall not be considered in instances where the proposed management control system --

(a) is identical to an existing claim for the same method of production associated with an agricultural product or a group of agricultural products.

(b) falsely communicates to the consumer that the agricultural product concerned is produced according to a management control system although its quality, reputation, or other characteristic is attributable to another method of production.

(c) is not supported by underlying protocols.

(d) is identical to a customary name of a plant variety or animal breed and is likely to mislead the consumer as to the true claim of a method of production.

(e) is wholly or partially homonymous with an existing claim and is likely to mislead consumers: Provided that the Executive Officer may consider the registration of a homonymous name as a claim by taking into account the need to ensure --

(i) the equitable treatment of the applicant of the management control system associated with an agricultural product(s) concerned to which the claim relates;

(ii) that there is a clear distinction between the use of the homonymous name registered subsequently and the use of the name already entered in the Register; and

(iii) that consumers are not misled about the true claim for a method of

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production of the agricultural product concerned;

(f) is identical or similar to the name of a trademark used in the Republic of South Africa on the same or similar agricultural product(s): Provided that the Executive Officer may register a claim that is identical or similar to a trademark if --

(i) the owner of the trademark has consented to its registration as a claim; or

(ii) he or she has considered that the proposed claim may co-exist with the trademark, taking into account at least the following factors:

(aa) the proposed claim history of use in good faith in the Republic of South Africa; and

(bb) the legitimate interests of the owner of the trademark and third parties;

(iii) notwithstanding provisions of subparagraph (i) and (ii) the use of a trademark identical or similar to the management control system shall comply with the protocols under the said management control system.

(2) An application referred to in sub-regulation (1) shall at least include the information specified below:

(a) The following information regarding the applicant:

(i) name of the applicant and contact details (i.e. physical address, e-mail address, and cellular phone/telephone number).

(ii) details about the applicant's business interests.

(b) The proposed management control system to be registered shall be in English.

(c) Proof that the proposed management control system and incidental claim/s thereof –

(i) is distinctively associated with a method of production;

(ii) does not correspond with the customary name of a plant variety or an animal breed that is likely to mislead the consumer as to the true claim for a method of production associated with the sale and/or export of certain agricultural products; and

(iii) subject to regulation 4(1)(f), the claim is not identical or similar to the name of a trademark used in the Republic of South Africa on the same or similar agricultural products.

(d) The following specifications regarding the agricultural product:

(i) The type of agricultural product.

(ii) A description of the agricultural product's main physical, chemical, microbiological, and organoleptic (where applicable) characteristics: Provided that existing quality or compositional requirements prescribed in the regulations published under the Act for the agricultural product concerned shall be always taken into consideration.

(iii) A detailed description of a protocol associated with a management control

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system.

(iv) Proof that the agricultural product is produced according to protocol associated with a management control system which shall include the history of the product and its traceability.

(e) A definition of a management control system concerned.

(3) An application referred to in sub-regulation (1) may in addition also include the following information:

(a) Specific elements about the labelling or rules regarding the use of the claim of the proposed method of production: Provided that the existing labeling requirements and restrictions prescribed in the regulations published under the Act for the agricultural product concerned shall still be complied with.

(b) Specific elements of the packaging, where the applicant can justify that the packaging is necessary to ensure product quality and guarantee traceability or control.

(c) A description of production, processing, and handling practices.

(d) A description of cleaning, disinfection, and sanitizing practices.

(e) A detailed list of prohibited substances and or practices.

(4) The applicant for a management control system registration shall provide a summary of the critical elements that will be used by the assignee for the management control system concerned to verify compliance during auditing.

Date of application for registration and priority

5. (1) In terms of regulation 4, the date of application for the registration of a management control system by the applicant shall be regarded as the date upon which the Executive Officer receives the first application.

(2) The first application received by the Executive Officer for the registration of a management control system shall have priority over any subsequent application for registration of a management control system --

(a) in respect of the same agricultural product; and

(b) having the same or similar management control system.

Processing of applications received and verification of information

6. (1) Upon receipt of an application for registration of a management control system, the Executive Officer shall within a period not exceeding sixty (60) days from the date of application evaluate the information submitted in terms of regulation 4(2) to determine whether the following conditions have been met:

(a) All the required information has been included in the application.

(b) The proposed management control system is not excluded from registration under the restrictions set out in regulation 4(1).

(c) The proposed application meets the definition of 'management control system' in regulation 1.

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(2) The Executive Officer may --

(a) correct any error of translation, or any obvious spelling error observed in the application filed with him or her, and shall notify the applicant that applied in writing to remedy the same;

(b) where deemed necessary, request the applicant that applied in writing to submit additional information: Provided that any request and subsequent submission shall be done within a reasonable time and the process completed within the sixty (60) days period specified in sub-regulation (1);

(c) in the case where an application for registration of a management control system was received visit the Food Business Operator to confirm that the information submitted is true and complete within the period specified in sub-regulation (1); and

(d) consult persons with specialized knowledge and experience about any matter relating to the application received within the period specified in sub-regulation (1).

