

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

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PART 1 OF 3

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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**

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

Closing times for **ORDINARY WEEKLY** *GOVERNMENT GAZETTE* 2025

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

- **24 December,** Wednesday for the issue of Friday **03 January 2025**
- **03 January,** Friday for the issue of Friday **10 January 2025**
- **10 January,** Friday for the issue of Friday **17 January 2025**
- **17 January,** Friday for the issue of Friday **24 January 2025**
- **24 January,** Friday for the issue of Friday **31 January 2025**
- **31 January,** Friday for the issue of Friday **07 February 2025**
- **07 February,** Friday for the issue of Friday **14 February 2025**
- **14 February,** Friday for the issue of Friday **21 February 2025**
- **21 February,** Friday for the issue of Friday **28 February 2025**
- **28 February,** Friday for the issue of Friday **07 March 2025**
- **07 March,** Friday for the issue of Friday **14 March 2025**
- **13 March,** Thursday for the issue of Thursday **20 March 2025**
- **20 March,** Thursday for the issue of Friday **28 March 2025**
- **28 March,** Friday for the issue of Friday **04 April 2025**
- **04 April,** Friday for the issue of Friday **11 April 2025**
- **10 April,** Thursday for the issue of Thursday **17 April 2025**
- **16 April,** Wednesday for the issue of Friday **25 April 2025**
- **23 April,** Wednesday for the issue of Friday **02 May 2025**
- **02 May,** Friday for the issue of Friday **09 May 2025**
- **09 May,** Friday for the issue of Friday **16 May 2025**
- **16 May,** Friday for the issue of Friday **23 May 2025**
- **23 May,** Friday for the issue of Friday **30 May 2025**
- **30 May,** Friday for the issue of Friday **06 June 2025**
- **06 June,** Friday for the issue of Friday **13 June 2025**
- **12 June,** Thursday for the issue of Friday **20 June 2025**
- **20 June,** Friday for the issue of Friday **27 June 2025**
- **27 June,** Friday for the issue of Friday **04 July 2025**
- **04 July,** Friday for the issue of Friday **11 July 2025**
- **11 July,** Friday for the issue of Friday **18 July 2025**
- **18 July,** Friday for the issue of Friday **25 July 2025**
- **25 July,** Friday for the issue of Friday **01 August 2025**
- **01 August,** Friday for the issue of Friday **08 August 2025**
- **08 August,** Friday for the issue of Friday **15 August 2025**
- **15 August,** Friday for the issue of Friday **22 August 2025**
- **22 August,** Friday for the issue of Friday **29 August 2025**
- **29 August,** Friday for the issue of Friday **05 September 2025**
- **05 September,** Friday for the issue of Friday **12 September 2025**
- **12 September,** Friday for the issue of Friday **19 September 2025**
- **18 September,** Thursday for the issue of Friday **26 September 2025**
- **26 September,** Friday for the issue of Friday **03 October 2025**
- **03 October,** Friday for the issue of Friday **10 October 2025**
- **10 October,** Friday for the issue of Friday **17 October 2025**
- **17 October,** Friday for the issue of Friday **24 October 2025**
- **24 October,** Friday for the issue of Friday **31 October 2025**
- **31 October,** Friday for the issue of Friday **07 November 2025**
- **07 November,** Friday for the issue of Friday **14 November 2025**
- **14 November,** Friday for the issue of Friday **21 November 2025**
- **21 November,** Friday for the issue of Friday **28 November 2025**
- **28 November,** Friday for the issue of Friday **5 December 2025**
- **05 December,** Friday for the issue of Friday **12 December 2025**
- **11 December,** Thursday for the issue of Friday **19 December 2025**
- **17 December,** Wednesday for the issue of Wednesday **24 December 2025**

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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.

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5794 **31 January 2025**

AMENDING GOPVERNMENT NOTICE NO : 1266 OF 2007 IN THE GOVERNMENT GAZETTE NO 30355 DATED 12 OCTOBER 2007

AMENDMENT NOTICE INTERMS OF SECTION11A(4) OF THE RESTITUTION OF LAND RIGHTS ACT 1994[Act 22of 1994] AS AMENDED

Notice is hereby given in terms of **Section 11A[4] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that the Commissioner for Restitution of Land Rights is amending the said Gazette Notice due to the fact that the Rem Ext of Portion 5 and Rem Ext of Portion 6 of the farm Vlakfontein 266 IT should indicate the exact extent claimed by the Hlophe family on the family land claim lodged by Mr. Themba Saul Hlophe **[ID No. 550419 5246 081]** on behalf of the family on the property mentioned hereunder situated in **Msukaligwa Local Municipality , Gert Sibande District Municipality in the Mpumalanga Province: [KRP: 10301 and 10167]**

CURRENT PARTICULARS OF THE PROPERTIES

Vlakfontein 266 IT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of Portion 5 of the Farm Vlakfontein 266 IT	P.J RANDELL TRUST 1499 of 1989	T11100/2010	171.1208 ha 6.7052 ha **extent claimed 6.7052 ha**	None	None	K 1068/1990RM K1474/1992S IN FAVOUR OF GRANT EMILY ANN K3415/1994RM K535/11964 VA8929/2002
The Remaining Extent of Portion 6 of the Farm Vlakfontein 266 IT	P.J RANDELL TRUST 1499 of 1989	T11100/2010	272.4560 ha **6.8015 ha extent claimed**	None	None	K 1068/1990RM K1165/1986S K1474/1992S IN FAVOUR OF GRANT EMILY ANN K3415/1994RM K524/1983S VA8929/2002
			Total Affected Land claimed on both Portions is:**13.5067 ha**			

AMENDING GOVERNMENT NOTICE NO : 1266 OF 2007 IN THE GOVERNMENT GAZETTE NO 30355 DATED 12 OCTOBER 2007

AMENDMENT NOTICE INTERMS OF SECTION11A(4) OF THE RESTITUTION OF LAND RIGHTS ACT 1994[Act 22of 1994] AS AMENDED

Notice is hereby given in terms of **Section 11A[4] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that the Commissioner for Restitution of Land Rights is amending the said Gazette Notice due to the fact that the Rem Ext of Portion 5 and Rem Ext of Portion 6 of the farm Vlakfontein 266 IT should indicate the exact extent claimed by the Hlophe family on the family land claim lodged by Mr. Themba Saul Hlophe **[ID No. 550419 5246 081]** on behalf of the family on the property mentioned hereunder situated in **Msukaligwa Local Municipality , Gert Sibande District Municipality in the Mpumalanga Province: [KRP: 10301 and 10167]**

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

Commissioner for Restitution of Land Rights
Private Bag X 11330
Nelspruit
1200
TEL NO: 013 756 6000



MR. L. H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 16-01-2025

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

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5795 **31 January 2025**

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

Notice is hereby given in terms of **Section 11(1) of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a land claim for **Restitution of Land Rights** has been lodged by the late **Mr. Lapson Mbuti Nkosi Nkosi [ID No. 590930 5427 087]** on behalf of the **Nkosi family** on the property mentioned hereunder situated in the **Mkhonto Local Municipality, Gert Sibande District in the Mpumalanga Province: [KRP: 1723]**

CURRENT PARTICULARS OF THE PROPERTY

EDINBURGH 439 IT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of the farm 439 IT	Beukes Nicolaas Cornelis [3802135014088]	T28542/1998	63.08658ha	None	None	I-2040/976MIN-4567/13 K2019/1977 K264/1982S K2899/1974 in favour of Crevd Norman Bodo
Portion 2	Kriel trust [977/1995	T21402/1996	12.50951ha	None	None	K2953/1976S K894/1982S

The affected hectares on the Remaining Extent and Portion 2 measures 22.7674ha in total extent of the claimed land.

Notice is hereby given in terms of **Section 11 [1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a land claim for **Restitution of Land Rights** has been lodged by the late **Mr. Lapson Mbuti Nkosi Nkosi [ID No. 590930 5427 087]** on behalf of the **Nkosi family** on the property mentioned hereunder situated in the **Mkhonto Local Municipality, Gert Sibande District in the Mpumalanga Province: [KRP: 1723]**

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

Commissioner for Restitution of Land Rights
Private Bag X 11330
Nelspruit
1200

Or

30 Samora Machel Drive
Restitution House
Nelspruit
1200
TEL NO: 013 756 6000
FAX NO: 013 752 3859

MR. L. H .MAPHUTHA
COMMISSIONER FOR RESTITUTION OF LAND RIGHTS
DATE: 03/06/2024

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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5796 **31 January 2025**

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

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a land claims for **Restitution of Land Rights** has been lodged by the late Mr. Memo Dee Khumbula **(Identity Number No 280618 5122 080)** on behalf **of himself** on the property mentioned hereunder situated in **the City of Mbombela Municipality under Ehlanzeni District Municipality in the Mpumalanga Province as per reference KRP's: 6292**

CURRENT PARTICULARS OF THE PROPERTY

ABEK 6 JU

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 15	BIG 5 MAC PTY LTD [2013232863O7]	T16209/2018	21.4133ha	B6906/2021	NEDBANK LTD	K6862/2007S

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

Commissioner for Restitution of Land Rights
Private Bag X11330
Nelspruit
1200

MR L H MAPHUTHA
THE REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 2024/08/08

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5797 **31 January 2025**

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) (c) of the Restitution of Land Rights Act, No. 22 of 1994 as amended**, that claim for **Restitution of Land Rights** have been lodged by the Late Mr. **Msanyana Johannes Skosana ID No. 300117 5213 086** on behalf of the Skosana Family on the property mentioned hereunder in the Steve Tshwete Local Municipality, Nkangala district in Mpumalanga Province: KRP 1352

CURRENT PARTICULARS OF THE CLAIMANT AND PROPERTY
MOOIWATER 247 JS

PROPERTY DESCRIPTION	CURRENT LANDOWNER	TITLE DEED NUMBER	EXTENT	BONDS	BOND HOLDER	OTHER ENDORSEMENTS
The Remaining Extent of the farm 247 JS	Trippel PK Bellegings Pty Ltd [2006011847O7]	T1208/2013	652.5504 hectares	None	None	• I-1961/2016C • K1760/1975S • K5539/2001RM in favour of Anglo Operations Pty Ltd

NB: affected hectares (112.8198)

The Regional Land Claims Commissioner: Mpumalanga Province and that the Commission on Restitution of Land Rights will investigate the claims in terms of the provisions of the Act in due course. Any interested person who has an interest in the above-mentioned land claims is hereby invited to submit, within ninety (90) working days from the publication any comments/information to:

Chief Directorate: Land Restitution Support Mpumalanga Province
Private Bag X7201
Witbank
1035

OR

Shop E08 Saveways Crescent Centre
Cnr Mandela Drive and O. R. Tambo Street, Witbank, 1035
Tel: (013) 655-1000
Fax: (013) 690-2438

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

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5798 **31 January 2025**

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

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a land claims for **Restitution of Land Rights** has been lodged by the late Mrs Lephadishang Rosy Mokwena with **ID No. 090530 0066 081** on behalf **Mokwena Family** on the property mentioned hereunder situated in **the City of Municipality under Ehlanzeni District Municipality in the Mpumalanga Province as per reference KRP's: 2019**

CURRENT PARTICULARS OF THE PROPERTY

DIP 108 JU

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 0	BASSON PROP INV PTY LTD	T10451/2019	26816 H	None	None	K1857/1992S K3879/1988S
Portion 1	EURITA PROP CC	T87337/1993	34394 H	B126428/2004	ABSA BANK LTD	K1814/1987S K2656/1990S
Portion 2	GLAD TIDINGS MBOMBELA N P C	T10717/2021	17167 H	None	None	K3947/1986S K655/2016S
Portion 3	DECADE PROP PTY LTD	T86303/1997	308352 H	None	None	K3736/1986S K944/1955S
Portion 4	PAARLKLIP TRADING CC	T1358/2019	42827 H	None	None	None
Portion 6	GWALA FAMILY TRUST	T8243/2016	41161 H	None	None	None
Portion 8	GREEFF NICOLENE	T84393/2006	44487 H	B3108/2007 B4330/2014	SB GUARANTEE COMPANY (PTY) LTD STANDARD BANK OF	None

				B93687/2007	SOUTH AFRICA LTD SB GUARANTEE COMPANY (PTY) LTD	
Portion 9	NDLOVU MOSES SHADRACK	T596/2022	**17667 H**	B388/2022	SB GUARANTEE COMPANY (PTY) LTD	K441/2021S K655/2016S
Portion 10	NTANDOYENKOSI PROP INV PTY LTD	T11304/2022	**15747 H**	B5922/2022	ABSA HOME LOANS GUARANTEE CO (RF) (PTY) LTD	K441/2021S K654/2016S K654/2016S
Portion 11	MALOPENI FAMILY TRUST	T13394/2016	**17632 H**	None	None	K655/2016S K654/2016S
Portion 12	MALOPENI FAMILY TRUST	T13487/2016	**17440 H**	None	None	None
Portion 13	BASSON PROP INV PTY LTD	T15254/2018	**29386 H**	None	None	None
Portion 14	BASSON EIENDOMME CC	T84391/2006	**33670 H**	None	None	K4853/2006S
Portion 15	BEKKER JACOBUS	T84394/2006	**35622 H**	None	None	None
Portion 16	C Y C TRUST	T5474/2021	**10946 H**	None	None	None
Portion 17	BASSON PROP INV PTY LTD	T15661/2018	**10927 H**	None	None	None

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

Commissioner for Restitution of Land Rights
Private Bag X11330
Nelspruit
1200
Or 30 Samora Machel Drive
Nelspruit
1200
Tel No: 013 756 6000
Fax No: 013 752 3859

CHECKED BY: MR N TLOU
CHIEF RESTITUTION ADVISOR
DATE:



MR L H MAPHUTHA
THE REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 03.06.2024

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DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 5799 **31 January 2025**

NOTICE IN TERMS OF SECTION 62 (7) OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED)

PLEASE TAKE NOTICE THAT:-

Powder Metallurgy (Pty) Ltd is a company operating primarily in the automotive industry. It has been registered with the Motor Industry Bargaining Council (MIBCO) since 2023, having purchased all the automotive assets which served 93% of automotive clients from a company known as Centred Metal Products which was liquidated when Gabriels South Africa, an automotive client, closed abruptly. Centred Metal Products had been registered with the Metal and Engineering Industries Bargaining Council (MEIBC).

As at 08 November 2024 it is situated in Bellville-South, Cape Town, Western Cape province; and it employs seventeen (17) employees. Seven of the employees are members of the union UASA while ten perform administrative functions.

UASA obo of its members has applied to the Commission for Conciliation, Mediation and Arbitration ("the CCMA") in terms section 62(1) of the Labour Relations Act for a demarcation order to the effect that the company falls under the jurisdiction and jurisdiction of the MEIBC. Powder Metallurgy (Pty) Ltd and MIBCO do not support this view. Powder Metallurgy (Pty) Ltd also claims that their strategy and assets are aligned with MIBCO.

The CCMA believes that the questions raised by this demarcation dispute are potentially of wider application in that there may be other parties who have an interest in this dispute, and those parties may well be affected by the outcome of this application. Such entities should have the right to make representations to the CCMA. The CCMA therefore invites written representations in relation to the issue in dispute by any interested party.

Written representations may be made within 21 calendar days of the date of publication of this notice, and should be clearly marked with reference number **WECT 16094 - 24** and directed to:-

Ms Winifred Cupido
Tel: +27 21 469 0154
Email: WinifredC@CCMA.org.za
Hand-delivered: 6th Floor,
CCMA House
78 Darling Street,
Cape Town
8001

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 5800 **31 January 2025**

HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)

NOTICE PUBLISHED IN TERMS OF REGULATION 18(1) OF THE REGULATIONS FOR THE REGISTRATION OF PRIVATE HIGHER EDUCATION INSTITUTIONS, 2016 READ WITH SECTIONS 62(1) AND 63(a) AND (b) OF THE HIGHER EDUCATION ACT, 1997: PUBLICATION OF CANCELLATION OF THE REGISTRATION OF THE SOUTH AFRICAN INSTITUTE FOR HERITAGE SCIENCE (PTY) LTD AS A PRIVATE HIGHER EDUCATION INSTITUTION

I, Dr Nkosinathi Sishi, Director-General of the Department of Higher Education and Training and the Registrar of Private Higher Education Institutions, in terms of Regulation 18 (1) of the Regulations for the Registration of Private Higher Education Institutions, 2016 (the Regulations) read with sections 62(1) and 63(a) and (b) of the Higher Education Act, 1997 (Act No. 101 of 1997) (the Act), hereby publish the decision to cancel the registration of The South African Institute for Heritage Science (Pty) Ltd as a private higher education institution, by Notice, since the Institution has voluntarily ceased to provide higher education as contemplated in the Act read with the Regulations and initiated the cancellation of the Institution's registration.

Dr N Sishi
Director-General: Higher Education and Training
Date: 10/11/2024

DEPARTMENT OF HUMAN SETTLEMENTS

NO. 5801 **31 January 2025**

GOVERNMENT NOTICE FOR THE PUBLICATION OF 2024 WHITE PAPER FOR HUMAN SETTLEMENTS

1. On 29 November 2023 the Cabinet approved the publication of the draft White Paper for Human Settlements in the government Gazette for public comment.
2. The White Paper for Human Settlements was then published in the government Gazette, No. 49895, Vol. 702, 2024 with 31 January as the closing date for the submission of public comments.
3. On 24 January 2024 the Minister of Human Settlements approved the extension of public comments submission from 31 January 2024 to 28 February 2024 following requests from various organisations and stakeholders.
4. The draft White Paper for Human Settlements was subsequently published in the government Gazette, No. 50205, Vol. 704, 2024 with 28 February as the closing date for the submission of public comments.
5. This was on the basis that the Department considers public consultations as key feature of an effective policy development process as they provide an opportunity for stakeholders and strategic partners to engage openly and robustly.
6. The White Paper was also accessible through platforms and channels, i.e. DHS website, Urban Knowledge Exchange of South Africa, Dear SA, Twitter, Facebook as well as WhatsApp and hard copies were available at the DHS Offices.
7. The 2024 White Paper for Human Settlements is an outcome of an inclusive public participation which sought to maximise collective efforts and expansive participation.
8. The consultations included Civil Society groups, namely, the Development Action Group, Isandla Institute, Women Stakeholders representing various Organizations; South African Local Government Association, Academic Institutions, sector departments which include the National Treasury, Cooperative Governance and Traditional Affairs Mineral Resources and Energy, Social Development; Agriculture, Land Reform and Rural

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Development; Forestry and Fisheries, Science and Innovation; Water and Sanitation; Public Works and Infrastructure; Higher Education and Training; Basic Education and Environmental Affairs and Statistics South Africa.

9. Consultative Workshop was also hosted with the National Policy and Research Task Team (NPRTT) mainly comprising of middle and senior officials from Provinces, Metropolitan Municipalities, SALGA, Chapter Nine Institutions, Entities, Government Departments.
10. The White Paper was also approved by the TWG-SPCHD and FOSAD-SPCHD following Human Settlements Technical MinMec and MinMec approval.
11. The White Paper was also granted SEIAS Final Phase certification by Presidency allowing the Department to proceed with the submission of the Draft White Paper on Human Settlements to Cabinet.
12. The National Department of Human Settlements had considered stakeholder's inputs, comments, and advisory notes by classifying, examining, and cross-referencing them accordingly with the intent of enriching the White Paper policy.
13. Cabinet approved the 2024 White Paper on Human Settlements on Wednesday, 04 December 2024.
14. Accordingly, the 2024 White Paper for Human Settlements has now fulfilled all the required procedural guidelines and statutory requirements.
15. I would like to take this opportunity to thank all the stakeholders and partners for their invaluable contribution to this significant policy development process aimed towards the enabling the delivery of human settlements in South Africa.



MS T. SIMELANE (MP)
MINISTER OF HUMAN SETTLEMENTS
DATE: 13/01/2025

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human settlements

Department:
Human Settlements
REPUBLIC OF SOUTH AFRICA

WHITE PAPER

FOR

HUMAN SETTLEMENTS

December 2024

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FOREWORD BY THE MINISTER

The Freedom Charter adopted by the Congress of the People in Kliptown on 26 June 1955 advocated that there shall be houses, security and comfort. All people shall have the right to live where they choose, be decently settled, and to bring up their families in comfort and security. The elderly, the orphans, the disabled and the sick shall be the priority of the state. Rest leisure and recreation shall be the right of all. Fenced locations and ghettoes shall be abolished and laws which break up families shall be repealed.

Accordingly, the 1996 South African Constitution codified what had been envisioned in the Freedom Charter which states that: "**There Shall be Houses, Security and Comfort**!". Adjoining this, the Constitution states in Section 26 that: "(1) Everyone has the right to have access to adequate housing, (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right". The 1994 Housing White Paper, which was preceded by the work done by the then National Housing Forum, and the consensus reached at the 1994 National Housing Summit in Botshabelo, has been the policy framework that has guided the fulfilment of Section 26 of the Constitution.

Thirty years later after the adoption of the 1994 White Paper on Housing, South Africa requires an updated policy framework focusing on human settlements primarily for three reasons: Firstly, the new White Paper is necessary in recognition of the fact that despite the significant progress made in the provision of shelter to poor and vulnerable South Africans, there are still numerous citizens who do not have access to adequate housing or housing opportunities. Secondly, the apartheid spatial development which was premised on the exclusion of the majority from sustainable human settlements and promotion of inequality remains entrenched in South Africa's landscape. Thus far, state interventions have been unsuccessful to realise achievement of a more equitable distribution of urban residential land, and in many cases have exacerbated these spatial inequality patterns. Resultant to this is that majority of poor households have poor access to social amenities such as transport, education and health, thus resulting in an uneven and skewed distribution of land for low-cost housing. Thirdly, various investigations, research, reviews and evaluations on human settlements policy and programmes have identified numerous shortcomings related to gaps in policy and programme implementation. This is attributable to significant shifts in societal needs that require an updated, innovative and responsive policy environment. These shifts include, population growth, rapid urbanisation, the emergence of innovative technology, climate change and changing human settlements demand patterns.