Notice of registration and invitation for objections

7. (1) Once the Executive Officer is satisfied that all the conditions of regulation 6(1) have been met, where necessary the additional information requested in regulation 6(2)(b) has been submitted, and the information submitted is true and complete, he or she shall publish a Notice in the Government Gazette to --

(a) inform all interested parties of his or her intention to register the management control system;

(b) inform all interested parties that information regarding the most important elements of the protocols and its linkage to the management control system concerned is available on request; and

(c) invite any written objections to the proposed registration of the management control system.

(2) The time allowed for objections referred to in sub-regulation 1(c) shall not exceed sixty (60) days from the date of publication of such Notice in the Government Gazette: Provided that any interested party may request the Executive Officer in writing, which shall be duly motivated, to consider an extension of the time allowed for a period not exceeding thirty (30) days.

Objection to the registration of the management control system

8. (1) Any applicant asserting a legitimate interest in the management control system may, within the period allowed for under regulation 7(2), give written notice of an objection to the registration on any of the following grounds:

(a) The proposed application does not meet the definition of 'management control system' in regulation 1.

(b) The proposed minimum protocols are inadequate or impractical for the defined management control system area concerned.

(c) The proposed name would conflict with a trademark, or a wholly or partially homonymous name in use.

(2) Any grounds for objection referred to in sub-regulation (1) shall be accompanied by the necessary scientific or any other supporting evidence.

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(3) The Executive Officer shall --

(a) upon receipt of the objection, inform the applicant in writing who in turn shall, within a period not exceeding thirty (30) days, furnish the Executive Officer with a counterstatement of the grounds on which the applicant relies for the application;

(b) upon receipt of the counterstatement referred to in paragraph (a) furnish the objector with a copy thereof; and

(c) if so requested, allow both the applicant who applied and the objector to be heard.

(4) If deemed necessary, the Executive Officer may consult persons with specialized knowledge and experience about any matter relating to the objection received to the registration of the management control system.

(5) The Executive Officer shall, after considering all information, counterstatements, arguments, and any other relevant information presented to him or her, decide within a period not exceeding thirty (30) days whether to reject or register the management control system.

Rejection of application for the registration of a management control system

9. The Executive Officer shall reject an application for registration of the management control system, if --

(a) the additional information requested in terms of regulation 6(2)(b) was not submitted, or only submitted after the sixty (60) days period had lapsed;

(b) no counterstatement was received within the prescribed period referred to in regulation 9(3)(a); or

(c) the application for registration has been opposed and the objection has not been resolved in favour of the applicant that applied.

Registration of a management control system

10. (1) The Executive Officer shall register a management control system, –

(a) if the application for registration has not been opposed within the period allowed for under regulation 7(2); or

(b) if the application for registration has been opposed, but the objection has been resolved, the registration will be progressed with; and

(c) by entering the name in a Register.

(2) Once a management control system has been registered in terms of sub-regulation (1), the Executive Officer shall --

(a) shall inform the applicant in writing of the registration; or

(b) publish a Notice in the Government Gazette of such registration.

Keeping a Register of all management control systems

11. (1) The Executive Officer shall establish and maintain a Register of all management control systems in terms of regulation 10.

(2) The Register shall contain at least the following information:

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(a) The name of the registered management control system.

(b) The type of agricultural product.

(c) The specifications or a summary of the critical elements of control (i.e. minimum specifications and any other information deemed necessary) that will be used to verify compliance during auditing.

(d) The Executive Officer or a name of the assignee concerned who will verify compliance of a registered management control system.

(e) The date of registration.

(3) The Register shall be open for inspection to the public on the Department's website.

(4) The Executive Officer may correct any obvious error in, or omission from, the Register.

Cancellation of a management control system

12. The Executive Officer shall cancel the use of a registered management control system in instances where the registered management control system is no longer in use.

Disqualification of an applicant from using a registered management control system

13. (1) If it is established during auditing referred to in regulation 16(1) that compliance with the specifications of the registered management control system is not complied with.

(2) The Executive Officer shall, in instances where the disqualified applicant of a registered management control system is done, remove the details of the applicant from the record.

Labelling of certain agricultural products derived from a registered management control system

14. A claim associated with a method of production may be indicated as part of or close to the product name of an agricultural product benefiting from such a registered management control system, as well as in the labelling, presentation, and advertising relating to that agricultural product: Provided that the following conditions are met:

(1) The agricultural product in question should not contain any other 'comparable ingredient', i.e. any other ingredient which may partially or replace the ingredient benefiting from the registered management control system: Provided that if an ingredient comparable to a registered management control system has been incorporated in an agricultural product, the registered management control system may appear in the list of ingredients only.

(2) Where possible, the ingredient should preferably be used in sufficient quantities to impart an essential characteristic to the agricultural product concerned.

(3) Any emphasis regarding the presence of the ingredient should be subject to the requirements on Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics, and Disinfects Act, 1972 (Act No. 54 of 1972). (Optional)

(4) Imported agricultural products bearing any claim to a method of production shall be permitted entry into the Republic of South Africa on conditions that requisite attestations accompany a consignment of such agricultural product.