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This White Paper is therefore a product of extensive consultive process which included the public and private sectors, civil society, academia, and communities. Central to the new White Paper, is the development of a policy and legislative framework for the development of Integrated and Sustainable Human Settlements, with a vision to provide housing, safety, and comfort for all, with emphasis on vulnerable, poor and missing middle of our society. This Policy anchors that the development of sustainable human settlements is a spatial assertion premised on the integration of (four) 4 key elements: namely, physical elements (infrastructure, services, and housing); land use patterns; operational and governance relations; and socio-economic patterns.

The realisation of this endeavour is preceded by available and favourable fiscal arrangements. Since its inception the National Housing Subsidy Scheme has been crucial in offering affordable housing to eligible low- and middle-income households in South Africa. Critical to the implementation of human settlements programmes is the provision of subsidies, referred to as the subsidy quantum, to low-and middle-income households, facilitating channels for home purchase, rental, or construction and provision of socio-economic amenities.

The implementation of the proposals contained in this 2024 White Paper for Human Settlements will be made possible by harnessing the skills, resources, and energy that the nation has in abundance, as well as strengthening of intergovernmental collaboration. To ensure efficiency and effectiveness of its reform measures and implementation, there must be an ongoing review of our grant funding frameworks, subsidy instruments and Human Settlements Department institutional structure. As a sector, we endeavour to embrace novelty in our planning and delivery system approaches and innovativeness without which the sector performance indicators will be rendered ineffective and unsustainable.

_____

T. Simelane, MP
Minister of Human Settlements
Date:

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EXECUTIVE SUMMARY

The purpose of the 2024 White Paper for Human Settlements is to set a long-term policy direction for the South African government to create an enabling environment for the development of integrated and sustainable human settlements. It focuses on the whole-of-society approach which includes the relevant government agencies (e.g., national, provincial department, and local authorities), public sector entities (e.g., HDA, NHBRC). The private sector (e.g., real estate developers, financial institutions), civil society organisations (e.g., NGOs focusing on housing and urban development and environmental issues), academic and research institutions, international organisations (e.g., UN-Habitat, AfDB). The professional bodies (e.g. Councils under the Council for the Built Environment, South African Council for Planners and other Statutory and Non-Statutory bodies), local communities and residents, as well as media and communication entities.~~to~~ This is to advocate for the creation of sustainable human settlements with a view to provide housing, safety, and comfort for all with an emphasis on vulnerable, poor and missing middle those households who earn too much to qualify for government-subsidised housing but not enough to afford market-rate housing in our society.

Thirty years later after the adoption of the 1994~~,~~ White Paper on Housing, South Africa requires a contemporary policy on human settlements development framework primarily for three reasons. Firstly, the revision of the White Paper is essential because apart from significant progress made in the provision of shelter to poor and vulnerable South Africans, there are still many South Africans who do not have access to adequate housing or housing opportunities. This recognises the fact that since 1994, government has provided about 5.2 million housing opportunities. This is substantiated by the Census Report 2022 which establishes that 82,4% of households have access to piped water inside their yards in 2022 as compared to 73,4% in 2011; 71% of households have access to flush toilets compared with 60% in 2011; 88,5% of households live in formal dwellings in 2022 compared with 77,6% in 2011; 94,7% of households now have access to electricity compared with 84,7% in 2011; and only 7,9% of households live in informal dwellings compared with 13,6% in 2011.

While the above progress is noted, there are still more than 3.4 million South Africans on the housing needs register which represents the backlog. Worth noting is that the rate at which government has been providing housing has rather been on the decline, which implies that it will take much longer to meet the housing demand, at the current rate of supply.

The human settlements backlog manifests itself through the rapid sprouting of informal settlements, poor quality of the physical environment, lack of access to social and economic amenities which are

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primarily affecting the urban areas and emergence of urban slums mainly in the form of dilapidated, overcrowded and hijacked inner-city buildings.

The unintended outcomes are poor promotion of spatial integration~~,~~ as envisaged in the policy, such developments have exacerbated inequality and spatial segregation by race and class. This therefore perpetuates the apartheid-era spatial construct that segregated black populations, denying them equal access to economic opportunities, housing, and essential services. To effect reforms and address comprehensively the challenges and opportunities outlined above, the White Paper for Human Settlements proposes several policy shifts.

Secondly, the apartheid spatial development remains entrenched in South Africa. This manifests through the structuring of cities, towns, and homelands along fragmented racial and ethnic lines have endured, with significant and lasting impacts on the current challenges facing human settlements and urban centres. To date, government interventions, considering the many competing yet equally important demands, such as providing universal access to healthcare and education, have made minimal achievement towards a more equitable distribution of urban residential land and this has exacerbated these patterns. The direct impact of these shortcomings is that majority of poor households still lack access to social amenities such as transport, education and health and there remains an uneven and skewed distribution of land for low-cost housing. Beyond the challenge of integrating the middle- and lower-income groups into sustainable human settlements, access to housing finance for the previously disadvantaged group remains one of the key challenges of enabling access to adequate housing. This is attributed to various factors ~~including~~ higher property prices, high level of indebtedness and limited supply of affordable housing stock. This by extension restricts access to certain geographic areas, while slowing down progress of reducing poverty and inequalities~~.~~

Thus, policy proposals articulated in this White Paper seek to advance the creation of spatially integrated communities that bring together all citizens regardless of class, gender, race and religion. Furthermore, the proposals seek to heed South Africa's government's call of the Constitutional injunction that says, "The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right [right to adequate housing]".

Lastly, various investigations, research, reviews and evaluations on human settlements policy and programmes have identified numerous shortcomings related to gaps in policy and programme implementation. Such demonstrates significant shifts in society that demand critical interventions and responsive policy. These shifts include, population growth, rapid urbanisation, migration patterns, the

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emergence of innovative technology, climate change and changing human settlements demand patterns.

While acknowledging the existence of the Breaking New Ground- Comprehensive Plan for the Development of Sustainable Human Settlements approved by Cabinet in 2004, the absence of a policy and legislative framework focusing human settlements remains a barrier ~~in~~ driving development of integrated and sustainable human settlements. With this consideration, the policies and programmes that guide the operation of the Department, are inconsistent with the aspect of delivering human settlements in South Africa are narrowly grounded on one aspect of human settlements, which is housing.

The absence of legislative directive of what constitutes human settlements, lack of role clarification, responsibility and accountability continue to hinder effective planning and development of human settlements. Moreover, lack of clarity in both the Comprehensive Plan, and subsequent 2009 Housing Code about what constitutes human settlements development and management as well as what performance variables are used to meet the intended outcomes most effectively. Resultant to this is absence of forward planning which often results in costly developments and uncoordinated development plans that exacerbate spatial inequalities.

The progressive realisation of the right of access to adequate housing as espoused in Section 26 of the Constitution is predicated on Government's obligation to demonstrate taking appropriate steps to ensure citizen's rights to adequate housing and to ensure continuous improvement of conditions through human settlements developments, while progressively promoting wider access to housing. Therefore, this White Paper for Human Settlements for the Republic of South Africa falls within the policy continuum that seeks to create an enabling environment for the development of integrated and sustainable human settlements.

This White Paper was developed within an era of range of complexities that have an impact on the speed and scale which human settlements are developed. These complexities range from external factors such as the impact of macro-economic trends and pandemics such as COVID -19; and within South Africa there are a range of factors that contributes to human settlements performance which includes the shrinking fiscus, unavailability and/or slow land release processes, rapid urbanisation, escalating costs of material, fiscal leakage and in some instances capacity constraints.
The development of this White Paper also recognised the importance of international benchmarks regarding housing subsidy schemes. Focusing on subsidies provided to the low-middle income earners to acquire a house in developing countries is key.

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Since 1994, a strong foundation has been established, upon which the ambitious proposals that are made in this White Paper will be implemented. To this end, in confirming the Constitutional mandate, this Policy asserts that the development of sustainable human settlements is a spatial assertion premised on the integration of 4 key elements: physical elements (infrastructure, services and housing); land use patterns; operational and governance relations; and socio-economic patterns. The realisation of this endeavour is preceded by available and conducive fiscal arrangements. Since its inception the National Housing Subsidy Scheme has been crucial in offering affordable housing to eligible low-middle income households in South Africa. Central to the implementation of programmes is the provision of subsidies, referred to as the subsidy quantum, to low-and middle-income households, facilitating avenues for home purchase, rental, or construction.

Government will continue with the subsidisation of human settlements, and this will be undertaken by reforming governance and institutional architecture to enable appropriate realisation of integrated and sustainable human settlements. The HSS will be refined on an ongoing basis according to the findings from emerging research, monitoring, and evaluation. Digitilisation of the human settlements value chain will be pursued and targeting of vulnerable households in particular women, older persons, persons living with disabilities, special groups, and other vulnerable groups, will be prioritised. Government will implement interventions to foreclose all opportunities for fraud and corruption. Government's subsidy investment will be coupled with mechanisms for the ongoing maintenance of this investment, particularly where beneficiaries are not financially capable of ensuring this themselves and where government investment is in the form of apartments buildings. Instruments towards improved approaches of blending state funding with private sector finance and savings to maximise the capacity for access to decent housing, particularly to the gap market are proposed. These include affordable rental, rent to own, and bonded units. Importantly, interventions are proposed that will ensure state-subsidised programmes contribute to sustainable and inclusive economic growth.

Government commits to adequate emergency responsiveness with well managed temporary facilities and a state-provided, -managed and -subsidised rental sector in suitable locations for carefully targeted households tying tenants to economic opportunities, as a strategy towards preventing homelessness. Moreover, there is acknowledgment and support mechanisms proposed for the entire rental housing sector.

In terms of priority policy interventions, Government will develop optimal institutional, technical, planning, tenure and procedural mechanisms for participatory and incremental informal settlement upgrading that will be implemented in-situ wherever possible.

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A focus on developing participatory, incremental, and in-situ mechanisms for the upgrading of temporary relocation areas that can no longer be deemed to be temporary will be pursued. Develop participatory, incremental, and in-situ mechanisms for the upgrading of apartheid-era hostels and inner city occupied buildings, with innovative redevelopment and densification where appropriate. A National Stakeholder Forum will be developed that is inclusive of the private sector, academia, civil society, and communities to instil collaboration and co-production of initiatives.

Government will create conditions for self-provisioning of housing by low-income households and policy statements reflect interventions that will enable households to build for themselves or with their own resources wherever possible, including through managed land settlement as well as the release of serviced stands/ land in locations that tie households into the economy. Mechanisms are proposed that protect against harmful downward raiding while allowing a market to develop. Conditions are created for a non-exploitative and fairly regulated rental sector to thrive and ensure that a thriving subsidised social housing sector contributes towards this. Interventions and levers are proposed that prioritise sustainability in all its facets, including climate resilience, as a cross-cutting commitment.

This White Paper is not an implementation plan. Flowing from the proposals in this White Paper, the Housing Code will be reviewed and re-labelled to encompass new approaches, strategies, and programmes to give effect to the delivery of integrated and sustainable human settlements. The policy actions proposed here will be implemented according to 5 yearly strategies with continuous consultation with all implementation partners (across government, business, academia and civil society) to ensure policy coherence and certainty. The reviewed Housing Code will inform the strategic plans and detail the focus areas, programmes to be initiated, institutional arrangements and funding required for these programmes, and ways to evaluate their performance. They will be reviewed and updated every five years.

The achievement of the policy statements in this White Paper is premised on the whole of government approach focusing on refining alignment with spatial justice, sustainability, good governance, spatial resilience commitments made in the IUDF, NDP and in SPLUMA-related plans at all levels, including across the urban-rural continuum. Embark on ongoing participatory engagement around policy and implementation.

Creating comprehensive systems of monitoring all elements of the human settlements value chain and build multi-stakeholder engagement forums at national, provincial, and municipal level. Complimenting rigorous technical monitoring and evaluation and ensure ongoing refinement of programmes and implementation.

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The White Paper is divided into five parts, namely:

- **PART ONE:** Covers the policy context, vision, purpose, objectives, and principles that ground the White Paper for the entire value chain of human settlements delivery.
- **PART TWO:** Outlines the essential anchors for the White Paper including constitutional imperatives, international benchmarks, legislation, policies, international instruments, the macro economy, population and income dynamics influencing human settlements, and further gives consideration to the evolution of the housing programmes, budget allocations, performance of the sector, and key shifts informing the position of government.
- **PART THREE:** Details key issues, policy positions and statements in relation to demand management and qualification criteria, spatial planning and transformation, land for human settlements, informal settlements and informal settlements upgrading, affordable rental, affordable housing, and the affordable housing market.
- **PART FOUR:** Outlines key policy statements on creating the enabling environment, and covers the funding models and financing, funding and taxation incentives, market support and facilitation, innovation and sustainable human settlements, climate change, climate resilience and innovative systems, infrastructure and amenities, empowerment, transformation and gender mainstreaming, capacity and capability and professional practice, and expansion of the local government role through the Municipal Accreditation Programme.
- **PART FIVE:** Defines the governance imperatives and details monitoring and reporting systems, institutional arrangements, addressing fraud, corruption and maladministration and policy implementation statements.

One of the valuable lessons learned that is often underscored is the complexities that surround the development and management of human settlements, the role that has been played by state-market led housing provision, the contradictions that goes with planning for growing the economy and development of human settlements and the choices that often lead to unintended consequences which in large part is due to the complex human settlements system. This system has a character of being both an economic and a social process, both a consumption good and an asset, both a welfare benefit and a market commodity, graduated from being a physical good to a money good with time, and the multiplicity of actors and sectors of the economy involved in the delivery process.

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PART 1

1. Introduction

Development of integrated and sustainable human settlements remains one of South Africa's area of priority. This recognises that access to adequate housing is a Constitutional right, but importantly it serves as a key instrument to address features of apartheid regime which sought to promote spatial segregation and inequality. The Department of Human Settlements is entrusted with the mandate of the realisation of the Constitutional right of access to adequate housing. South Africa's housing challenges largely exhibit through the ever-growing housing backlog presenting through mushrooming of informal settlements, poor quality of physical environment as well as lack of access to social and economic amenities, prevalent in the urban areas. In the recent years, the country has experienced growing effects of climate change manifesting through heavy downpours and flooding resulting in various emergencies and disasters which often negatively impact the most vulnerable communities.

The White Paper for Human Settlements (herein referred to as the White Paper) seeks to reposition the function of the Department, and to ensure a comprehensive response to the need for shelter that focuses not only on the provision of housing units, but the development of settlements that are sustainable human environment, thereby contributing to improved quality of life. The White Paper further seeks to drive and ensure that the sector profoundly contributes to government's strategic goals including the 2030 National Development Plan (NDP). It further pursues alignment with South Africa's commitment to international Treaties on matters relating to sustainable human settlements.

1.1. The Policy Context

1.1.1. Socio-Economic landscape

- ***Population Growth:*** Statistics South Africa Census 2022 revealed that South Africa's population has grown rapidly from 1996 to 2022, establishing that there are over 62 million people living in South Africa (Figure 1). The Provincial breakdown is that Gauteng and KwaZulu-Natal are a home to about 44% of the population, with both provinces having experienced growth between 2011 and 2022 by over 20% of their population.

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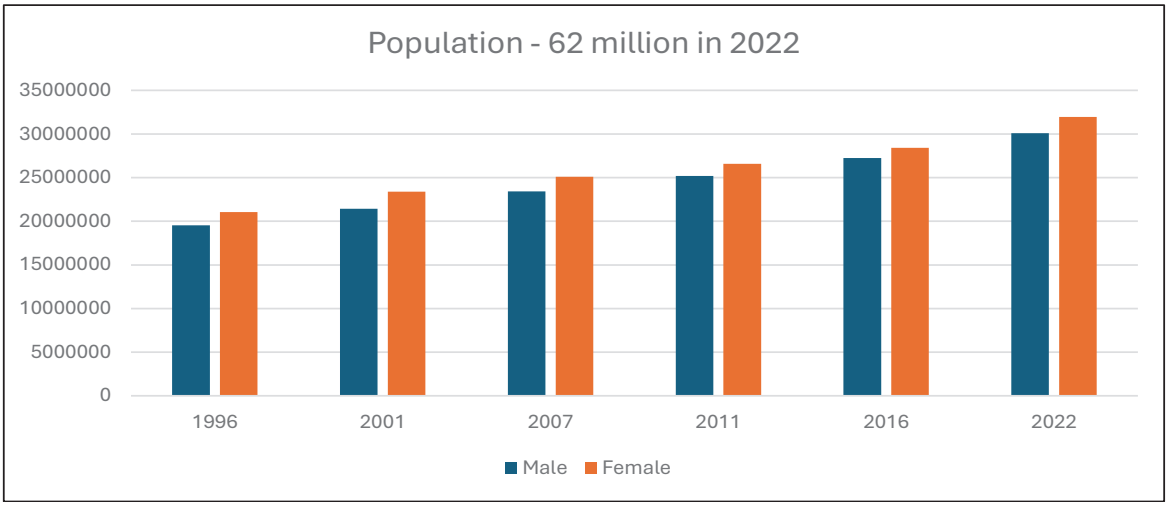


Figure 1: Statistics South Africa Census Report (2023)
Source: Stats SA Census 2022 Report

- ***Household formation, gender, and age dynamics:*** As of 2024, South Africa recorded 17.8 million households, with an average size of households of 3.5 persons, with notable variations across the nine Provinces. Worth noting is that about forty nine percent (49.6%) of households in the country, are headed by females. Meanwhile, the population structure indicates a rather young population, with many persons being below the age of 34 as illustrated in Table 1.

Category Age structure	Number	Percentage
Children (0-14 years)	16,3 million	26%
Youth (15-34 years)	21,6 million	34%
Adults (35-59 years)	17,9 million	29%
Older persons (60+ years)	6,1 million	10%.

Table 1: South African population classified by age structure.
Source: Stats SA Census 2022 Report

- ***Rate of Urbanisation:*** Census 2022 further reveals that South Africa is highly urbanising, even though not everyone has access to urban services. Rapid urbanisation has been seen in major municipalities such as the Category A (metropolitan), Category B1 (intermediate city municipalities) and Category B2 municipalities. These municipalities contain 63% of the population of South Africa. The implication of rapid population growth is the growing demand for social, infrastructural, economic, environmental, and while the government resources remain constrained in a declining economic climate. Statistics also show a significant increase in the formalisation of housing between the 1996-2022 period, with more than 10.2 million formal households being added to the overall housing stock, thus contributing to reduction of informal and traditional housing.

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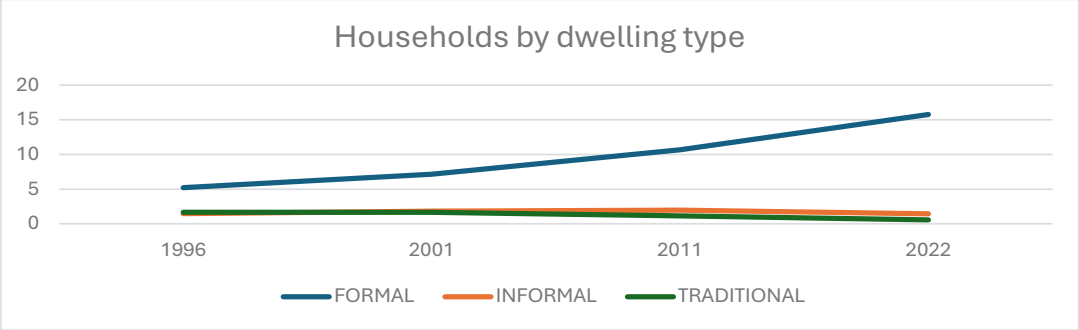


Figure 2: Stats SA Census figures of households by dwelling type
Source: Stats SA Census 2022

- ***Access to basic services:***

  Regarding access to basic services, statistics shows that:

  i. 82.4% of households have access to piped water inside their yards in 2022 compared with 73.4% in 2011;
  ii. 71% of households now have access to flush toilets compared with 60% in 2011;
  iii. 88.5% of households live in formal dwellings in 2022 compared with 77.6% in 2011;
  iv. 94.7% of households now have access to electricity compared with 84.7% in 2011;
  v. Only 7.9% of households live in informal dwellings compared with 13.6% in 2011; and
  vi. Only 21% of households now do not have access to the internet compared with 64.8% in 2011.

- ***Employment:*** As at Quarter 1 of 2024, the official unemployment rate stood at 32.9 %, which is an increase of 0.8 of a percentage point in first quarter of 2024 (Q1: 2024) compared to the fourth quarter of 2023 (Q4: 2023) (Statistics South Africa, 2024). On average, unemployment has been increasing by 0.5 percentage points per year since the end of the apartheid, reaching 33.5% in 2022 (from 20% in 1994). Youth unemployment reached more than 61.5% in 2022, according to Stats SA. Black South Africans -women in particular - are the population group with the highest level of unemployment. The number of individuals not engaged in education, employment, or training (known as “NEETs”) has also been on the rise.

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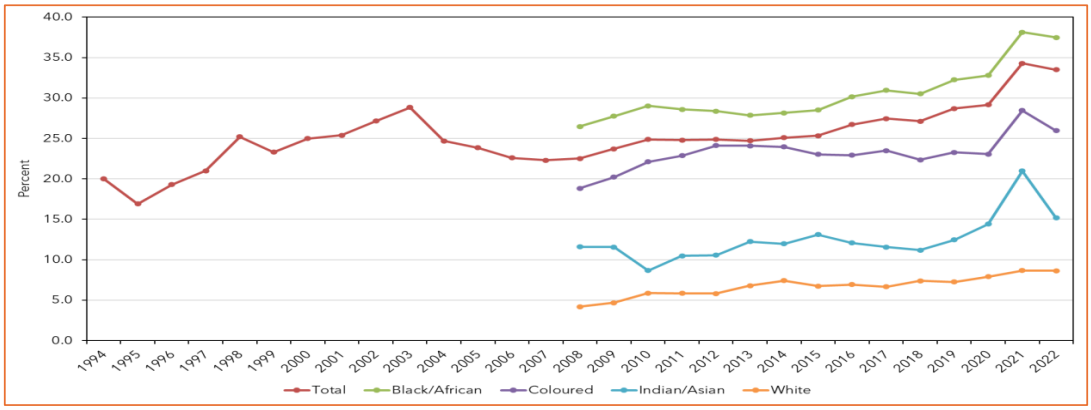


Figure 3: Unemployment rate total and by population group
Source: Harvard lab Report based on SARB and Stats SA.

- The spatial divide correlates with South Africa's high unemployment rate, mostly affecting the previously disadvantaged groups, with the former homelands being the most affected. Notable is that the areas outside of non-metro former homelands (i.e., excluding Pretoria and Durban), where 63% of the working-age population lives, the employment rate is estimated to be around 46%. Inside the non-metro former homelands, the employment rate of the working-age population is recorded around 26%. While in municipalities located within the former homeland boundaries, unemployment is recorded below 10%. Within the non-metro former homelands, the problem is concentrated in the rural areas, which comprises of 80% of the resident population and the unemployment rate is at 21%. In these places, the employment rate is barely 21%, while it is 42%, twice as high, in the urban areas of the former homelands.

- The map presented below represents employment rates by municipality in 2011. The colouring goes from blue (lowest employment rates) to yellow (highest employment rates). The blue lines in the map outline the borders of the former homelands.

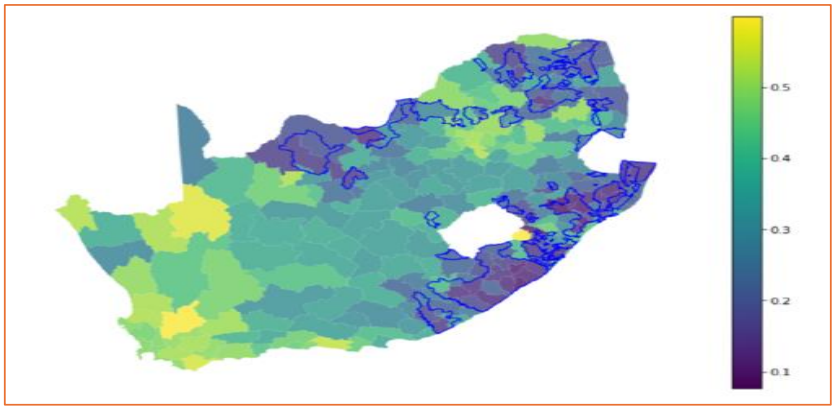


Figure 4: Employment rates per Municipality
Source: Lochmann (2022)

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- ***Income:*** Income per capita has been falling for over a decade. Unemployment rates at over 33% is one of the world's highest, and youth unemployment exceeds 60%. Poverty has risen to 55.5% based on the national poverty line,[1] yet many more households depend on government transfers to sustain livelihoods. Most cities are failing to adequately connect people to productive opportunities and are failing to innovate, grow, and drive inclusion. Rural areas in former homelands, where almost 30% of South Africans live, exhibit dismally low employment rates and remain exceptionally poor. Individuals living in these areas need to leave for an equal chance to earn a decent living.

1.1.2. Supply Constraints

- ***Land Availability:*** One of the challenges of land availability for human settlements is the misalignment between the three spheres of government informed by legislative frameworks, operational imperatives, ownership, and asset management fragmentation. This is further complicated by the complexities around division of powers and functions resulting to acquire well-located or habitable state-owned land to develop sustainable human settlements. Going forward, land availability for sustainable human settlements should include clear processes of, among others, land suitability, accessibility, habitability, livelihood indexes. These will seek to establish habitable and non-habitable land, risk prone areas and inform development of well-located and habitable land.

  The availability of well-located suitable land for human settlements purposes is one of the major constraints to the provision of housing. Municipalities are responsible for the identification of land and provinces have acquired land at exorbitant prices. The 2017 Land Audit report by the Department of Agriculture, Land Reform and Rural Department highlights that land inequality by race and gender remained high in South Africa. Importantly, 80% of the population of South Africa lives on around 2% of the land making South Africa more urban than the global average.

- ***Financial and regulatory support:*** Statistics show that the supply of government subsidised housing from 1994 until 31 January 2024, a total of 5,2 million housing units were delivered with the following breakdown: Hostel/CRU Units (74075); Social/Rental/Institutional housing (141634); FLISP (36607); RDP/BNG Houses (3261428); Services sites completed (1345346); and EEDBS (pre 1994 housing converted to ownership) (372474).

[1] Poverty figure corresponds to 2014, the latest official value.

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Notable is that during this period, the cost of providing housing increased greater than in proportion to the increases to subsidies, leading to fewer state housing units being provided. The programme has been affected by high construction cost building material, cost of transactions, legal taxes, and professional fees.

- ***Economic growth and Budget cuts:*** When the programme started the economy was projected to grow and budgets were to be increased. However, the economy has faced a series of global and local disruptions, including slowing global growth, geopolitical tensions and wars and the COVID-19 pandemic amongst others. South Africa's annual Gross Domestic Product (GDP) growth averaged 3.6% per year from 1994 through 2008, or 2.0% in per capita terms, lower than that of upper-middle income countries and Sub-Saharan Africa on average (Figure 5). Statistics South Africa reported that between 2011 and 2021 the GDP averaged at 1,2%. This highlights that the South African GDP is projected to continue to stagnate without returning to its pre-pandemic level. The figure below provides the details of Real GDP Growth of South Africa in relation to Sub-Saharan Africa

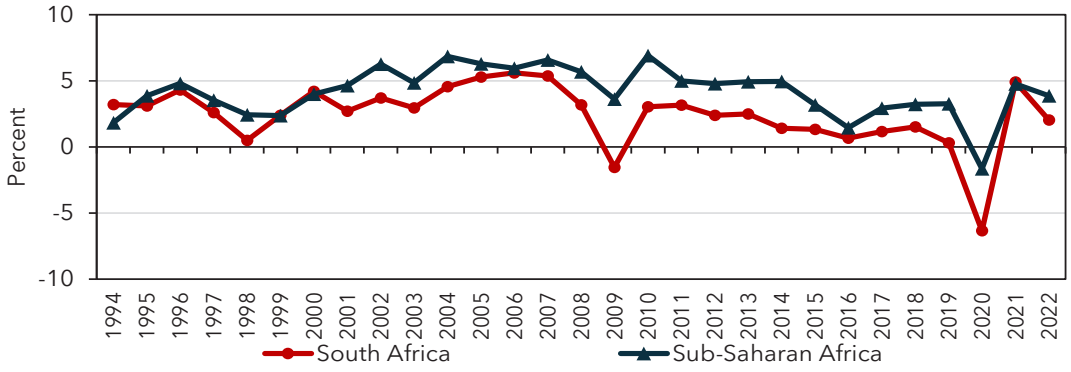


Figure 5: Real GDP growth of South Africa in relation to Sub-Saharan Africa
Source: Growth Harvard report, 2023

Policy Statement – Demand Imperatives and Supply Constraints

1) Government will regularly conduct reviews of human settlements operating models to enhance programmes and facilitate better human settlements circumstances for the poor and vulnerable. These may involve or be directed by government to varying degrees and include direct provision of housing stock, financial instruments to stimulate supply and demand for housing, interventions for securing tenure, and support service interventions.

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1.1.3. The Evolution of the Housing Policy

- South Africa's Housing Subsidy System (HSS) has been a cornerstone of government's efforts to alleviate housing shortages and rectify historical injustices since 1994.

  This however recognises that the housing challenge can be traced back to colonialism and subsequent eras of land dispossession and industrialisation linked to mining and development of railway and other infrastructure. The White Paper recognises that apartheid systems disempowered and dehumanised majority of the citizens, owing to unfavourable apartheid legislation and policies.

- The historical apartheid legislative framework that sought to racially segregate citizens still have a persistent negative impact on human settlements development in South Africa. This manifests through people living far from economic centres, and areas of habitation characterised by overcrowded townships; backyard housing – a symptom of expanding housing demand and continuous advent of informal settlements across the country. All these contribute to the vulnerable groups experience of immense hardship, insecurity, indignity, squalor, and ill-health.

- Prior to 1994, South Africa had a variety of housing schemes for the different racial groups. In the democratic regime, the schemes were consolidated into one housing subsidy scheme. The consolidation required that some of the entities that were providing housing and housing related products, ceased to operate together with the respective housing stock. As part of this process, the Department had to merge and maintain datasets and on certain cases, the stock remained the responsibility of Provinces.

1.1.4. Legislation, Policies, and International Frameworks influencing Human Settlements

South Africa legislative and policy landscape provides for various instruments that seek to promote creation of equitable, safe, integrated, and sustainable human settlements. While there are some successes recorded in the implementation of these instruments, the need exists to embark on review of some of these to ensure responsiveness to delivery of integrated and sustainable human settlements.

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The list of current policies includes the following:

i. ***Comprehensive Plan for the Creation of Sustainable Human Settlements, 2004*:** Formalises the shift in the Department's approach from providing housing into developing sustainable human settlements and further outlines a plan for the development of sustainable human settlements.

ii. ***Gender-Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing Framework:*** Provides a framework for enabling a gender responsive contribution to enable South Africa to realise its Constitutional vision of a non-sexist society, gender equality, empowerment and to ensure allocation of adequate resources for Women Empowerment and Gender Equality.

iii. ***Housing Code Version 2000:*** Sets out the National Housing Policy and procedural guidelines for effective implementation; reiterating that housing provision must be sustainable and avail a range of choices to contribute positively to a non-racial, democratic, and integrated society.

iv. ***Housing Code Version, 2009:*** provides for prescripts enabling the delivery of inclusive, sustainable, and well-planned housing solutions for people.

v. ***Human Settlements Vision 2030:*** On the Road to 2050 aims to provide houses and services in rural and urban areas to address rapid urbanisation challenges and the transformation of rural areas into urban centres.

vi. ***Inclusionary Housing Policy:*** Creates affordable housing opportunities for low- or moderate-income households and requires developers to sell or rent a percentage of new residential units to lower-income residents.

vii. ***Integrated Urban Development Framework (IUDF), 2016:*** Provides a framework enabling spatial transformation by steering urban growth towards a sustainable growth model of compact, connected and coordinated cities and towns.

viii. ***National Development Plan (NDP), 2012:*** provides a long-term perspective, defines the desired destination of the country, and identifies the role of different sectors in eliminating poverty and reducing inequality by 2030.

ix. ***National Spatial Development Framework (NSDF), 2020:*** Aims to ensure equal access for all to services, amenities, and opportunities that well-planned, well-functioning and well-managed urban and rural settlements offer.

x. ***National Spatial Development Perspective (NSDP), 2006:*** Provides a framework for a focused intervention by the State in equitable and sustainable development, guides infrastructure investment and represents a key instrument in the State's drive towards ensuring greater economic growth, buoyant and sustained job creation, and the eradication of poverty.

xi. ***National Youth Policy, 2020 – 2030:*** Provides for a framework to strengthen the capacity of key youth development institutions and effects positive youth development outcomes at local, provincial, and national levels.

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xii. ***Procedural and Unfair Practices Regulations under the Rental Housing Act, 50 of 1999 (as amended)*:** To provide standards and norms for private and public rental practices.

xiii. ***Record of understanding with Association of Mortgage Lenders (AML) in 1995:*** Commits parties to the national development agenda of promoting and scaling up housing delivery, based on legislative and compliance framework.

xiv. ***Revised Subsidy Quantum, 2023:*** The revised quantum takes into consideration additional elements such as rainwater harvesting devices and solar kits in some programmes.

xv. ***Social Contract for the Development of Sustainable Human Settlements, 2014:*** A framework for partnerships and resource mobilisation recommitting stakeholders to accelerating the delivery of integrated human settlements as a key strategy for poverty alleviation.

xvi. ***Social Housing Policy, 2005:*** Creates an enabling environment for the social housing sector to develop, grow, and deliver at scale.

xvii. ***The Accreditation Framework for Municipalities to Administer National Housing Programmes 2023:*** Provides for a programme based incremental approach and revised procedures and processes for implementing the accreditation programme.

xviii. ***White Paper on Housing, 1994:*** To provide a macro policy that creates an enabling environment for housing delivery.

xix. ***White Paper on the rights of persons with disabilities, 2016:*** To provide the framework for a uniform and coordinated approach by all government departments and institutions in mainstreaming disability across all planning, design, budgeting, implementation and monitoring of services and development programmes.

1.1.5. Legislation

- Human settlements development is guided by legislative prescripts and the following have a direct impact on the creation of sustainable human settlements:

i. ***Broad-Based Black Economic Empowerment (B-BBEE) Act 53 of 2003:*** establishes a legislative framework for the promotion of Black Economic Empowerment and empowers the relevant Minister to issue codes of good practice and to publish transformation charters for key sectors.

ii. ***Community Schemes Ombud Service (CSOS) Act 9 of 2011:*** provides for the establishment of the CSOS and articulates the mandate and functions of the CSOS; regulates quality assurance and provides a dispute resolution mechanism for community schemes.

iii. ***Deeds Registries Amendment Act 47 of 1937 (as amended):*** regulates the transactions involving land, such as buying, selling, mortgaging, or leasing, and requires them to be registered in a Deeds Registry. The Act also applies to sectional titles, which are units of land within a larger property, such as apartments or townhouses.

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iv. ***Disaster Management Act 57 of 2002*****:** provides for an integrated and co-ordinated disaster management process, focussing on preventing or reducing the risk of disasters, mitigating the severity of disasters, emergency preparedness, rapid and effective response to disasters and post-disaster recovery.

v. ***Dis-establishment of South African Housing Trust Limited Act 26 of 2002:*** dis-established the South African Housing Trust Limited; transferred its rights and assets to the National Housing Finance Corporation and vested its obligations and inabilities in the Government of the Republic of South Africa.

vi. ***Government Immovable Asset Management Act 19 of 2007 (GIAMA):*** provides for a uniform framework for the management of an immovable asset that is held or used by a national or provincial department; to ensure the coordination of the use of an immovable asset with the service delivery objectives of a national or provincial department; to provide for issuing of guidelines and minimum standards in respect of immovable asset management by a national or provincial department.

vii. ***Home Loan and Mortgage Disclosure Act (HLAMDA) 63 of 2000:*** promotes fair lending practices, which require disclosure by financial institutions of information regarding the provision of home loans.

viii. ***Housing Act 107 of 1997 (as amended):*** recognises the constitutional right to housing and define the roles and responsibilities of national, provincial, and local government in relation to housing.

ix. ***Housing Consumer Protection Measures Act 95 of 1998:*** makes provision for the protection of housing consumers.

x. ***Housing Consumer Protection Measures, Bill 2023:*** provides for the protection of housing consumers, the continuation of the National Home Builders Registration Council as the National Home Building Regulatory Authority that deals with amongst others, the registration of home builders, enrolment of homes to be covered by the home warranty fund, etc.

xi. ***Housing Development Agency Act 23 of 2008:*** provides for the establishment of an agency that facilitates the acquisition of land and landed property for purposes of creating sustainable human settlements.

xii. ***Housing Development Agency Act Regulations, 2014:*** Regulates processes for the declaration of priority housing development areas (PHDA); steps in creating a priority housing development plan; funding considerations; implementation of the protocol; and the implementation of the housing development and cooperation between the different State Departments.

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xiii. ***Infrastructure Development Act 23 of 2014:*** To provide for the facilitation and coordination of public infrastructure development which is of significant economic or social importance to the Republic; to ensure that infrastructure development in the Republic is given priority in planning, approval and implementation; to ensure that the development goals of the state are promoted through infrastructure development; to improve the management of such infrastructure during all life-cycle phases, including planning, approval, implementation and operations.

xiv. ***Intergovernmental Relations Framework Act 13 of 2005:*** establishes a framework for the national, provincial, and local governments to promote and facilitate intergovernmental relations; to provide for mechanisms and procedures to facilitate the settlement of intergovernmental disputes; and matters connected therewith.

xv. ***Less Formal Township Establishment Act 113 of 1991 (as amended):*** provides for shortened procedures for the designation, provision, and development of land and for the establishment of township for less formal forms of residential settlement and to regulate the use of land by tribal communities for communal forms of residential settlement.

xvi. ***Local Government: Municipal Systems Act 32 of 2000 (as amended):*** provides for mechanisms and processes necessary for municipalities to move progressively towards the social and economic upliftment of local communities and ensures universal access to essential services affordable to all.

xvii. ***Municipal Finance Management Act 56 of 2003 (as amended):*** Promotes a sound municipal financial management and for other institutions in the local sphere of government to ensure that all revenue, expenditure, assets, and liabilities are managed efficiently and effectively and establishes treasury norms and standards for local government.

xviii. ***National Environmental Management Act 107 of 1998 (NEMA):*** makes provision for cooperative environmental governance by establishing principles for decision making on matters affecting the environment, institutions that promote cooperative governance and procedures for coordinating environmental functions exercised by organs of state.

xix. ***National Health Act 61 of 2003:*** to provide a framework for a structured uniform health system, considerate of the obligations imposed by the Constitution and other laws on the national, provincial, and local governments regarding health services.

xx. ***National Water Act 36 of 1998:*** ensures that South Africa's water resources are protected, used, developed, conserved, managed, and controlled in a sustainable and equitable manner, for the benefit of the people.

xxi. ***Prevention of Illegal Eviction and Unlawful Occupation of Land Act 19 of 1998 (PIE):*** provides for the prohibition of unlawful eviction and further provides procedures for the eviction of unlawful occupiers.

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xxii. ***Property Practitioners Regulatory Act 22 of 2019:*** provides for the regulation of property practitioners; regulates the continuation of the Estate Agency Affairs Board (EAAB) in the new form of Property Practitioners Regulatory Authority (PPRA); and further provides for transformation of the property practitioners sector through the establishment of a transformation fund and a research centre on transformation.

xxiii. ***Property Practitioners Regulations, 2022:*** regulates the affairs of property practitioners regarding transformation, regularisation, compliance, enforcement, and dispute resolution; training, conduct and consumer protection measures.

xxiv. ***Public Finance Management Act 1 of 1999 (as amended):*** regulates financial management in the national and provincial governments; to ensure that all revenue, expenditure, assets, and liabilities of those governments are managed efficiently and effectively; to provide for the responsibilities of persons entrusted with financial management in those governments.

xxv. ***Rental Housing Act 50 of 1999 (as amended):*** regulates the relationship between landlords and tenants and provide for dispute resolution; provides norms and standards related to rental housing; introduces changes that impact the relationship between tenant and the landlord; requires all municipalities to have a rental office and expands the powers of the Rental Housing Tribunal.

xxvi. ***Restitution of Land Rights Act 22 of 1994 (as amended):*** provides for the restitution of rights in land to persons or communities dispossessed of such rights in land after 19 June 1913 because of past racially discriminatory laws or practices and establishes a Commission on Restitution of Land Rights.

xxvii. ***Sectional Titles Schemes Management Act 8 of 2011:*** provides for the establishment of body corporates to manage and regulate common property in sectional title schemes and the establishment of an advisory council to advise the Minister.

xxviii. ***Social Housing Act 16 of 2008:*** provides for the establishment of the Social Regulatory Authority, to regulate social housing institutions and other Delivery Agents.

xxix. ***Social Housing Regulations, 2011:*** guides the accreditation of Social Housing Institutions; provide a clear qualification criterion, compliance monitoring, and the investment criteria applicable in the sector.

xxx. ***Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA):*** provides a framework for spatial planning and land use management, ensuring the system promotes social and economic inclusion.

xxxi. ***The Annual Division of Revenue Act*****:** provides for equitable division of revenue raised nationally among the national, provincial, and local spheres of government for the financial year.

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xxxii. ***The Expropriation Act 63 of 1975*:** provides for the expropriation of land and other property for public good and other purposes.

xxxiii. **The Land Surveys Act 8 of 1997**: regulates the survey of land in the Republic of South Africa and establishes the office of the surveyor general.

xxxiv. ***Traditional Leadership and Governance Framework Act 41 of 2003:*** regulates the institution of traditional leadership and its relationship with the state; provides for the establishment and recognition of traditional councils, and the role of traditional leaders in governance and development.

xxxv. ***Unemployment Insurance Act 30 of 1996:*** establishes the Unemployment Insurance Fund and provides for the imposition and collection of contributions for the benefit of the Unemployment Insurance Fund.

xxxvi. ***Water Services Act 108 of 1997:*** regulates water boards as important water service providers and gives the executive authority and responsibility to the Minister of Human Settlements, Water and Sanitation to support and strengthen the capacity of municipalities to manage their own affairs, exercise their powers and perform their functions.