Agricultural products that fail to meet the specifications of a management control system

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15. (1) An agricultural product that fails to meet the requirements for the use of a registered management control system, but which has been legally presented for sale (marketed) under such name for at least five (5) years before the publication of a Notice of application for registration in the Government Gazette, may continue to be --

(a) produced, packaged, and labelled under such management control system for a period not exceeding two (2) years following the afore-mentioned publication; and

(b) presented for sale (marketed) for a period not exceeding three (3) years following the aforementioned publication.

(2) Any person requesting an amendment to a registered management control system shall apply in the manner as prescribed in regulation 4.

Auditing of a registered management control system

16. (1) All applicants using a registered management control system shall be subject to auditing by the assignee to establish compliance with the critical elements of control (i.e., minimum specifications and any other information deemed necessary) submitted in terms of regulation 4(2)(d).

(2) The auditing referred to in sub-regulation (1), shall be conducted --

(a) at least twice during a calendar year for which the management control system was registered; and

(b) at the expense of each applicant and by the fee(s) determined by the assignee concerned for such auditing.

(3) The assignee shall, within a period not exceeding thirty (30) days of completing auditing, submit a final report of its findings in writing to the Executive Officer and the applicant.

(4) If during auditing it is found that an applicant does not meet the specifications of a registered management control system concerned, the applicant shall --

(a) cease using the registered management control system on the particular agricultural product;

(b) introduce the remedial measures necessary to ensure compliance with the registered management control system; and

(c) be subject to a follow-up auditing by the assignee concerned to confirm compliance before being allowed to use the registered management control system again.

(5) The Executive Officer or assignee concerned shall during the course and scope of exercising their mandate in the trade for the agricultural product(s) --

(a) ensure that all registered management control systems enjoy the scope of protection as set out in regulations 3(1) and (2); and

(b) take the appropriate action against any transgressions found as permitted under the Act.

Requirements for the designation of an assignee

17. (1) The assignee shall –

(a) have an organizational structure that enables it to maintain the capability to exercise the mandate conferred to it;

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(b) have a sufficient number of competent, designated permanent personnel with the necessary expertise to carry out its assigned functions;

(c) not have direct or indirect interest in the product(s) it is responsible for;

(d) ensure that all its rendered services are undertaken impartially;

(e) ensure confidentiality of information obtained in the course and scope of its activities;

(f) have access to adequate, suitable facilities and equipment required for rendering its service;

(g) use prescribed methods and procedures in exercising its function;

(h) have and maintain sound financial administration;

(i) have an annual business plan and budget setting out the powers and duties to be exercised and performed and the expected costs associated therewith; and.

(j) maintain a record-keeping system to suit its circumstances and to ensure the confidentiality of its clients.

Offences and penalties

18. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence, and upon conviction be liable to a fine not exceeding the amount prescribed under the Adjustment of Fines Act, 1991 (Act No. 101 of 1991), or to imprisonment for a period not exceeding the time set out in section 11(2) of the Act, or to both such fine and imprisonment.

Commencement

19. These regulations shall come into operation 12 months after the date of publication.

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4852 **24 May 2024**

LABOUR RELATIONS ACT, 1995

CANCELLATION OF NOTICE

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION

The Government Notice No. R. 4814 appearing in *Government Gazette* No. 50646 of 10 May 2024 is hereby published for general information:

The Notice is hereby cancelled:

DEPARTMENT OF EMPLOYMENT AND LABOUR

R. 4814 **10 May 2024**

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION

I, Mongwadi Mary Ngwetjana, Deputy Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **South African Furniture & Allied Workers Union (SAFAWU)(LR2/6/2/1895)** for the following reasons:

- The organisation failed to comply with the provisions of section 98, 99 and 100 of the Act, and
- The organisation ceased to function in terms of its constitution

This Office is of the view that the trade union ceased to function as a genuine trade union as envisaged in the LRA.

The organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2024/77.**

Written representations must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – email address: registrar.labourrelations@labour.gov.za ; ; mary.ngwetjana@labour.gov.za], within 60 days of the date of this notice.

MM NGWETJANA
DEPUTY REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4853 **24 May 2024**

LABOUR RELATIONS ACT, 1995

CANCELLATION OF REGISTRATION OF A BARGAINING COUNCIL

I, Lehlohonolo Molefe, Registrar of Labour Relations, hereby, in terms of section 61(3) give notice of my intention to cancel the registration of the **Bargaining Council for the Furniture Manufacturing Industry of the Eastern Cape (LR2/6/6/34)** as I am of the opinion that -

- The Council has ceased to be representative in terms of the provisions of the relevant Part for a period longer than 90 days prior to the date of notice

The Council and any interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2024/35**

Objections must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – email: registrar.labourrelations@labour.gov.za ; mary.ngwetjana@labour.gov.za], within 60 days of the date of this notice.



REGISTRAR OF LABOUR RELATIONS

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