1.1.6. International Conventions/Treaties

- South Africa ratified several conventions and treaties, and these have a bearing on human settlements.

i. ***Africa Model Law Harmonised New Urban Agenda Framework for Africa:*** The framework guides member states to adapt their plans to the existing context at various levels; encouraging coherence and harmonised implementation of human settlement commitments along the urban-rural continuum, aligning with African priorities and multiple global commitments.

ii. ***Agenda 2063: The Africa We Want (2015):*** is a Masterplan for African transformation into a global powerhouse able to deliver inclusive growth and sustainable development over the next 50 years.

iii. ***Cities Alliance****:* Supports cities to intensify the fight against urban poverty, hunger and deliver sustainable development.

iv. ***Convention on the Rights of Persons with Disabilities (CRPD) (2006):*** provides a broad categorisation of persons with disabilities and reaffirms that such persons must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to such persons and identifies areas where adaptations must be made.

v. ***International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966):*** commits parties to work toward granting economic, social, and cultural rights (ESCR) to all individuals, which include labour, health, education, and the right to an adequate standard of living to alleviate poverty and ensure social justice for all.

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vi. ***New Urban Agenda (2016):*** Provides a shared vision for a better and more sustainable future in which all people have equal rights and access to benefits and opportunities that cities offer.

vii. ***Sendai Framework for Disaster Risk Reduction (2015-2030):*** provides a roadmap to make communities safer and more resilient to disasters. It provides Member States with concrete actions on how to protect development gains from the risk of disaster.

viii. ***Sustainable Development Goals (2030), Goal 11:*** Framework for a universal call to action to end poverty through the implementation of inclusive and sustainable urban development policies and practices that prioritise access to basic services, affordable housing, efficient transportation, and green spaces for all.

ix. ***United Nations Convention Relating to the Status of Refugees (1951):*** and its 1967 Protocol highlights the work of the United Nations on Refugees; outlines their rights and international standards for their protection.

x. ***United Nations Framework Convention on Climate Change (UNFCCC) (1992):*** is an international treaty among countries to create an interference with the climate systems and seeks to create interventions for stabilising greenhouse as concentrations in the atmosphere.

xi. ***Universal Declaration of Human Rights (1948):*** The Universal Declaration of Human Rights is about the inherent dignity of all members of the human family, which is the foundation of freedom, justice, and peace in the world.

xii. ***Vancouver Declaration on Human Settlements (1976):*** recognises that shelter and urbanisation are global issues to be addressed; laying the groundwork for subsequent efforts to promote sustainable and equitable human settlements worldwide.

1.1.7. Case Law Considerations

To date, the Department has experienced multitude of legal challenges relating to the extent to which Government responds to Sections 26 of the Constitution with regard to realisation of the right of access to adequate housing.

- The most notable judicial decision pertaining to the right of access to adequate housing in terms of its impact on the housing sector, remains *Grootboom*. Grootboom's main contribution to South African law lies in its establishment of the 'reasonableness yardstick'. This yardstick serves as a guide that legislative and other measures, aimed at progressively realising any of the socio-economic rights outlined in the Constitution must be adhered to.
- Several Constitutional Court rulings impacted the human settlements sector indicating that jurisprudence is not being implemented effectively and various strategies are being used to undermine the Act and court jurisprudence. A few noteworthy cases are the following:

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i. ***Minister of Public Works v Kyalami Ridge Environmental Association and Others (Mukwevho Intervening):*** This case involved a classic NIMBY-type challenge to the construction of a temporary residential area for Alexandra flood victims on the (state-owned) Leeuwkop Prison site. Kyalami Ridge residents objected on numerous procedural legal and social grounds. The Court found legal authority for the construction of the camp to provide for the emergency needs of the most vulnerable in section 26(2) of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) read with its Grootboom court judgement.

ii. ***Port Elizabeth Municipality v Various Occupiers:*** The Constitutional Court for the first time applied the Prevention of Illegal Eviction and Unlawful Occupation of Land Act, 1998 (Act No.19 of 1998). It ruled that '[i]n general terms, however, a court should be reluctant to grant an eviction against relatively settled occupiers unless it is satisfied that a reasonable alternative is available, even if only as an interim measure pending ultimate access to housing in the formal housing programme.' The Court opined that 'section 26(3) [of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)] evinces special constitutional regard for a person's place of abode. It acknowledges that a home is more than just a shelter from the elements. It is a zone of personal intimacy and family security.' Hence, an eviction that is being sought by a municipality or private landowner must also respond to the immediate housing needs of those who are supposed to be evicted to avoid intolerable hardship.

iii. ***President of the Republic of South Africa and Another v Modderklip Boerdery (Pty) Ltd:*** With regards to evictions emanating from owners of privately-owned land, the Constitutional Court ruled that the State is obligated to enforce the eviction order to avoid the deprivation and infringement of the property rights of private landowners. In addition, care must be taken in executing the eviction order to prevent social upheaval.

iv. **Maphango and Others v Aengus Lifestyle Properties (Pty) Ltd*:*** The respondent - a property developer who purchased a residential building in Braamfontein called Lowliebenhof which was occupied by the appellants - terminated the appellants' leases to increase their rentals more than the amounts permitted by the escalation clauses contained in the agreements themselves. The appellants launched an application for leave to appeal to the Constitutional Court against the SCA judgment. The appellants sought a declaration that the termination of their leases was unlawful because they were terminated with the express intention of more than doubling the rent, in violation of clear contractual and legislative provisions governing the procedure and conditions under which the landlord can do so.

In a majority judgment the court found that that the High Court and SCA failed to give adequate weight to the Rental Housing Act and that the landlord's conduct may have amounted to an 'unfair practice.'

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The Rental Housing Tribunal is empowered to determine whether a landlord committed an unfair practice, and it might accordingly have ruled in the tenants' favour. The applicants were directed to lodge a complaint with the Gauteng Rental Housing Tribunal.

v. **The *Residents of Joe Slovo Community, Western Cape v Thubelisha Homes (2009)*:** this case is more relevant for its effects than its jurisprudential content. Aspects of the judgment lament shortcomings in the engagement process that preceded the eviction, while others suggest that the living conditions in informal settlements are sometimes poor as to require state intervention, even where this results in displacement. Joe Slovo's most important lessons lie in the facts of its aftermath, where poor intergovernmental relations between city, province and national government meant that the eviction order was not executed and that the upgrading programme stalled in various respects. What was agreed in the judgment is the importance of community participation in the upgrading process.

vi. ***The Abahlali base Mjondolo Movement SA v. Premier of the Province of KwaZulu-Natal (2009) Others:*** The case declared unconstitutional the KwaZulu Natal Elimination and Prevention of the Re-emergence of Slums Act, for falling foul of the constitutional prohibition on arbitrary evictions as operationalised by the Prevention of Illegal Eviction and Unlawful Occupation of Land Act, 1998 (Act No.19 of 1998). The eviction of residents from an informal settlement in Durban was contested in the case. The court held that evictions could only be conducted in exceptional circumstances and with proper procedural safeguards in place. The judgment emphasised that alternative accommodation must be provided to evicted residents and that evictions should be a last resort. It also recognised the need for participatory processes and community involvement in decisions affecting informal settlements.

- Broadly, the legal challenges demand for the Department to reflect and consider the following aspects:
    - The extent to which the right of access to adequate housing in terms of the progressive premise of the right, and whether government can afford to provide everyone who is poor with a 'free' house.
    - The actual purpose for which housing subsidies in terms of addressing different strategic objectives of government such as immediate poverty reduction versus long term spatial change, as well as the relationship between the provision of housing without access to public transport and economic opportunities.
    - The role of the three spheres of government, together with the entities in the development of integrated and sustainable human settlements.

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- Mechanisms to ensure enforceability of District Development Model (DDM) as a government strategy to enhance integration in the delivery of sustainable human settlements. This includes speeding up delivery processes as well as enable capacitation of the smaller municipalities and traditional settlement areas.

1.2. The Need for White Paper Revision

- Various investigations, research, reviews and evaluations on human settlements policy and programmes have identified numerous shortcomings related to gaps in policy and divergence in programme implementation. Among the influencing factors is the increasing rate of population growth, evolving housing environment, the prevailing effects of climate change, and technological advancement which continuously bring to light the shortcomings of the current human settlements policies, regulations, and legislation to provide an enabling environment for the development of the integrated and sustainable human settlements.

- While acknowledging the existence of a strategy which is the Breaking New Ground-Comprehensive Plan for the Development of Sustainable Human Settlements approved by Cabinet in 2004, the absence of a policy and legislative framework on human settlements remains a gap in the development of human settlements. With this consideration, the policies and programmes that guide the operation of the Department, are narrowly grounded on one aspect of human settlements namely, housing.

- These and other profound changes require moving beyond the previous state-centred paradigm of new housing delivery towards more of an enabling, supporting, coordinating and regulating role in creating and sustaining viable and vibrant human settlements, where government recognises its limitations and actively seeks to harness the energy, expertise and capabilities of many other actors in ambitious and pragmatic ways.

1.3. Purpose, Vision, Objectives and Principles

1.3.1. Purpose

The purpose of the policy is to provide an enabling overarching policy framework for the delivery of sustainable human settlements that are spatially integrated, inclusive, and equitable through a synergistic and holistic approach involving robust stakeholder engagement and coordinated action across sectors and districts.

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1.3.2. Vision

Human settlements development premised on inclusive, sustainable, integrated, and equitable urban and rural environments.

1.3.3. Objectives

The White Paper seeks to respond to the following objectives:

- To contextualise policy anchors to respond to lessons learnt to date.
- To determine key policy options to enable development of adequate housing and integrated sustainable human settlements.
- To redefine policy enablers that give effect to provision of human settlement options relevant to different contexts.
- To provide for necessary institutional governance enablers for achieving integrated and sustainable human settlements.
- To give effect to the review of current legislative framework and establish a new dispensation of human settlements policy implementation.

1.3.4. Principles

The principles espoused in this White Paper aim to achieve an enabling environment for human settlements development, while emphasising clear human settlement delivery value chain as detailed in Figure 6.

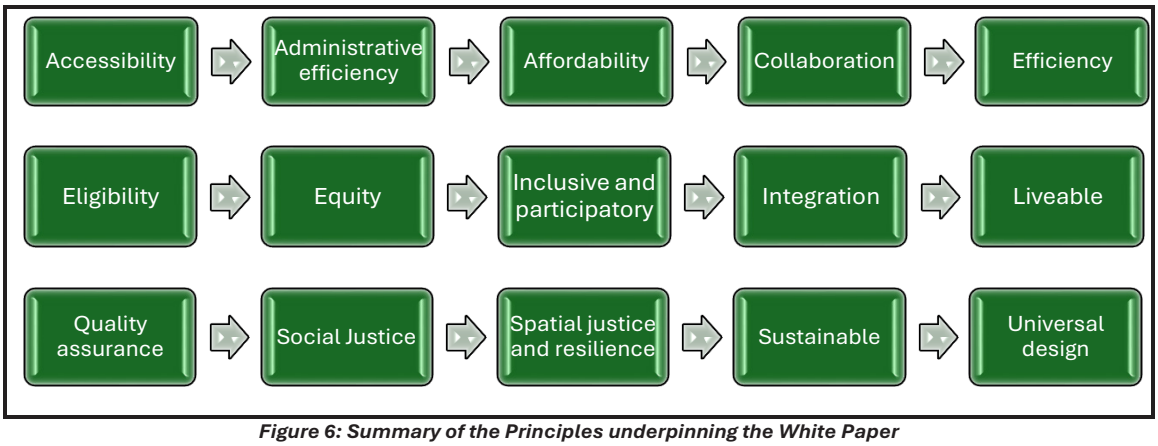


Figure 6: Summary of the Principles underpinning the White Paper

1.4. Implementation of the White Paper for Human Settlements

Upon the adoption of the White Paper, the Housing Code will be reviewed and re-labelled to encompass new approaches, strategies, and programmes to give effect to the delivery of integrated and sustainable human settlements.

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The implementation of the White Paper will be directed through successive five-year strategic plans, which should guide development of human settlements master plans. The five-year strategic plans will be informed by analysis, foresight, and government's priority outcomes as captured in the NDP and the Medium-term Development Plan (MDTP).

The implementation elevates the role of the three spheres of government while recognising that these spheres of government are distinctive, interdependent, and interrelated. The responsibility of development of sustainable human settlements traverses across national, provincial, and local governments distribute and spans through different sector departments. The implementation of the White Paper will take into consideration among others, the prescripts of the Inter-Governmental Relations Act 13 of 2005 as amended, the District Development Model to promote effective consultations and commitments from planning to implementation of integrated and sustainable human settlements in South Africa.

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PART 2

2. Introduction

The Constitution of the Republic of South Africa (1996) is the supreme law and serves as the foundation of policies since 1994. This White Paper is founded on the **Constitutional right to adequate housing** – considered fundamental to human well-being and development – along with protections against eviction. The right to housing was translated into a national priority to provide universal access to decent accommodation. The government took responsibility for producing stand-alone dwelling units as the main solution, acting as the primary provider on behalf of citizens and without expecting other sectors of society to contribute. The focus on rapid delivery of free mass housing through a capital subsidy captured the imagination of many poor people and helped them to gain some stability and dignity in their lives.

2.1. Human Settlements Mandate

- The foundational basis of the human settlements mandate is that South Africa is a signatory to the 1976 Vancouver Declaration on Human Settlements which defines human settlements as the totality of the human community – "whether city, town, or village – with all the social, material, organisational, spiritual, and cultural elements that sustain it", as depicted in Figure 7.



Figure 7: Diagrammatic presentation of the Human Settlements Paradigm

- For South Africa to achieve sustainable human settlements, it requires a multi-departmental, inter-sphere and multistakeholder approach that responds to key foundational rights relating to human dignity, equality and freedom and the full range of economic, social and cultural rights (ESCR).

  This further includes the rights to adequate housing, water and sanitation, education, health,

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social security, and to take part in cultural life.

- Other rights include environmental rights, property rights and the right of access to adequate housing as espoused in the Constitution of the Republic of South Africa which sets out the key imperatives that must be responded to that address issues of sustainable human settlement development and management.

Policy Statements – Human Settlements Mandate

1) Government will continue to advance and protect key foundational rights relating to human dignity, equality, and freedom, and take cognisance of the full range of socio-economic rights. Regulatory framework to enable restriction of the right of access to adequate housing and benefits to certain categories of citizens and non-South African citizens will be developed and justified in line with the Constitutional provisions.

2) Government will establish governance and institutional architecture to respond to Human Settlements and enable appropriate realisation of integrated and sustainable human settlements. This will enable participation, transparency and accountability as key elements underpinning the governance of human settlements development. The reforms will include re-evaluating the functional areas of the Department, embracing technological capability such as digitising the National Needs Register, setting up a register of buildings, implementing stringent rules to address the unlawful sale and occupation of government subsidised houses, establishing a programme of inner-city buildings which will be managed in partnership with the private sector and elevating participation of non-governmental or civil society organisations in human settlements development.

3) In line with Section 26 of the Constitution, which prescribes that government must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the right to adequate housing. Government will embrace moving beyond the previous state-centred paradigm of housing unit delivery, into a more of an enabling, supporting, coordinating, and regulating role in creating and sustaining viable and vibrant human settlements. This recognises various limitations and thus seeks to actively harness the strengths, expertise and capabilities of various actors in ambitious and pragmatic ways to achieve integrated and sustainable human settlements.

4) Government will prioritise the most vulnerable of society (including the elderly, child-headed families, and other vulnerable citizens), determine frameworks to coordinate all spheres of government, sector Departments and non-government role-players; and facilitate for the effective planning and implementation; and capacitation of responsible institutions.

2.2. Human Settlements Development - International Benchmark

- In a global context where housing affordability posed a significant challenge, governments worldwide have recognised the imperative of ensuring accessible housing for all, particularly for low- and middle-income earners.

- The White Paper development recognises the importance of international benchmarks

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regarding housing subsidy schemes, focusing on subsidies provided to the low- and middle-income households to acquire a house in developing countries is key. Further, several countries do provide housing subsidy schemes, cutting across developing countries and developed economies. Benchmarking with Malaysia, Brazil, Ecuador, Peru, Thailand, India, and African was undertaken based on the comparative characteristics to South Africa in relation to urbanisation trends, socio-economic challenges, and global recognition for innovative practices in housing subsidy schemes implementation.

Policy Statements

1) The Government affirms its support to international and regional cooperation, best practice benchmarking, and will continuously pursue opportunities for international and regional capacity support on issues of promoting integrated sustainable human settlements in South Africa. Government will strengthen its partnership with UN-Habitat and other key international role players.

2) Government will further explore opportunities for reforming governance and institutional architecture to enable appropriate realisation of integrated and sustainable human settlements. The reforms will amongst others include revisiting the functional areas of the Department, digitising the Needs Register, setting up a registrar of inner-city buildings, implementing stringent rules to address the illegal sale of RDP houses, and establishing a programme of inner-city buildings which will be managed in partnership with the private sector.

2.3. Housing programme interventions since 1994

The housing subsidy scheme plays a vital role in alleviating the country's housing shortage and crisis, whilst benefiting millions of low-middle income households through provision of affordable and adequate housing. Government has implemented various housing subsidy programmes to address the right of access to adequate housing. These programmes find expression in the Housing Code that represents Governments programmatic interventions. These include:

2.3.1. ***A-Grade and B-Grade services****:* The level of the internal municipal engineering services to be provided will be determined by the nature and location of the envisaged development. Typically, A-Grade level of services will be required in new greenfield developments to finance the development to ensure the establishment of a holistic, all-inclusive, and integrated township that provides access to the variety of housing, business, and institutional land use needs. B-Grade level of services will on the other hand be feasible in informal settlement upgrading areas and infill schemes in areas where such services are the current norm etc. Funding for internal municipal engineering services will include Water, Sanitation, Roads, Sidewalks and Stormwater.

2.3.2. ***Community Residential Unit Programme (CRU)****:* The programme targets households who do

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not qualify for government housing subsidies but cannot afford to rent or purchase a house on the open market. The CRU programme is implemented by municipalities and non-profit entities, who are responsible for developing and managing the rental units. These entities receive funding from the government to build new rental units or to refurbish existing ones. However, like other housing subsidy programmes in South Africa, the CRU programme faces various challenges which includes insufficient funding, inability of beneficiaries to pay market related rental, poor maintenance of the units, and inadequate management of the rental stock.

2.3.3. ***Consolidation Subsidy Programme****:* This subsidy is available to beneficiaries who would have already received assistance from the government to acquire a serviced residential site under the pre-1994 housing scheme. It is applicable to serviced sites obtained based on ownership, leasehold, or deed of grant and must be used to construct or upgrade a top structure on the relevant property.

2.3.4. ***Enhanced Extended Discount Benefit Scheme (EEDBS) Programme:*** The policy framework was specifically formulated and to implemented and support decisions made regarding the transfer of pre-1994 housing stock and is intended to stimulate and facilitate the transfer of public housing stock to qualifying occupants. The aim of the EEDBS is to ensure that many of the occupants of public housing stock are provided with the opportunity to secure individual ownership of their housing units.

2.3.5. ***Enhanced People's Housing Process:*** This programme supports households who wish to enhance their housing subsidies by building their own homes. The Enhanced People's Housing Process can be accessed through the Integrated Residential Development Programme, Project Linked Consolidation, Institutional or Rural Subsidies, or technical and other forms of assistance in the house-building process. This subsidy is offered to individuals.

2.3.6. ***Farmworkers housing subsidy programme:*** This programme provides capital subsidies to develop engineering services in circumstances wherein other funding is not available. Additionally, the programme assists in providing adequate housing for farm workers and residents across various development scenarios. The goal of the programme is to address the diverse housing needs of individuals residing and working on farms by offering a flexible range of housing models that suit the specific local context. This programme is intended for farm residents who need to reside closer to their place of employment, but are located far from the nearest town, making it impractical for them to settle in the town. The programme ensures that farm residents have access to suitable housing options that cater for their unique housing requirements.

2.3.7. ***First Home Finance Housing Subsidy Programme (formerly known as FLISP):*** This

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programme aims to provide low- to middle-income households with access to adequate housing. Qualifying households are those that fall within the 'gap market', which refers to households that do not qualify for a fully subsidised house or a mortgage loan from the commercial banks. The subsidy may be used to buy new or old residential property, buy a vacant serviced residential stand linked to a National Home Builders Regulatory Council (NHBRC) registered homebuilder contract, or build property on a self-owned serviced residential stand through an NHBRC registered homebuilder. The subsidy attaches to the beneficiary and not to the property.

2.3.8. ***Housing Chapters of an Integrated Development Plan (IDP):*** Housing planning is included in this process through the formulation of a Housing Chapter in the IDP. This Programme provides guidelines for the inclusion of housing planning in integrated development planning processes and suggests an approach in relation to the formulation of Housing Chapters in IDPs. The Programme will also aid all municipalities which do not have sufficient financial and/or human resources for the undertaking of Housing Chapters of IDPs.

2.3.9. ***Individual Subsidy Programme****:* This programme provides state assistance to qualifying households who wish to acquire an existing house, or a vacant serviced residential stand linked to a house construction contract through an approved financial institution. These subsidies are available on a first-come, first-served basis and may be credit-linked or non-credit-linked.

2.3.10. ***Institutional Subsidy Programme****:* This subsidy is available to housing institutions that provide tenure arrangements alternative to immediate ownership. It enables housing institutions to create affordable housing stock for subsidy beneficiaries to live in subsidised residential properties. The legal entity must also make its own capital investment in the property, and the rental unit cannot be transferred to the beneficiary within the first four years of occupation.

2.3.11. ***Integrated Residential Development Programme (IRDP):*** This programme replaced the project-linked subsidy programme and focuses on integrated housing projects. The programme offers planning and development in phases to create sustainable, holistic communities. Phase 1 includes land acquisition, township establishment, and serviced land provision. Phase 2 comprises house construction for eligible housing subsidy beneficiaries and the sale of stands to non-eligible beneficiaries and commercial interests.

2.3.12. ***National Norms and Standards***: To provide subsidised housing of a high quality, Minimum Norms and Standards were introduced. The Minimum Norms and Standards safeguards the creation of serviced stands and the construction of stand-alone, higher density semi-detached and three storey walk-up residential dwellings financed through National Housing Programmes. The Minimum Norms and Standards are based on the National Building Regulations and include prescriptive aspects such as minimum size, the number and type of rooms to be provided.

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2.3.13. ***Operational Capital Budget Programme (OPS/CAP):*** Government has recognised the need for implementation assistance at the provincial level to achieve its housing development goals. A framework for a funding mechanism to assist provincial governments in this regard is implemented with the purpose of providing for the appointing of external expertise by a provincial department, to supplement the capacity required for housing delivery. Emphasis is placed on, but not limited to, supporting the Informal Settlement Upgrading Programme; projects that facilitate the creation of integrated sustainable human settlements; the provision of primary social and economic amenities; and the unblocking of stalled projects.

2.3.14. ***Programme for Housing Assistance in Emergency Circumstances:*** The objective is to provide for temporary relief to people in urban and rural areas who are exposed to housing emergency situations. Assistance provided under this Programme only constitutes the provision of temporary aid which should be of a temporary nature. Exception to this rule is the assistance for the repair or reconstruction of damage to a permanent formal housing that not covered by superstructure insurance. It may also include the possible relocation of people.

2.3.15. ***Programme for the Rectification of Certain Residential Properties created under the pre-1994 Housing Dispensation:*** The aim of this Programme is to facilitate the improvement of state financed residential properties created through state housing programme interventions during the pre-1994 housing dispensation that are still in ownership of the public sector institution and/or that were disposed of. The application of the Programme is not subject to the profile of the household occupying the property or whomever owns the property.

2.3.16. ***Programme for the Rectification of Certain Residential Properties created under the post-1994 Housing Dispensation:*** The Programme is aimed at rectifying subsidy houses provided before the introduction of the NHBRC Warrantee Scheme. It is intended to rectify defects in respect of both internal municipal engineering services and top structure defects and may even result in the demolition of a house. Subsidised houses which have been vandalised after completion, but before occupation by the rightful housing subsidy beneficiary, will also be rectified. More recently the programme has also been used for the removal of asbestos in subsidised housing.

2.3.17. ***Provision of Social and Economic Facilities Programme:*** In line with the policy to establish quality, sustainable human settlements, a programme has been introduced to fund primary social and economic amenities, where funding is not available from other sources. The programme finances social and economic facilities, such as schools, clinics, community halls, recreational facilities, and trading facilities, have not been able to provide facilities in most new

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housing projects.

2.3.18. ***Relocation Assistance Programme****:* This Programme provides assistance to borrowers who experience defaulting on their home loans and on the verge of being dispossessed of their properties. Subsidy assistance will be granted for rightsizing purposes, and this is contemplated in the Record of Understanding and the New Deal, which records the governments and lender's commitments. While a subsidy will be granted, lenders will then be required to write off any outstanding amounts.

2.3.19. ***Rural Subsidy Programme-Communal Land Rights:*** This subsidy is available to beneficiaries who only enjoy functional tenure rights to the land they occupy, typically in rural areas governed by traditional authorities. The subsidies are available on a project basis, and beneficiaries are supported by implementing agents. Beneficiaries may decide how to use their subsidies for service provision, building houses, or a combination thereof.

2.3.20. ***Social Housing Programme:*** This programme caters to the increasing demand for affordable rental units that provide secure tenure. Social housing offers good quality rental accommodation for the upper end of the low-income market and aims to create sustainable human settlements. The programme provides grant funding to establish, capacitate, and capitalise social housing institutions that may develop, hold, and administer affordable rental units in identified restructuring zones.

2.3.21. ***The Expanded Public Works Programme (EPWP):*** The EPWP gives effect to government's commitment to address unemployment and increase economic growth. As the housing sector represents a substantial contributor towards employment creation and economic growth the housing programme has been aligned with the objectives of the EPWP.

2.3.22. ***The Variation Manual:*** The Variation Manual allows for the precautionary adjustment of subsidy to ca to cater for extraordinary development conditions. This adjustment is based on the geo-technical and topographical conditions of the development area and the special housing needs of certain categories of disabled beneficiaries. Regarding the geotechnical and topographical dimension, the policy provides for professional investigation and qualification of the extraordinary development conditions. It also requires professional designs and specifications, including costing of the required precautionary measures to ensure durable, quality housing provision through the programme.

Regarding the special housing needs of certain categories of disabled beneficiaries, the variation option is focused on the specific housing needs of disabled beneficiaries, or beneficiaries with disabled dependents, and enhancement to their houses to afford them the opportunity of independent living.

2.3.23. ***Upgrading of Informal Settlements Programme (UISP):*** This programme facilitates structured upgrading of informal settlements in situ or by relocation as a last resort. The programme

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involves community consultation, emergency basic services provision, permanent services provision, and security of tenure.

Policy Statements – Housing Programme Interventions since 1994

1) The Housing Code will be reviewed and re-branded to encompass new approaches, strategies, and programmes to give effect to the delivery of integrated and sustainable human settlements.

2) Government will initiate legislative review and reforms including Prevention of Illegal Eviction and Unlawful Occupation of Land Act 19 of 1998, legislation for the recordal of rights and restructuring of fees structure to realise the rights of adequate access to housing. The Housing Act will be repealed and replaced by a new instrument that will address the broader objective of establishing integrated and sustainable human settlements as well as improved quality of households, incorporating principles from applicable normative instruments, policy documents and constitutional case law.

3) The Department will review and adjust the pre-emptive right clause (from 8 years to 5 years), to ensure upward mobility and curb informal transactions of subsidised houses.

4) Existing programmes such as Enhanced Extended Discount Benefit Scheme (EEDBS) will be reviewed to strengthen their objectives and new programmes such as individual housing vouchers, land release, site and service will be established in collaboration with various stakeholders. The Minister will issue a list of programmes to be phased out by a date to be determined in consultation with Member of the Executive Council (MEC) and South African Local Government Association (SALGA).

5) Human Settlement programmes will be re-framed to ensure contribution to improved quality of life by incorporating economic, social, environmental, physical conditions, spatial characteristics, and cultural factors.

6) Government will strengthen the function of accreditation to local government as prescribed in the Revised Municipal Accreditation Framework

2.4. Evolution of the Subsidy Quantum

2.4.1 The National Housing Subsidy Scheme has been crucial in offering affordable housing to eligible low-middle income households in South Africa since 1994. Central to the implementation of programmes is the provision of subsidies, referred to as the subsidy quantum, to low- and middle-income households, facilitating avenues for home purchase, rental, or construction.

This section explores the trajectory of subsidy quantum evolution and lays out policy statements intended for fostering sustainable human settlement development solutions for low- and middle- income households in South Africa.

2.4.2 The Department has regulated the housing subsidy programme and the summary quantum over the years is presented. Evolution of the housing subsidy in South Africa considers various factors and various datasets including the information provided by the Bureau of Economic Research. A summary of the housing subsidy quantum since 1994 is presented in the Table 2:

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Year	Monthly Income			
	Up to R800	**R801 to R1,500**	**R1,501 to R2,500**	**R2,501 to R3,500**
Phase 1:				
15 March 1994	R12,500		R9,500	R5,000
23 Dec 1994	R15,000	R12,500	R9,500	R5,000
1995	R15,000	R12,500	R9,500	R5,000
1996	R15,000	R12,500	R9,500	R5,000
1997	R15,000	R12,500	R9,500	R5,000
1998	R15,000	R12,500	R9,500	R5,000
1999	R16,000		R10,000	R5,500
2000	R16,000		R10,000	R5,500
2001	R16,000		R10,000	R5,500
Phase 2:				
2002	R20,300		R12,700	R7,000
2003	R23,100		R14,200	R7,800
2004	R25,800		R15,700	R8,600
2005	R31,929		R29,450	
2006	R36 528		R34,049	
2007	R38 984		R36,505	
Phase 3:				
2008	R54 650		R52,171	
2009	R55 706		R53,227	
2010	R57,540			
2011	R58,825			
2012	R64,665			
2013	R64,665			
Phase 4:				
2014	R110,947			
2015	R110,947			
2016	R110,947			
2017	R110,947			
2018	R116,867			
Phase 5				
2019	R116,867			
2020	R116,867			
2021	R116,867			
2022	R141,293			
2023	R183,257			
2024	R183,257 to be applied as part of adopting Innovative Building Technologies (IBTs)			

Table 2: Evolution of the subsidy quantum
Source: National Department of Human Settlements

2.4.3 Phase 1: 1994 to 2001: Between 1994 and 2001, the housing policy landscape witnessed significant changes. Notably, the Project Linked Subsidy Programme was introduced in March 1994 with a subsidy quantum of R12,500, which increased to R15,000 by December 1994. There were different categories which required some beneficiaries to contribute

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towards their housing subsidies to receive the same benefit as the lower income earners. Subsidised houses were initially limited to 16 square meters, and income categories were established to target different income groups. During this phase, various programmes were introduced, including Individual Subsidy Programme, Consolidation Subsidy Programme, and Rural Subsidy Programme, among others.

2.4.4 **Phase 2: 2002 to 2007**: In 1999, the Ministerial Minimum Norms and Standards mandated that subsidised houses must have a minimum footprint of 30 square meters. In 2002, the subsidy quantum for housing structures was increased to R17,821. Additionally, to fulfil the National Home Builders Registration Council (NHBRC) technical requirements, the quantum was raised to R20,300. The changes further accommodated ease of application with a contribution of R2479 and sweat equity in PHP projects. However, a gap existed within the system wherein private contractors undertook developer driven PHP projects, resulting in them undertaking all the construction work, with no beneficiary contribution as per the main objective.

2.4.5 Variation guidelines were introduced to cater for instances of abnormal development conditions. Notably, between 2002 and 2007, there were significant increases in the subsidy quantum. The Breaking New Ground (BNG) strategy, approved in 2004, aimed to provide decent, affordable, and sustainable housing solutions for all citizens. In line with BNG, the minimum size of subsidised houses was increased to 40 square meters in 2007 and approval was granted that the quantum be increased in line with the BER-BCI.

2.4.6 **Phase 3: 2008 to 2011:** The introduction of the Outcomes 8 report and prioritisation of informal settlements upgrading saw the establishment of the National Upgrading Support Programme with a separate budget. This ensured the preparation of upgrading plans and strategies through the National Department and the HDA, prioritisation of assessments of municipalities to be accredited to perform a housing function with separate budget allocations to support the capacitation and setting targets to assign the housing functions to the six metros. Subsequently, the subsidy quantum underwent a substantial increase, and the subsidy amount was unified for all income categories, resulting in a quantum increase to R58,825.

2.4.7 **Phase 4: 2012 to 2019:** To align with the standards set by the revised 2011 National Building Regulations and the South African National Standard (SANS) 10400 XA - Energy Usage in Buildings, the Minister of Human Settlements approved the enhancement of the National Norms and Standards for the Construction of Stand-Alone Residential Dwellings and

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Engineering Services. Although SANS 10400 XA was approved in 2011, the Norms and Standards enhancements were only implemented on April 1, 2014. The enhanced Norms and Standards focused on improving the quality and energy efficiency of residential dwellings. The typologies also included the housing needs of disabled persons who are wheelchair dependent. This special dwelling, with a gross floor area of 45 square meters was designed to provide adequate internal space for wheelchair movement.

2.4.8 The second typology, developed in collaboration with the Department of Military Veterans, aimed to support approved military veteran's housing subsidy beneficiaries. These special dwellings had a gross floor area of 50 square metres and featured a higher level of finishing. However, the Department of Military Veterans took responsibility for financing the additional costs associated with these enhanced houses, which was more than the standard subsidy-financed houses available to households earning between R0 and R3,500 per month. The houses were developed according to the requirements of SANS 10400 XA, which aims to regulate energy usage in buildings and promote sustainable construction practices.

By adopting these standards, the intention was to ensure that newly constructed homes meet higher thermal performance standards, benefiting the occupants and reducing energy consumption. These measures included the installation of a ceiling, plastering of internal walls, rendering on external walls and smaller windows. Additionally, the pre-paid ready board electrical installation was standardised to include a pre-paid meter, distribution board, lights, and plugs for all living areas of the house. As a result of these enhancements and adjustments, the total cost of the subsidy house increased drastically.

2.4.9 In terms of internal municipal services, municipalities were granted the authority to determine whether to install "A" Grade or "B" Grade levels of services based on the specific development context of each project area. Initially only B-Grade services were funded. A-Grade was allowed on condition that additional funding was available from other sources. A-Grade level services were typically required for new greenfield developments, particularly those financed through the Integrated Residential Development Programme (IRDP), aiming to create holistic, inclusive, and integrated townships with access to various housing, business, and institutional land uses. On the other hand, B-Grade level services were more suitable for Informal Settlement upgrading areas, infill schemes, rural areas, and areas where such services were already established as the norm. Furthermore in 2017, the Minister approved the introduction of higher density typologies to be registered as sectional title schemes and introduced a consolidated capital grant for social housing and new built CRU.

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2.4.10 **Phase 5: 2019-2024**: This phase included the phasing out of title deeds restoration, setting up of the emergency housing grant, informal settlements partnership grant, prioritisation of mud housing, asbestos roof removal, norms, and standards for rental and further enhancements to norms and standards for BNG to respond to crime, water, energy crisis and use of performance-based norms and standards.

Policy Statements – Evolution of the Subsidy Quantum

1) Government will rationalise the cost of human settlements products and, review the Norms and Standards. This translates into creating mechanisms to explore the potentiality of other human settlements products.

2) Government is committed to allocating adequate funding, streamlining administrative processes, and implementing transparent principles for subsidy allocation to eligible beneficiaries.

3) Government will undertake reforms to find a quicker, simplified, and less costly process of registration and transfer of land and property to cater for low- and middle-income households.

4) Private sector and civil society organisations participation will be encouraged in various aspects of planning, facilitation, building and operating process

2.5 Budgets Allocations and Sector Performance

2.5.1 This section provides service delivery and performance information of the human settlements sector between 1994 and 2024, thereby laying the basis for accelerating the provision of sustainable human settlements and spatial transformation.

2.5.2 Housing development is a concurrent function between national government and provincial government in terms of the Constitution. Since inception the Department of Human Settlements has received financial allocation of about R541 318 785.00 for housing development and creation of human settlements over the years. The budget allocated has increased with several reforms in conditional grants. The conditional grants include the Human Settlements Development Grant (HSDG), Title Deeds Restoration Grant (now phased out), Informal Settlements Upgrading Partnership Grant (ISUPG), Urban Settlements Development Grant (USDG), Municipal Human Settlements Capacity Grant (now phased out), Emergency Housing Development Grant for municipalities (now phased out) and Emergency Housing Development Grant for provinces (now phased out). The allocations included operational funding for the National Department and its Entities. Figure 8 indicates the funding allocations over the years.

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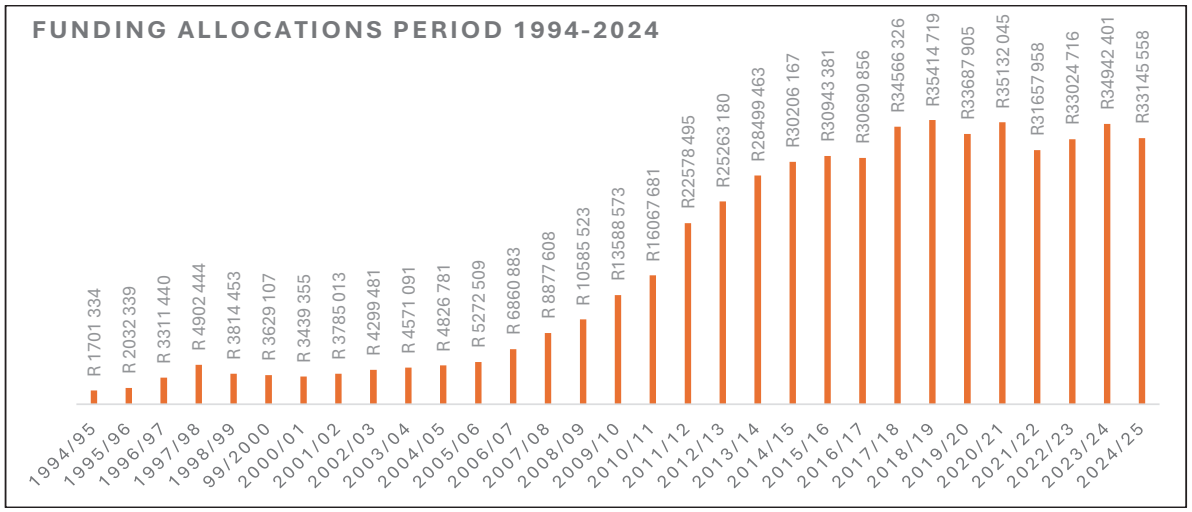


Figure 8: Department of Human Settlements allocation from 1994 to 2024
Source: National Department of Human Settlements

2.5.3. From 1994 to March 2024, the Department and its delivery agencies which include the entities, Provinces and Municipalities has delivered more than five million housing opportunities. Figure 9 outlines housing opportunities delivered since 1994.

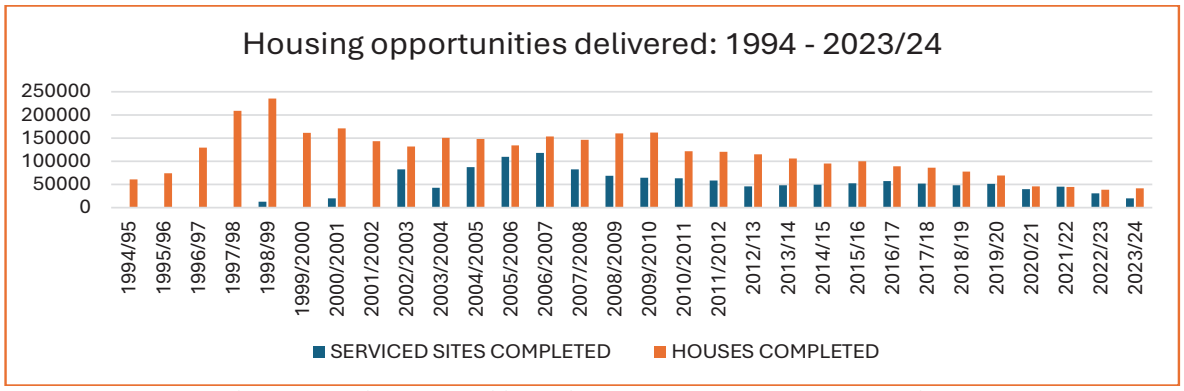


Figure 9: Housing opportunities delivered between 1994-2023/2024 period.
Source: National Department of Human Settlements

2.5.4. Analysis of cumulative delivery of housing opportunities reveal that there is an observed reduction in the rate of state housing production from 2009. This decline in the provision of housing units and serviced sites is largely attributed to escalating in costs of construction materials and products. Other notable constraints relate to the implementation of several housing subsidy programmes, cost of building materials, limited bulk infrastructure, inadequate grant absorptive capacity of the construction industry, project initiation or completion delays due to social issues and unlawful activities such as unlawful land occupation by community members, take-over, and disruption of construction project sites by 'construction mafias'.

2.5.5. At the same time, there has been notable achievement in the provision of subsidy housing to

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women beneficiaries as demonstrated in the Figure 10.

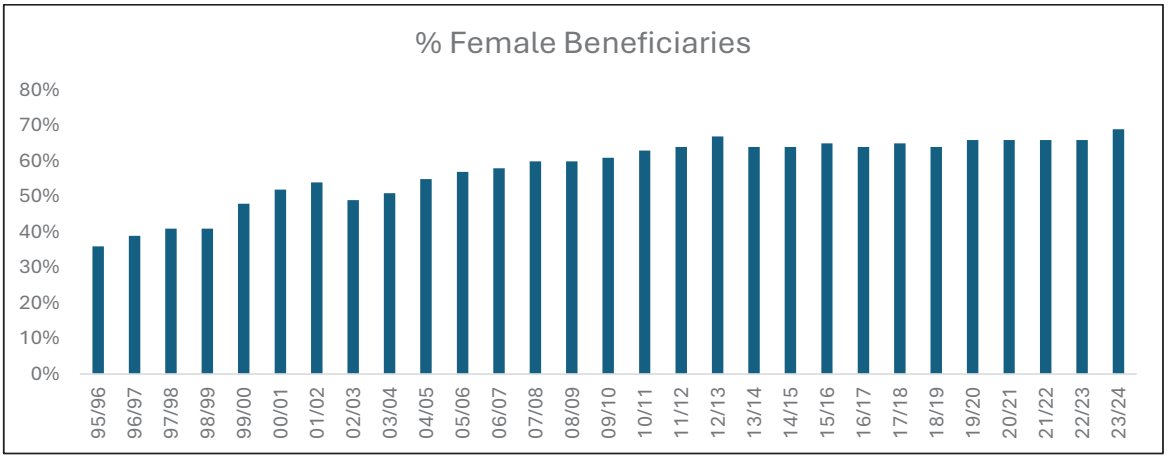


Figure 10: Percentage of female housing beneficiaries – 1995-2023
Source: National Department of Human Settlements

2.5.6. During the 1990s, less than 50% of the state houses were provided to women beneficiaries, however, this ratio increased steadily to almost 70% of all beneficiaries of subsidy housing are women. A remarkable observation is that currently, the rate of women beneficiaries in rural areas are the highest and this is significant given that African women were worst affected by apartheid.

2.5.7. Housing is not a function of municipalities, except when accredited by Members of Executive Authority (MEC) responsible for housing in Provinces. The budget allocated are comparatively lesser amounts and are based on signed implementation protocols. In the absence of signed implementation protocols, the delivery of human settlement services is provided by municipalities through municipal capital budgets as a measure of non-housing human settlements products.

2.5.8. In general terms Human Settlements expenditure constitute around 50% of municipal expenditure. In addition, significant contributions are visible in basic services, bulk services covering water and sanitation, electrification by ESKOM in some areas, provision of rural roads and public transport, the wide range of health facilities and the like which make up the range of human settlements requirements. Figure 11 provides a comparative analysis of Municipal CAPEX against Housing Expenditure:

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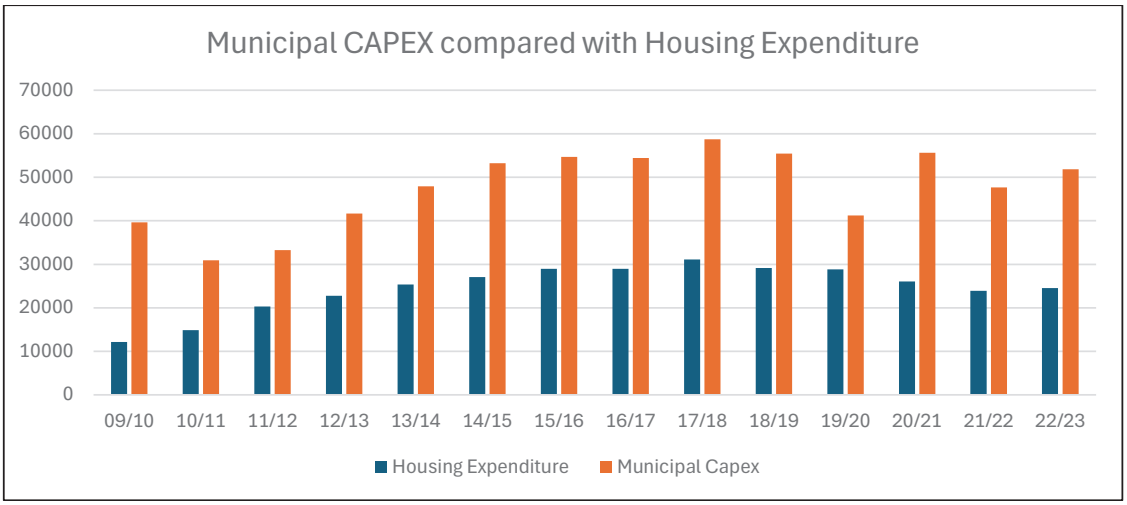


Figure 11: Comparative analysis of Municipal CAPEX against housing expenditure
Source: National Treasury

2.5.9. The Department has disaggregated municipal capital budgets by major expenditure areas. The municipal capital budgets have shown growth by about R10 billion which remained largely constant. The major portion has gone broadly to community services, followed by the other basic network/trading services of water and sanitation, roads, and electricity.

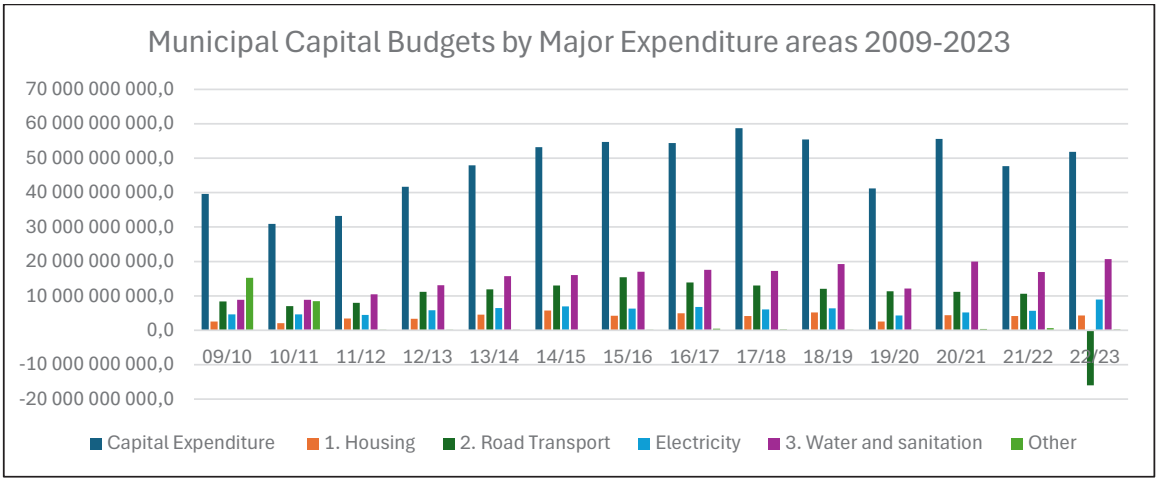


Figure 12: Municipal capital budgets by major expenditure: 2009/10 to 2021/22
Source: National Treasury

2.5.10. The performance of the human settlements sector suggests that there are complexities associated with the creation of sustainable human settlements. These complexities range from external factors such as the impact of macro-economic trends and COVID-19; and within South Africa there are a range of factors that contributes to human settlements performance which includes the shrinking fiscus, unavailability and/or slow land release processes, rapid urbanisation, escalating costs of material, Construction Mafia and in some instances capacity constraints.

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Policy Statements – Budget Allocations and Sector Performance

1) Intergovernmental Governance principles will be embraced to addressing dysfunctional spatial planning as one of the key enablers of integrated and sustainable human settlements. This will be strengthened through performance management and monitoring and evaluation mechanisms.

2) To ensure ongoing engagements between different role-players, the Minister will convene an Annual Stakeholder Forum to, amongst others, report on policy implementation, clarify stakeholder roles, and outline emerging sector priorities.

3) Human Settlements development priorities will be reviewed and ensure alignment with funding instruments, while recognising the complexities of delivering integrated and sustainable human settlements.

4) The statutory roles and responsibilities of National, Provincial and Local governments in human settlements development will be clearly delineated to avoid dual financial investment on cross-cutting functions.

5) The Department will continue creating an enabling environment to attract private sector investment to broaden catering for diverse income groups and emerging housing needs.

6) The Department will advocate for the establishment of funding mechanisms to enable civil society institutions to play a critical role in aspects such as social facilitation, self-build and protection of infrastructure thereby maximising the utilisation of public resources.

7) Emphasis will be on effective intergovernmental and sector coordination, development of planning and funding instruments for implementation of human settlements projects. Also, Government will facilitate and create mechanisms to recognise community initiatives that seek to support co-creation of integrated and sustainable human settlements.

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PART 3

3.1. The approach to human settlements

3.1.1 Consensus is that substantive approaches and interventions proposed in the White Paper of 1994, and the Comprehensive Plan for the Development of Sustainable Human Settlements are still relevant. Therefore, going forward, Government reaffirms its commitment to the following:

3.1.2 Continue with the subsidisation of human settlements

3.1.2.1 To implement a Human Settlements Subsidy Scheme.

3.1.2.2 To refine the scheme on an ongoing basis according informed by findings and recommendations from scientific research as well as ongoing monitoring and evaluations.

3.1.2.3 To create digital and technological systems to enhance effective targeting of needy households particularly women, the elderly, persons living with disabilities, special groups and other vulnerable groups, while also ensuring that the subsidy assistance connects them meaningfully to socio-economic opportunities.

3.1.2.4 To foreclose all opportunities for fraud and corruption in the sector.

3.1.2.5 To ensure that the state's subsidy investment is coupled with mechanisms for the ongoing maintenance of this investment, particularly where beneficiaries are not financially capable of ensuring this themselves and where state investment is in the form of apartments buildings.

3.1.2.6 To continue working towards improved approaches of blending state funding with private sector finance and savings to maximise the capacity for access to decent housing, particularly to the 'gap market'.

3.1.2.7 To ensure that government-subsidised programmes contribute to sustainable and inclusive economic growth.

3.1.3 Ensure adequate shelter.

3.1.3.1 To ensure adequate emergency responsiveness with well managed temporary facilities and use of alternative building technologies for speedy Human Settlements responses.

3.1.3.2 To ensure a state-provided, -managed and -subsidised rental sector in suitable locations for carefully targeted households tying tenants to economic opportunities, as a strategy towards preventing homelessness.

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3.1.4 Implement in-situ, incremental, participatory upgrading of areas with unacceptable living conditions.

3.1.4.1 To develop optimal institutional, technical, planning, tenure and procedural mechanisms for participatory and incremental informal settlement upgrading that will be carried out in-situ wherever possible.

3.1.4.2 To develop participatory, incremental and in-situ mechanisms for the upgrading of temporary relocation areas that can no longer be deemed to be temporary.

3.1.4.3 To develop participatory, incremental and in-situ mechanisms for the upgrading of apartheid-era hostels and inner city occupied buildings, with innovative redevelopment and densification were relevant.

3.1.4.4 To establish the National Stakeholder Forum to be convened annually by the Minister that is inclusive of the private sector, academia, civil society and communities to instil accountability, collaboration, co-production and continuity of human settlements initiatives.

3.1.5 Creating and guarding conditions for self-provisioning of housing by low-income households

3.1.5.1 To create conditions for households to build for themselves or with their own resources wherever possible, including through managed land settlement, as well as the release of serviced stands/ land in locations that link households with economic activities.

3.1.5.2 To develop mechanisms that protect against harmful downward raiding while allowing a market to advance.

3.1.5.3 To create the conditions for a non-exploitative and regulated rental sector to thrive and ensuring that a thriving subsidised social housing sector contributes towards this.

3.1.5.4 To curb exclusionary and unsustainable excesses in the upper end of the housing market.

3.1.5.5 To prioritise sustainability in all its facets, including climate resilience, as a cross-cutting commitment.

3.1.6 A whole-of-government approach

3.1.6.1 To refine alignment with spatial justice, sustainability, good governance, spatial resilience commitments made in the IUDF, NDP and in SPLUMA-related plans at all levels, including across the urban-rural continuum. Embark on ongoing participatory engagement around policy and implementation.

3.1.6.2 To create comprehensive systems of monitoring all elements of the human settlements value chain and build multi-stakeholder engagement forums at national, provincial and municipal level.

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3.1.6.3 To compliment rigorous technical monitoring and evaluation and ensure ongoing refinement of programmes and implementation.

3.2 Demand management and qualification criteria

3.2.1 **Objective:** To provide policy positions regarding demand management and qualification criteria for human settlements services

3.2.2 **Issue:** *Demand Management*- Government has a variety of systems available that provide details of the vulnerable. Currently, the records reflected on the HSS indicate that a substantial number of housing subsidy applications were approved since 1994 wherein beneficiaries have not yet received their completed houses. The circumstances regarding these approved subsidy applications differ vastly from housing project to housing project. These circumstances could include: (i) blocked projects, (ii) abandoned projects, (iii) projects with reduced number of dwellings for whatever reason, and (iv) projects that were approved where beneficiary applications were considered and approved but the project never commenced, etc. The HSS reflects that a subsidy application has been approved but delivery of the house to an approved beneficiary may be inaccurate.

Policy Statements – Demand Management

1) The National Needs Register (NNR) will cease to exist. The application, selection and allocation of housing opportunities to qualifying beneficiaries will be done through an online automated and transparent system.

2) Priority will be given to households who are not able to independently to provide for their own housing needs. Therefore, the most vulnerable members (child-headed households, persons living with disabilities, and the aged) of our society will be prioritised. Linked to this targeted prioritisation are the approved military veterans and persons with special housing needs.

3) All existing waiting lists and housing demand databases will be consolidated into a single portal. This includes datasets on human settlements that are held by entities within the sector. All housing needs will be recorded in one databank and registered in one system that will be determined by the National government.

4) A legal solution will be sought for the already approved housing subsidy applications that are recorded on the various systems. A due date for system clean-up of approved applications will be determined by the Minister in consultation with the MECs and SALGA.

5) An online self-help platform/portal will be made available for beneficiaries to upload updated documents. Where the information recorded on the HSS is inaccurate, the details and records will be adjusted, and overrides will be carried out to all the affected records.

6) Institutional arrangements for monitoring and implementation of human settlements services to the vulnerable groups will be set up in partnership with relevant departments – Department of Cooperative Governance and Traditional Affairs, Department of Social Development, Department of Military Veterans, Department of Justice and Constitutional Development, Department of Labour and Employment and other key players.

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3.2.3. **Issue:** *Qualification Criteria*- The housing subsidy qualification has remained the same since the inception of the subsidy programme in 1994. In terms of policy, a person qualifies for a subsidy if the person is a Lawful resident of South Africa in possession of permanent residence status; Legally competent to contract (18 years and above); Not yet benefited from government assistance; If a person has previously owned a fixed residential property a person may qualify for the purchase of a vacant serviced site; If property was obtained without government assistance and does not conform to norms and standards. A means test of a monthly household income (proof of income required) of R0 – R3500 for a full subsidy and R3501 – R 22 000 for a partial subsidy known as First Home Finance Programme (FHFP). The additional requirements include married or cohabiting; single with financial dependents' that reside permanently with applicant; single persons without financial dependents may apply for purchase of vacant serviced site or rental accommodation.

3.2.4. Further requirements include a persons classified as military veterans; a database containing names is available at DMV, persons classified as aged with or without financial dependents; persons classified as disabled and persons who are beneficiaries of the Land Restitution Programme. Inflation and the rising cost of living over the past few decades have significantly increased the cost of human settlements, making it increasingly challenging for low and middle-income individuals and families to afford decent accommodation. The failure to adjust the minimum and maximum income brackets for eligibility unintentionally excludes individuals and families who would have otherwise qualified for assistance under updated income thresholds, leaving a significant portion of the population facing housing affordability issues unable to access the support they need.

Policy Statement – Qualification Criteria

1) A regular review of the income brackets of the qualification criteria will be undertaken in consultation with the National Treasury and Statistics South Africa. A regulation in this regard will be issued as part of the Human Settlements Code or equivalent instrument. This regulation will ensure that subsidy programmes remain relevant and continue to serve the intended purpose of providing accessible housing options for individuals and families in need.

3.3. Spatial planning and transformation

3.3.1 **Objectives**: To provide guiding policy statements for spatial planning that recognises that there are different housing and human settlement environments in different parts of the city, inner city, townships, peri-urban areas, suburban areas, rural areas, etc. and devise housing interventions in accordance with the different economic and social needs of such environments.

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3.3.2 **Issue**: *Integration*- The development and maintenance of sustainable, integrated human settlements has been challenging. The social, economic, and cultural aspects of settlements have been dealt with in isolation, yet successful integration requires a holistic approach that is collaborative. The Department of Human Settlements alone has not implemented programmes that address the aspect of culture, economy, and social connections in settlements.

Policy Statements – Integration

1) A multi-departmental approach to the implementation of sustainable human settlements will be pursued. This will be aimed at holistically addressing spatial planning issues and bring together various departments and specialists to facilitate better outcomes. As the custodian for human settlements function, the Department will explore various mechanisms of involving multi-disciplinary teams with specialists in built environment and other key professions e.g., planners, engineers, economists, architects, social facilitators and journalists.
2) Interdepartmental working groups will be established foster systems thinking approach to coordination human settlement's function. As a minimum requirement, spatial planning for human settlements will include the Department of Human Settlements; Department of Trade Industry and Competition; Department of Transport; Department Sports, Arts and Culture; Department of Social Development, Department of Water and Sanitation, Department of Minerals and Energy and Department of Employment and Labour.

3.3.3 **Issue:** *Spatial transformation*- There has been a lack of ability to create synergy and alignment in approaches and the use of existing instruments to deliver integrated, sustainable human settlements that are linked to transport nodes, economic growth, as well as urban and rural development. Instruments such as Restructuring Zones, Priority Human Settlements and Housing Development Areas (PHSHDAs), IRDP and Rural Infrastructure Development are supposed to assist to facilitate spatial transformation. Economic, transport and human settlements plans and strategies have been developed to restructure apartheid spatial planning and curb inefficiency in settlements and change the spatial form. However, densification and infill housing options have not been fully pursued in certain areas. Some areas including rural settlements have not benefited from spatial planning, yet population density continues to increase. Outwards expansion of some of these settlements occurs at huge costs to their ecological integrity and the already scarce agricultural land. In some instances, there is experiences of encroaching onto road reserves and unsuitable ecological areas. Some municipalities have demonstrated an inability to enforce bylaws leading to unguided illegal encroachments which mitigate against planned developments.

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Policy statements – Spatial Transformation

1) Spatial transformation will be facilitated through alignment of human settlements development plans with economic, transport and planning strategies as this is central in restructuring the apartheid and inefficient settlements spatial form. Further, the Department will pursue spatial transformative interventions and explore mechanisms of providing incentives that encourage spatial transformation and mobility.

2) Human settlements will be developed with/or within spaces with economic opportunities and where possible, economic opportunities be created in proximity to residential areas (i.e., jobs to people and people to jobs). A government-wide planning approach that brings all relevant government departments that deal with labour, employment, housing, and economic growth interventions will be implemented in line with the DDM.

3) Infrastructure development projects will be packaged to target areas with Transit-Oriented Development which concentrates growth around frequent public transit corridors by locating housing, offices, shops, schools, and services near metro stations and bus hubs.

4) The transformation of existing townships, and areas which have been established since the 1980s, into sustainable human settlements will be prioritised and supported.

5) A National Land Asset and Property Register for Human Settlements will be established to (among other purposes) serve as an asset register for the outstanding pre-1994 housing stock.

6) Well-located land and properties will be identified, and new solutions crafted in consultation with partners.

7) Government will finalise township establishment processes where there have been significant delays or capacity problems and enable reasonable turnaround times into the future.

8) Government will identify areas for redevelopment (in-fill and brownfield developments including buffer zones of the past), unlock land for social and economic development (especially State-owned land), work with the Department of Transport (jobs to people-people to jobs), and strengthen functional linkages with the associated central business districts.

9) Focus will be on the elimination of spatial monotony and the general character of these areas as low-income dormitory suburbs, improving quality of the living environments (including greening the environment), and unlocking township residential property market (through streamlined land transfer and planning processes). This will also apply to areas which have not been covered by formal planning and building regulation processes, as well as the re-development of inner-CBD areas requiring urban renewal.

10) Densely populated rural settlements located around economic development nodes and along development corridors will be prioritised for spatial planning to give them structure and guide their growth and expansion (the planning, design, funding, and construction of alternative transport routes to prevent congestion in existing rural towns).

3.3.4 **Issue:** *Planning Processes*- Planning for human settlements has been a challenge over the years. This tended to be ad hoc and not informed by a long-term vision that takes into consideration the patterns of urbanisation.

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Human settlement development has not included a longer-term horizon, smart planning and implementation that will significantly contribute to spatial transformation, ensure revival, and provide the much-needed restructuring of communities and their locations.

Policy statements – Planning

1) The Legislative Framework will be embedded on long term planning, spatial integration, sustainability, efficiency, and integration.

2) In pursuit of the letter and spirit of cooperative governance, the Integrated Spatial Human Settlement Plans that are linked to the IDP, SDF, SPLUMA, etc. will be developed by municipalities and submitted to Provinces. These should identify designated areas of industrial activity/employment drawing support from DTIC. The DTIC will play a key role in confirming that local economic development is part of the integrated spatial human settlement plan. Social development will play a key role in terms of identifying disadvantaged/marginalised people in an area e.g. People living with disabilities, homeless people, displaced people, aged people, etc.

3) Municipalities will be responsible for the development of Integrated Spatial Human Settlement Plans that prioritise the establishment of Emergency Housing provision to cater for the marginalised and vulnerable. Further, this plan will ensure that gender-specific considerations in terms of demand/need, as well as for people living with disabilities, aged, homeless, and the displaced are provided for.

4) A 30-year (2024-2054) National Human Settlements Sector Plan will be developed and maintained within the national system of development planning. This plan will indicate short-, middle- and long-term activities. The planning process must be participatory and supported by the Intergovernmental Relations System.

   The 30-year National Human Settlement Sector Plan should serve to enhance and give effect to the objectives of the District Development Model, while focussing on area-based planning approaches within the local government sphere. This longer-term plan presents an opportunity to comprehend settlement patterns and trends as informed by economic and population data. This planning framework will aid to integrate transportation and land-use systems while ensuring coordinated planning and development in urban and rural spaces.

5) Government will create a National Human Settlements Planning Approval system to be used for streamlining planning approval processes and mitigating risks associated with planning delays.

3.3.5 **Issue:** *Use of innovative technology*- Digital connectivity is increasingly recognised as a form of urban infrastructure. Technology plays an important role in promoting sustainable urbanisation by improving the efficiency of urban services, reducing energy consumption, and improving residents' quality of life. These technologies include the use of sensors, data analysis and automation to manage urban infrastructure such as transportation, energy, and waste management.

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Policy Statements – Use of Innovative Technology

1) The use of artificial intelligence technologies, green technologies, and new concepts, technologies and methods in urban design will be embraced to address challenges of rapid urbanisation and support the sustainable development of human settlements. Programmes of ensuring use of technology to supplement capability including facilitating spatial planning and detecting flood risks or fire occurrences and thereby enabling effective mitigation in residential areas will be pursued.

2) Land use data will be carried-out by maps processed through technologies such satellite imagery, Geographic Information System (GIS) and drone technology. These mapping technologies will provide real-time data and indicators in relation to population density, building density, accessibility, road network, distance to the city centre, and mixed land-use, namely housing, workplaces, and socio-economic facilities.

3.3.6 **Issue:** *Meaningful Community Engagement*- Inclusive, participatory planning is essential for creating sustainable cities that work for all. City planners have not been able to fully and actively engage residents, community groups, businesses, as well as other stakeholders from initiation to the end of the planning process. This has created trust deficit and not leveraged on local knowledge, and not ensured that spatial plans reflect community values and priorities. Communities in some instances have resorted to vandalism, wasteful use, and abuse of infrastructure.

Policy Statement – Meaningful Community Engagement

1) A programme of social facilitation will be explored to ensure meaningful participation and engagement with communities. Scenarios for engagement supported by AI-powered engagement tools will be explored. These tools will help to reach more people and synthesise diverse input. Online surveys, interactive mapping, and virtual town halls will be used to solicit feedback from those unable to attend in-person meetings.

3.4 Land for human settlements

3.4.1 **Objective:** To outline arrangements for addressing issues of land for human settlements in urban and rural areas.

3.4.2 **Issue:** *Rapid Urbanisation*- More people are moving to the cities in search of opportunities, as well as the growth of existing population in urban areas. With the high rate of urbanisation, there is a growing demand for land in both urban and rural areas. The demand is both from people who can build their own houses and those who need government assistance to build. There is also reluctance of municipalities and other state actors to acquire or release strategically located land and property that can be used for human settlement purposes. The property that is closer to the city centre is more expensive towards the city centre compared to the periphery. Government has limited resources to purchase land at a sufficient scale and pace to meet the growing demand human settlement.

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The demand for housing is rising at a rapid rate which compels government to continue to acquire land in places closer to economic opportunities so that the creation of integrated and sustainable human settlements becomes a reality.

Policy statements – Rapid Urbanisation

1) The National Land Asset and Property Register for Human Settlements will be developed that will detail land and property planning, funding, and development to direct and manage transformative and integrated spatial restructuring of human settlements developments. This Register will include the National Land Asset and Property Register Programme Project Pipeline Plan and Development Framework.

2) The National Land Asset and Property Register for Human Settlements will include data that is spatially referenced to local municipalities at a ward level. This National Land Asset and Property Register for Human Settlements will be juxtaposed over the National Spatial Development Framework, provincial and local government spatial frameworks during national human settlements sectoral planning engagements.

3) Government will pursue reforms to the land identification, release, and allocation processes. The National Land Acquisition and Assembly Strategy will be developed as a key component of the Register. Improved coordination and reforms to planning approvals processes will be advanced. Desirable locations will be explored to advance land rights and service access. Institutional arrangements for rapid regularisation, or alternative incremental less-formal solutions will be developed as a matter of urgency. This includes addressing blockages delaying the finalisation of township establishment processes or alternatively the establishment of locally appropriate incremental planning and land use arrangements with appropriate flexibility.

4) A suitable land expropriation framework will be developed so that the potential of underutilised, well located, and developable land is unlocked. Government owned land suitable for human settlements will be released for human settlement purposes and uses. Alternatively, where ownership of the occupied land is in private hands, government will enter into land or donation agreements to prevent delays in infrastructure provision and will use available land acquisition mechanisms, including expropriation of well-located land where relevant. Existing legislative and policy instruments such as– Government Immovable Asset Management Act 19 of 2007 (GIAMA) and SPLUMA will be utilised.

5) A land planning forum will be established comprising of key departments such as Department of Public Works and Infrastructure (DPWI), Department of Land Reform and Rural Development (DLRRD), Department of Water and Sanitation (DWS), Department of Agriculture, Forestry and Fisheries (DAFF), Department of Cooperative Governance and Traditional Affairs (COGTA) and through this platform technical support will be given.

6) Municipalities with the support of Provinces will conduct regular audits, identify unused or underutilised pieces of land, and landed properties available in their jurisdiction. This will be undertaken with the assistance of professionals and communities including civil society organisations engaged in issues related to access to land and prevention of unlawful land occupation.
7) Government will remodel new instruments taking best practices from the Land Disposal Act of 1961 to release suitable and well-located land for housing development and to ensure that human settlements development and that settlements are developed on the basis of sound spatial planning principles.

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8) The Department will develop an implementation plan for human settlements land donations and develop suitable policy instruments such as municipal land assembly programme and, land release and densification programme to ensure maximum benefit from available and acquired land and landed property.

9) In areas with traditional leaders, municipalities will work with traditional leaders and key stakeholders including communities to identify land that can be used for human settlement development.

10) The DPWI and DLRRD will work together with the Department of Human Settlements and its entities to identify properties, both rural and urban, that are potentially available for human settlements and develop agri-villages.

3.4.3 **Issue:** *Dysfunctional property market*- Approximately 60% of people living in South Africa reside in land parcels or landed properties or buildings that are not recognised in the formal property system. This is predominantly informal settlements, dilapidated/hijacked inner-city buildings, and subsidy homes which have not been registered in the deeds registry or customary areas. The subsidised houses have not significantly integrated into the housing market and are not providing a financial lever for the poor households to realise market value. Systemic issues are evident in the whole title deed value chain and policy weaknesses; lack of transactional support and limited home ownership education remain a challenge.

Policy Statements – Dysfunctional Property Market

1) A programme of addressing dysfunctionality in the property market will be pursued to address where the market fails and implement instruments to address such.

2) Home Loan and Mortgage Disclosure Act (HLAMDA) was promulgated in the year 2000 and the Act intended to compel financial institutions to disclose information about their lending activities and practices in the home loan market will be reviewed and strengthened to promote transparency and fairness in lending practices thereby reducing dysfunctionality of the property market.

3) A National Property Transactional Support Framework/Programme will be developed and implemented through a public-private-civil society collaborative and participatory process. This Framework will clearly delineate roles and responsibilities between the three spheres of government in respect to addressing issues of dysfunctionality in the property market, redefined focus areas for human settlement entities, assessment of sector and industry capacity to address dysfunctionality linked to cumulative human settlement deliverables (BNG houses, Affordable Rental Housing, Community Centres and Facilities, Bonded Housing Stock, Socio-Economic Transformation/Residential Property and Land Asset Ownership and Construction Material Supply Patterns).

3.4.4 **Issue:** *Land in rural and traditional areas*- Many residents in rural and traditional human settlement areas do not own land mainly because the system of registration of land has not allowed for the recordal of rights. Some of the rural households do not have access to basic services particularly potable water.

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The households in communal land and farms reside on privately-owned land and do not have security of tenure. There is disjuncture between the various interventions for persons who reside in these areas. The monitoring, research, and verification of housing conditions for persons residing in rural and farms areas is poor. Insufficient attention has been placed on upgrading homes, dealing with mud houses, upgrading infrastructure, and providing integrated sustainable human settlements in rural areas. There has been increasing number of emergencies and as climate changes the weaknesses are becoming more evident.

Policy Statements – Land in Rural and Traditional Areas

1) The security of tenure and rural titling for farmworkers and those residing on communal land will continue to be priority.

2) Government will collaboratively review the current land administration to embrace and promote empowerment of women to access land and land titles.

3) Spatial consolidation of accessible socio-economic infrastructure services will be made to allow for choice, character, community, and households preferences to prevail.

4) Specific mechanisms will be developed to ensure that local government and DLRRD plays an important role in the registration, administration and regulation of farm and communal land in rural areas.

5) Legislation and interventions for recordal of rights which align with processes of acquisition and registration of communal land under Traditional Leaders or Community Trusts will be developed in consultation with traditional leadership.

6) Grants and subsidies for rural interventions will be reformed to address special rural interventions.

7) Structured cooperation interventions among a range of stakeholders including the three spheres of government, NGOs, CBOs, financial institutions, traditional leaders, and other stakeholders will be established.

8) Research, evaluation, measures, and indicators of success, reporting and verification of progress on land issues will be established to track policy and programme interventions.

3.5 Informal settlements upgrading

3.5.1. Objectives: To transform informal settlements into thriving, people-centred, resilient, safe, and functional neighbourhoods that are well-connected to municipal infrastructure, amenities, and the urban economy and to prevent the formation of new informal settlements through appropriate release of land and access to affordable housing.

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3.5.2. **Issue:** *Informal settlements*- Informal settlements are precarious, self-organised neighbourhoods that occupy one or more portions of land and 'without express or tacit consent from the owner or person in charge' [refer to Section 1 of the PIE Act] of the land. Such unlawful occupation may also be in contravention of land use and building regulations. Informal settlements emerge out of need and, while diverse, they typically display characteristics such as insecure tenure, absence of permanent basic services, impoverishment, and vulnerability. Often, dwelling structures are temporary, in the form of wood and zinc shacks but occupants may, over time, consolidate these into modest brick-and mortar housing.

3.5.3. Prior to the Covid-19 epidemic, estimates suggested that there were over 3 200 informal settlements in South Africa. The impacts of climate change have intensified the risks and vulnerabilities experienced in many informal settlements. Undocumented foreign nationals form a portion of those living in informal settlements. A policy on informal settlement upgrading that prioritises in situ, area-based, incremental, and participatory upgrading since 2004 and a dedicated ISUPG exists.

A National Upgrading Support Programme (NUSP) was designed to build capacity and capability for the implementation of the UISP with the objective of eventually upgrading all informal settlements in the country. Yet, the practice of informal settlement upgrading has been uneven, in some areas it has failed to move beyond the temporary servicing of sites which has left some of the households in conditions that are undignified, unsafe, and insecure.

3.5.4. Unplanned settlements are typically informal settlements as defined above but may include households with the means to build substantial housing structures. The emphasis in this term lies on the absence of formal planning. This may render such neighbourhoods vulnerable to rising water tables, flash flooding, landslides, subsidence, underground gasses, or other soil conditions that make land unsuitable for construction or where construction has to be preceded by careful assessment and requires costly measures for rectification.

Policy Statements – Informal Settlements

1) The Department will review the current informal settlements upgrading instrument to improve programme planning, implementation, meaningful community engagement, transversal and intergovernmental coordination, monitoring and evaluation. The objective in this regard is to transform informal settlements to be inclusive, liveable, and sustainable neighbourhoods that have adequate services, secure tenure, and address urban poverty, livelihoods, and spatial inequality.

2) Greater resources shall be shifted to support informal settlements upgrading premised on existing categorisation systems and participatory techniques such as re-blocking.

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3) Government will proactively take all necessary measures to curb the development of unplanned settlements/ informal settlements and the management of informal settlements growth where land is owned by government. In instances where land and property are vacant and unlawful occupation of land is imminent, the authorities/owners will proactively take all necessary legal measures to protect land and landed property (both private and public property). Unlawful occupation of land is undesirable as it promotes queue jumping for housing assistance and unplanned utilisation of land earmarked for other uses, including housing. All spheres of government shall deal with unlawful occupation of land decisively.

4) People living in informal settlements considered most vulnerable, including those with special housing needs such as victims of gender-based violence, orphans and vulnerable children, disabled persons and older persons will be provided with access to suitable and dignified accommodation, as far as possible within settlements, through meaningful engagement.

5) Unplanned neighbourhood development interventions that are grounded on infrastructure upgrading, maintenance, housing construction and urban management and create skills and training development and job opportunities will be pursued by leveraging various interventions including public works programmes and local contracting.

3.5.6 **Issue***: Informal settlements upgrading*- The regulatory environment has focused on conventional formalisation and green fields development. The capabilities of all role players, including those within the government, informal settlement communities, civil society organisations, academic institutions and the private sector have not been sufficiently harnessed to enable the transition from informal, underserviced, and insecure settlements to thriving, resilient and liveable neighbourhoods. Fragmented and poorly aligned institutional arrangements and intergovernmental coordination and the absence of institutionalised national, provincial, and municipal multi-stakeholder engagement platforms have contributed to the challenges.

Policy Statements – Informal Settlements Upgrading

1) Government will support municipalities to have the requisite institutional arrangements and capabilities for interdisciplinary, incremental planning and implementation. This will improve accountability and continuity in upgrading processes. Multi-stakeholder engagement platforms at national, provincial, and local levels will be established to coordinate efforts, review progress and extract lessons for improved practice and policy formulation.

2) Upgrading initiatives shall promote higher densities in informal settlements due to land scarcity. In this regard, there is a level beyond which density creates social and environmental congestion and undermines sustainability, therefore, the level of densities shall depend on local circumstances or context specific and will be subject to a disaster risk assessment to ensure the protection of life and property. To manage the issue of density, the technical, infrastructural, financial, and social implications of 'vertical density' will be explored, piloted and guidelines developed. This will include double-story self-build solutions which utilise locally available materials and familiar building methods.

3) An area-based approach will be adopted informed by in situ neighbourhood design principles such as safety, accessibility, liveability and connectivity and which focuses on the provision of

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social infrastructure (e.g. multi-purpose community centres catering for various community needs; educational facilities including Early Childhood Development Centres (ECDs); clinics; sports and recreation facilities), parks and food gardens, play areas and natural areas (including environmental management) and the activation of space (existing buildings and spaces put to use to support community needs) through development programmes and initiatives.

4) The provision of basic services and infrastructure will be prioritised, and sufficient capacity and resources will be allocated. Participatory design of incremental service options will consider safety, accessibility, and dignity, particularly of marginalised social groups. Infrastructure will be resource-efficient and minimise waste. Nature-based solutions that contribute to improved access to services and disaster mitigation will be pursued. A suitable framework will be developed. Further, planning for and investment in economic infrastructure, including informal trading zones and transport hubs, will be an essential part of upgrading initiatives.

5) A flexible planning and land use management dispensation will be advanced to support home-based enterprises, (informal) trading and other types of micro and informal enterprise.

6) Tenure security will be improved through a system that provides for recordal, incremental, individual, and collective tenure options that are inclusive of all residents and allow households to securely invest in permanent structures while also facilitating transactions as needed but foreclosing harmful downward raiding. The tenure options may include mechanisms suggested by the High-Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change. Particular attention will be given to advancing land rights and tenure security of women, older persons, child-headed households, people living with disabilities and other vulnerable groups including lesbian, gay, bisexual, transgender, queer (or sometimes questioning), intersex, asexual, and others (LGBTQIA+) individuals and guidelines will be developed in this regard.

7) Relocation, always as a last resort, will be decided upon after a detailed situational analysis. An exploration of all alternatives will be undertaken, and the outcome of relocation will be a carefully negotiated process involving affected communities. Implementation agencies will as far as possible, minimise disruption to communities and households' lives.

8) Social Compacts shall be entered into between communities and government in all informal settlements upgrading initiatives to ensure community sufficient participation. Mechanisms shall be initiated to ensure consistency of participation and engagement in decision making. The rights of vulnerable groups shall be safeguarded in this regard. Interventions of enhancing trust between communities and municipalities will be pursued through institutionalising community engagement, to include the establishment of tailored social compacts, task teams, local community-based organisations acting as social facilitators and by involving communities in all aspects of planning, budgeting, implementation, monitoring, reporting, evaluation, and auditing of informal settlement upgrading.

9) Civil society and academic partners will play a role in project planning and implementation, social facilitation, technical support, ongoing research, evaluations, international benchmarking, innovation and informing evidence-based policy adjustments. An appropriate procurement and funding mechanism to enable partnerships between municipalities and relevant civil society organisations and academic institutions will be developed.

10) Needs-based financial support for self-build that includes issuing of voucher, subsidised materials or savings- and credit-linked systems will be explored. The National Building Norms and Standards will be revised to allow for greater flexibility and incremental development, without compromising on health, safety, quality, and dignity.

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11) A national support programme for small-scale contractors and developers that includes upskilling of local labour will be developed. Particular attention will be given to the economic empowerment of women in the construction sector as well as to the economic potential of the emerging alternative building materials sector.

12) Greater investment will be made in the development of innovative and flexible building typologies and materials that are sustainable, resilient and, in as much as possible, locally produced. Certification of tested alternative building materials, methods and technologies will be fast-tracked to allow for replication and scale.

13) Effective partnerships between municipalities, the private sector and non-profit sectors will be pursued. The private sector will provide amongst other initiatives, access to finance for low-income households to pilot infrastructure innovation, provide free Wireless Fidelity (Wi-Fi), establish skills development programmes, create local employment opportunities, or direct corporate social investment to community initiatives.

3.6. Affordable Rental Housing

3.6.1 **Objective**: To stimulate the delivery of affordable rental stock through innovative financing mechanisms, updated regulations, and strategic partnerships with the private sector and civil society organisations.

3.6.2 **Issue:** *Rental stock delivery*- The delivery of subsidised rental stock has been provided through the Institutional Subsidy Programme, Social Housing Programme and Community Residential Unit Programmes. These instruments have been limited in supply measured against the demand for affordable rental accommodation across the country. Currently the Rental Housing Act 50 of 1999 (as amended) provides for the rights and obligations of landowners and tenants in the entire rental housing sector as well as regulatory guidance and mechanisms to resolve conflicts between them. In addition, the social housing subsector has been governed by a Social Housing Policy expressed through the Social Housing Act 16 of 2008 and its regulations. There is no dedicated policy for the rest of the rental housing sector, and therefore no legislation that shapes the rest of the sector, although there is a specified Community Residential Units (CRU) programme, Special Housing Needs, and Institutional Housing in the Housing Code of 2009. The policy environment does not take into consideration the large costs associated with land acquisition and development for government subsidised rental housing delivery. Also, due to a lack of rental housing supply there is a rapidly growing emerging rental sector and informal rental that provides rental accommodation at a small scale.

3.6.3 Government's housing subsidy scheme has made important strides in providing home ownership opportunities; however, many low and middle-income households remain unable to access mortgage finance or afford the costs associated with owning a property. Rental housing

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is their only viable option, yet these potential beneficiaries end up living in backyard rental, unplanned settlements, inner city dilapidated abandoned buildings, etc. Moreover, many beneficiaries are unable to access the private rental market due to high rental amounts charged.

3.6.4 Challenges regarding the regulation of rental housing include, the institutional and financial delivery of rental stock, increases in rentals and unfair practices (often unaffordable and contributing to rental defaults, evictions and disputes), maintenance of rental stock (poorly managed particularly with respect to public hostels, CRUs and backyard dwellings), inadequate rules for private (for profit) entities participating with government subsidies and a lack of intergovernmental cooperation in the release of state land and buildings.

Recently, pressure for policy changes arose from a fiscal crisis resulting from the economic impact of the pandemic on the rental housing sector.

Policy statements – Affordable Rental

1) Government will provide an overarching policy framework for affordable rental housing with clear definitional parameters, define responsibilities of role players across rental market subsectors, within which all relevant national and sectoral stakeholders exist. Legislation, programmes, and strategies will be amended and reformed to successfully implement affordable rental housing interventions.

2) The National Land Asset Register and Property Register will be developed to include options for supply of affordable rental accommodation. Government will use its legal authority, where appropriate, to shape the usage of privately and publicly owned land for the development of affordable rental accommodation.

3) Government will advance effective property management of subsidised rental stock. In instances where stock is owned by government, the property and buildings will be secured to avoid being prone to 'hijackers' or criminal syndicates that intimidate tenants.

4) The process of implementation of Eviction Orders is emotive, costly, burdensome and often becomes volatile to all affected parties. Therefore, the Department working with the Department of Justice and Constitutional Development and Rental Housing Tribunals will create a mechanism to intervene for mediation when a motion is submitted to the Courts for an Eviction Order

5) Government will pursue reforms in the social housing programme and address shortcomings in the current social housing policy and amend the Social Housing Act and its regulations in partnership with key role players. Amendments to funding models will be considered in partnership with the National Treasury, Department of Employment and Labour and other key sector Departments, to enable flexible object subsidies customised for different unit typologies, sizes, densities, customised for different household incomes, and municipal rebates for improving affordability for qualifying households.

6) Government will explore mechanisms for informal rental, provide incentives and remove barriers for households (tenants) and informal landowners, already participating, and utilising private informal rental accommodation. An informal rental housing programme will be crafted to provide safe, secure, accessible, offer affordable rental and have access to basic services such as water,

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sanitation, and electricity. To promote health and safety a serviced slab will be constructed on a participating landowner's property subject to application of concessions.

7) The emergent rental market has been identified as a key sub sector of rental that is covered in the Rental Amendment Act of 2014. The emergent rental providers will be identified, accredited, and provided with a set of rules and guidelines as delivery agents. Government will provide incentives and remove barriers for households and delivery agents (emerging landowners-developers) intending to participate through investing and providing accommodation in this subsector. A significant incentive is to provide access to loan finance at rates that allow a commercial return on equity for landowners. Government intends to create employment, accelerate the delivery of rental housing and address housing demand.

8) The hostel redevelopment, CRU, and municipal rental housing as subsector of rental housing will continue to be administered by municipalities and provincial housing departments supported by public and private role players. Income qualification criteria will be regularly reviewed to ensure provision of adequate and decent accommodation to the deep-down market whilst restoring and maintaining the stock of the sector and re-inculcating the principle that the tenants pay their rentals to ensure the sustainability of the sector.

9) Government will engage with tenants in all CRU/municipal units (i.e., not just the limited percentage being refurbished) who earn above the set maximum income level to qualify and implement solutions before considering termination of tenancy. Government will rectify existing completed units, and complete CRU projects that have commenced but are incomplete. Government will for the next 10 years concentrate on refurbishments and consider provision of object subsidies in the rehabilitated and functional CRU stock.

10) Government working together with the private sector and the regulatory authority will explore mechanisms of establishing transitional housing as a solution to urbanisation challenges found in cities and metropolitan areas. Lessons and best practices from metropolitan cities will be documented and utilised to develop an additional programme of the Code with clear roles, responsibilities, and funding arrangements. The instrument will serve as a solution to the evictees, those who are no longer able to pay affordable rental accommodation, etc.

11) Government working together with employers intends to hold stock that it can provide to accommodate poorer and vulnerable workers, especially under conditions of economic insecurity and shock.

12) The provision of affordable rental housing will include operational funding for creating systems, undertaking research and evaluation, object subsidies, subject subsidies, municipal rebates that make utility bills affordable for targeted tenant households and a longer-term decline in basic services operating costs through the installation of the appropriate alternative building technologies (especially in providing for power generation and through insulation materials). A hybrid between a Housing Expenditure Approach (i.e., estimating a percentage of household income for rent) and a Residual Income approach (i.e., determining an absolute average amount of rent across a range of household income bands) will be developed.

13) The Procedural and Unfair Practice Regulations (2023) emanating from the Rental Housing Act (as amended) will be used to guide landowner and tenant relations across the rental housing sector.

3.7 Affordable housing market

3.7.1 **Objective:** To provide holistic levers towards a functional and equitable residential property market for low-middle income households.

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3.7.2 **Issue:** *Affordable housing demand*- The demand for housing in the affordable housing market far outstrips supply of housing units and it is characterised by heavy reliance on public funding (grants and subsidies). The shrinking budget is adversely impacting public spending while most aspirant homeowners are heavily indebted with impaired credit records. The low- and middle-income households remain underserviced especially with respect to mortgage financing and while the resale market activity has been growing in the conventional and high-end markets, it has declined in the entry and affordable markets.

3.7.3 The current funding architecture for human settlements is premised on the distribution of grants. The challenge is that annual transfers have been decreasing in real terms which in turn impacts on grant allocations to Department's implementing agencies for the delivery of affordable and sustainable human settlements including services and bulk-linked infrastructure.

3.7.4 Delivery of affordable housing in formal townships is persistently weak in relation to the need and demand. Far too many households struggle to access adequate housing for ownership primarily due to the unavailability of houses within their affordability range. The supply of affordable housing to meet demand is stymied by various factors which include high land input costs, limited or depleted municipal bulk infrastructure capacity and numerous barriers faced by households in accessing housing finance.

Policy Statements – Affordable Housing

1) Government commits to the creation of conditions in which access to credit linked subsidies and employee housing schemes are made easier and affordable for borrowers to buy or construct a house. Direct measures targeted at encouraging lenders to expand access to mortgage finance to low- and middle-income households to stimulate both the primary and secondary mortgage markets will be adopted.

2) Affordable housing will be both vertically and horizontally flexible. In terms of vertical flexibility, it must be able to provide for low- income households that upgrade their housing arrangements as well as high income households that downgrade their housing arrangements. In terms of horizontal flexibility, it must enable middle income households to change their tenure status but remain in affordable housing.

   Affordable housing shall provide programmatic support for: a) ownership through public-private arrangements; and b) transitional housing through public-private arrangements such as rent-to-buy/own, instalment sales, etc.

3) Government will develop an affordable housing policy that ensures that the selling price is affordable to the household in that: a) the cost of constructing the house is made reasonable; and b) the cost of taking out a home loan is made reasonable. A well-coordinated framework that is made up of different stakeholders will be developed.

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4) The principles of the framework will include; a) enhanced and structured partnership agreements through PPPs to fund human settlements with DFIs, government, private sector, banking sector, non-bank lenders, developers, etc.; b) scaling up the implementation of First Home Finance by increasing capital and operational funding to the National Implementing Agent(NIA); c) increasing provision of sites and services for incremental building; d) EPHP to mobilise communities to partner with government in the delivery of housing and better human settlement outcomes; e) introducing the Mortgage Default Insurance to reduce lender's credit risk exposure, which has proven a success in many countries; f) mainstreaming of cost-effective construction methods through Innovative Building Technologies (IBTs) to maximise impact of subsidies.

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PART 4

4.1 Funding models and financing

4.1.1. The current funding architecture for human settlements is premised on the distribution of grants many of which are described in the Housing Code 2009. These have changed over time and require systematisation. Current grants include the HSDG, USDG, ISUPG and the Municipal Human Settlements Capacity Grant (MHSCG). The Department has faced a few challenges regarding linking expenditure incurred with various milestones or achievement in the delivery of human settlements. These include shifting funds between spheres, funding other costs that are associated with the delivery of human settlement opportunities specifically housing opportunities, deviations from existing norms and standards to fund demand driven strategies and court rulings that enjoin the various spheres of government in the delivery of basic human rights that are linked to the provision of human settlement opportunities including housing and basic services.

4.1.2. ***Targeted Systems Approach:*** Government will emphasise the importance of adopting a targeted and strategic systems approach in exploring alternative fiscal resource allocation supported by systems thinking, computation and data science techniques. This system needs to focus on providing evidence for, and monitoring and evaluation of, the totality of human settlements.

Policy Statements – Funding Models and Financing

1) A multidimensional funding model (government led, private sector led, community led, and hybrid led) will be pursued through multi-level governance, which includes the DDM and ensure that the needs and priorities of local communities are considered. This approach enhances local ownership, promote effective planning, and strengthen the alignment of fiscal resource allocations with the developmental aspirations of provinces.

2) Government will use human settlements delivery value chain activities to stimulate economic growth and improve connectivity in underdeveloped areas.
    a. Reforms in finance and governance that will complement the development of sustainable human settlements will be introduced in collaboration with the National Treasury. These include:
        i. Infrastructure grant to fund the building of infrastructure, public spaces, and services, including land costs, investment in public spaces, and the like;
        ii. Housing grant to fund the housing subsidies for households, construction of a housing unit or the purchasing of a house or self-built initiatives for the low income must be targeted;
        iii. Capacity grant to fund professional services and capacity acquisition and development. This includes capacity for scoping land, environmental impact assessment, and related capabilities; and

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iv. Grant to fund social facilities and land uses of human settlements such as schools, health, creches and community facilities safely and security, and the like. These must be coordinated through Area Based Planning Approach and the DDM in partnership with the responsible Departments through planning and budgeting instruments.

4.2 Funding and taxation incentives

4.2.1. The housing sector contribution to GDP is generally measured by two indicators, namely the residential (construction) and consumptive spending on housing (services, i.e., rent, utilities, taxation). The budget allocation to the human settlements sector in South Africa has been declining over time. The total contribution of housing to GDP is measured at 14.3% to 16.1% in some counties like Thailand, Brazil, India, Kenya, Mexico, Indonesia and comprises approximately 25%-30% of household expenditure.

Policy Statements – Funding and Taxation Incentives

1) Human Settlements Institutions will be encouraged to raise funding directly from the capital markets and be less reliant on grant funding as they enjoy implicit government guarantees.

2) A range of tax-based regimes, vis-à-vis discounted state-owned land, the Income Tax, the Broad-Based Black Economic Empowerment (B-BBEE), the Deeds Registries, the transfer and stamp duties and other related tax exemptions will be explored.

3) Mechanisms such as incentives for those who donate land for human settlements, and an affordable housing levy with a matching contribution from the employer will be explored.

4) The Department will pursue a trajectory and advance a notion whose noble intention is to advocate for its programmes to be zero rated to enhance affordability. A regulation that provides certainty will be issued by the Minister of Human Settlements in consultation with Minister of Finance.

4.3 Market support and facilitation

4.3.1 **Objective:** To provide an instrument that can serve to coordinate transactional, information, advisory, referral and general property support activities among low income and previously marginalised communities.

4.3.2 **Issue:** *Housing consumer support*- Government has established various institutions and developed mechanisms to address housing consumer issues and safeguard consumer satisfaction. Yet, access to adequate housing continues to elude many low-income housing consumers who face a myriad of challenges that threaten the realisation of the right of access to adequate housing. These include a) poor access to information on government housing support and programmes; b) insecure tenure resulting from title deed backlogs;

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c) informal property transactions; d) self-built housing which does not meet the building norms and standards; and e) inability to leverage finance using government subsidised and self-built housing.

Policy Statements – Housing Consumer Support

1) The National Property Transactional Support Framework will be developed. This will include collaboration with the private and non-profit sector to establish Local Housing/Transactional Support Centres to support and enable self-build initiatives, consumer education and property transactions support.

2) An area-based approach will be followed in the establishment and physical location of Local Housing/Transactional Support Centres to respond to locational differences, make a meaningful contribution to the human settlement strategy being pursued, and reorientate human settlement funding towards an area-based approach and provide for neighbourhood upgrading in a spatially integrated manner. Opportunities that other government initiatives provide will be explored. These include local municipality housing help desk, PHSHDAs which are focus areas for spatial transformation through human settlement initiatives, Restructuring Zones designated for the development of social housing, Thusong Centres, Customer Service Centres or satellite offices of municipalities and partnership with civil society organisations.

4.4 Innovation and sustainable human settlements

4.4.1 **Objective:** To create mechanisms to ensure that human settlements make a substantial contribution and impact on innovation and technological enhancements.

4.4.2 **Issue:** *Human Settlements socio-technical system*- There is a poor culture of innovation in the human settlements sector. While innovation capability exists through institutions that deliver human settlements. This does not guarantee that innovation will occur. There is a lack of adequate funding and investment into IBTs.

Policy Statements – Human Settlements Socio-Technical System

1) The existing policies, guidelines, norms, and standards will be revised to be more enabling and accommodative to innovation.

2) The Human settlements Innovations Framework will be developed with criteria that include a) self-help for households retrofitting technologies, supporting circular built environment policy programme; b) supportive regulatory framework that streamlines the permission process for sustainable retrofitting projects and encourages innovation in subsidy houses; c) policy programme for human settlements to promote a circular built environment, such as incentivising the use of recycled materials, encouraging modular construction techniques, etc.; and d) Local Housing/Transactional Support Centres to be hubs of alternative building technologies and provide technical and financial support to developers, contractors and communities.

3) Government will coordinate the budget for technologies and innovations in human settlements between the DSI and the Department for Research, Development and Innovations through the Inter-Ministerial Committee and regulations.

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4) Specific Policy Programmes for Tax incentives, accreditation programs for green and smart settlements, municipal incentives rate incentives, subsidies, and grants or rebates for households that utilise alternative building technologies such as solar panels, energy-efficient appliances, and water-saving fixtures will be explored.

4.4.3 **Issue:** *Digitalisation of human settlements*: The Digital Revolution is a global trend characterised by a shift away from mechanical and electronic to digital electronic technology resulting in digital services. The Department faces many limitations emanating from the manual-based systems, mechanical and electronics that is evidenced by challenges relating to access to verifiable and accurate data, information, and reporting.

Policy Statements – Digitalisation of Human Settlements

1) The Department will implement structural reform through digitalisation of human settlement processes by embracing digitisation, automation and data-driven approaches that will improve and enhance service delivery in human settlements.

2) Decision Support Tools that allow beneficiaries to apply for housing using the mobile application and be able to track their application process will be explored.

3) Human settlements dashboard that integrates data from different sources into a single view to draw insights, using data analytics will be investigated and implemented.

4) Government will Implement Technologies of the Future initiatives that are based on research and development endeavours. The future technologies that aspire for the future of society based on challenges identified to create job opportunities in the green construction sector and support the participation of innovation Small, Medium, Micro Enterprises (SMMEs).

5) IBTs and innovation projects to achieve green and smart settlement programme will be pursued by implementing initiatives for transitioning towards green smart settlements that are environmentally sustainable, energy-efficient building materials, 3D Construction Printing etc.

6) A programme of promoting and providing urban green spaces will be pursued as an essential component of sustainable human settlements. This will be coordinated through a wide range of recreational, physical, and sporting events.

7) Smart Utilities and existing hardware and software internet of things (IoT) networks that promote the efficiency of household services such as water, and energy can yield real-time data linked to users, service providers, and local authorities will be used to improve the quality of response to interruptions, fit innovative sanitation solutions such as non-sewered sanitation units.

8) Working with the private sector, academia, civil society, and communities to encourage experimentation with technologies such as smart sensors, IoT devices, and digital platforms.

4.4.4 **Issue:** *Local Technology Pipeline*- There is a poor relationship between the government subsidy programme and the national system of innovation or technologies that are developed locally for the built environment.

There is a need to strengthen the pipeline of technology products and innovations for human

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settlements that are vetted, accredited, tested, and registered or showcased and can be made accessible to installers/contractors, developers and SMMEs.

Policy Statements – Local Technology Pipeline

1) Government will implement a Technology Register of Innovations for the sector that are vetted and certified. The Register will be a source of reference for investors, developers and specifiers seeking products that could be upscaled for human settlement projects.

2) The Department will implement Living Labs Programmes to introduce innovations that are user-developed and supported in situations where users or communities co-create and demonstrate at a community-level innovation that meets their needs.

3) The Department together with sector departments will invest in research and development of innovative building technologies and materials specific to the South African context to spur local innovation and create job opportunities in the green construction sector.

4.4.5 **Issue:** *Technology Diffusion*- There are poor mechanisms in the current human settlements policy environment that support the technology diffusion from inception (product development) to end-of-life (deployment of houses) to reduce risks, improve the operational performance of these innovations and meet users' expectations.

Policy Statements – Technology Diffusion

1) The Department will explore and implement smart and green settlement technical support for self-help retrofitting of accredited smart and green settlement products by an individual household or government-led self-help programme.

2) The Department will implement an Accreditation Programme of smart homes and green settlements equivalent to Leadership in Energy and Environmental Design (LEED) or Green Star certification, tailored to the South African human settlements' context.

3) A programme to build a Community of Practice for the procurement of innovations that enables the sharing of information will be pursued to overcome barriers and open the market for mainstreaming innovative technologies.

4.5 Climate change, climate resilience and innovative systems

4.5.1. **Objective:** To develop and implement a human settlements response to climate change

4.5.2. **Issue:** *Effects of changing climate patterns*- The primary climate hazards facing South Africa's human settlements are fire, flood, severe storm intensity, drought, and high heat occurrence. These hazards are the result of changes in temperature, rainfall patterns and severe storms. This is expected to accelerate over time.

Climate change affects both urban and rural areas as well as formal and informal settlements.

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The interactions between climate hazards and human settlements manifest in social and economic dislocations which impact and change settlement and migration patterns and, in some cases, lead to forced displacement. The climate hazards for human settlements manifest through their impacts on ecosystems, not least because of the critical functions and services they yield, particularly water in our highly water stressed country.

Policy Statements – Effects of Changing Climate Patterns

1) A deliberate effort will be made to integrate climate resilience and sustainable development approaches into the planning, design, construction, maintenance, and operation of human settlements to avoid the devasting impacts of climate change.

2) Initiatives towards the protection and enhancement of inhabited ecosystems and sub-systems will be pursued to increase the yield of critical ecosystem services for communities, such as flood and fire protection, water, and cultural and recreational activities.

3) All new settlements will have accessible green spaces and greening adjacent arterial roads, provided through community and enterprise-based tree planting, prioritising disadvantaged communities that face severe heat stress, and/or risk of floods and flood related landslides.

4) Government will identify and mobilise innovative ways and means of financing the design and implementation of resilient norms and standards, particularly for housing, energy, water and sanitation, roads, and transport to bring about catalytic change for South Africa's vulnerable communities.

4.5.3 **Issue:** *Building material*- The challenges of climate change compound existing obstacles. Buildings are the largest emitters of greenhouse gases, responsible for at least 37% of global emissions and the construction industry in South Africa is the largest greenhouse gas emitter due to its heavy reliance on coal-based electricity. The usage of non-eco-friendly technologies and materials in housing construction results in the abuse of the natural environment due to a lack of adequate land use planning and loss of biodiversity.

Policy Statements – Building Material

1) Government shall promote collaboration and capacity development programs to facilitate knowledge-sharing and skill development within the human settlements sector. Additionally, Government will establish innovative financing models to provide accessible and affordable financing options for material sourcing and technology adoption.

2) The climate resilient and green building norms and standards that are aligned with best practice for protecting the country's ecosystems will be regularly published. These will be aligned with Green Star SA rating portfolio, an internationally recognised mark of quality for the design, construction and operation of buildings, interior fitting, and precincts.

3) A differentiated approach to norms and standards for informal and formal subsidised housing, including for RDP/BNG houses, shacks and backyard shacks, energy and transport

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infrastructure, water and sanitation infrastructure, and storm water management systems, etc. will be investigated.

4) Government will create mechanisms to explore the availability and supply of alternative heat resistant materials for shack construction to replace corrugated iron. This will decrease energy needs (heating) in winter and increase comfort in summer.

5) The Department will continue to work together with key partners such as DTIC, NHBRC, Agrèment SA to implement and ensure compliance to SANS 10400 XA norms and standards. The requirement for buildings to be oriented northeast is noted however many land parcels and landed property available for development do not allow a choice of orientation – e.g., a South facing hill slope. Land available in suitable locations for housing is in short supply and the ability to orientate buildings facing northeast is limited and therefore new solutions will be developed.

6) Government will create a platform for engaging and participating in global discussions to understand and establish best practice for climate resilient infrastructure. Currently such efforts are led by the World Green Building Council, the international local-regional-global action network that leads the transformation to sustainable and decarbonised built environments for everyone, everywhere.

4.6 Infrastructure and amenities

4.6.1 **Objective:** To provide policy statements on infrastructure and amenities acknowledging the key role this plays in enabling a good quality of life and providing for efficient and sustainable human settlements.

4.6.2 **Issue:** *Infrastructure*- Rapid urbanisation and resource constraints have resulted in infrastructure backlogs in many human settlements. Many settlements do not have adequate roads, walking and cycling routes, public transport, energy, ICT, water, sanitation, and solid waste management services. In addition, the development of urgently needed new housing in many areas is limited by insufficient bulk service capacity and resources required to develop connections and networks.

Policy Statement – Infrastructure

1) Human settlement infrastructure guidelines will be developed based on the following principles, a) minimum infrastructure standards for human settlements will be developed in discussion with relevant government stakeholders such as the Departments of Transport; Water and Sanitation; Electricity and Energy; and COGTA; b) standards will define minimum sustainability, affordability, and accessibility requirements; c) high-quality, sustainable infrastructure, technologies and systems will be used to achieve minimum standards; d) local government will plan for infrastructure in line with minimum standards and include this in IDPs; e) municipalities will develop Municipal Service Partnerships (MSPs) with local communities and service entrepreneurs to develop and manage infrastructure within human settlements; f) product-as-a-service models in which service entrepreneurs install and maintain systems, such as photovoltaic plants, solar water heaters and ICT networks, at their cost and receive fees for services used, will be promoted; g) Development Finance Institutions will provide finance and technical support to entrepreneurs and communities wishing to develop infrastructure and

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provide services through the MSPs model; and h) the Department of Higher Education, LGSETA, TVET colleges and community-based organisations will work together to provide practical, accessible infrastructure development, management, and maintenance training to build local capacity.

4.6.3 **Issue:** *Amenities*- Many human settlements do not have amenities such as schools, clinics, and parks. This means that already vulnerable households must bear travel costs to access these facilities and as a result, may not use them. The lack of local education, health and other amenities can have severe consequences for households, especially for children, and affects future employment prospects, health, and well-being.

Policy Statement – Amenities

1) Human settlement amenity guidelines will be developed based on the following principles, a) minimum amenity standards for human settlements will be developed in discussion with relevant organisations, such as the Departments of Basic and Higher Education; Health; Sports, Art and Culture; Social Development; and Small Business Development; b) minimum standards will include amenities that support well-being and fitness. Amenities that support improved nutrition and food security and self-employment and home enterprises. Amenities that support the establishment of small enterprises will be included; c) minimum access standards for amenities will ensure that these respond to local needs and can be used by everyone, including people with disabilities and people with low incomes. In addition, amenities will be within walking distance of households along safe routes; d) local authorities will plan for amenities in line with minimum standards and include these in IDPs; e) community organisations and entrepreneurs interested in developing amenities in human settlements will be encouraged. Support will include facilitating links with the Department of Basic Education, the Department of Health, Local Authorities and Development Finance Institutions; f) amenities will be designed and managed to maximise local benefit.; and g) cooperation within government, standards and oversight mechanisms will ensure that amenities that have not been developed by the government meet minimum standards and are accessible, inclusive, and affordable.

4.7 Empowerment, transformation, and gender mainstreaming

4.7.1 **Objective:** To focus and entrench women's empowerment and promote the rights of the youth and people living with disabilities for the total transformation of the sector; to design programmes responsive to the needs of the most vulnerable groups which are represented by women, youth, and people living with disabilities; to ensure the empowerment of women, youth, and people living with disabilities throughout the housing delivery value chain; to transform human settlements practice through the participation of vulnerable groups (disabled, women and youth) through training and the design of the built environment.

4.7.2 **Issue:** *Gender vulnerability*- Women are not a homogenous group. Differences exist in terms of age, race, class, and sexuality, among others. Data disaggregation is required to track transformation in terms or race (African, Coloured, Asian/Indian, White) and gender as racial differences in women's advancement in post-apartheid South Africa have persisted. African

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women remain the most marginalised in most development indicators. Entrenched discriminatory practices intersect in complex ways to amplify women's vulnerability and constrain their access to rights, equality to opportunities to adequate housing, finance, land title, employment and income opportunities and requisite social amenities necessary for achieving an improved quality of life.

Policy Statements – Gender Mainstreaming

1) Government will develop a Transformation and Empowerment Plan to support inclusion that will include the following criteria, a) set inclusion targets and outline actions to achieve this; b) include an internal focus on ensuring that organisational structures, policy, practices, and human resources within the Department and its entities are aligned with inclusion best practices; c) include an external focus that ensures that service delivery and human settlement and housing projects are inclusive; d) align with the requirements in the Promotion of Equality and Prevention of Unfair Discrimination Act (POEPUDA) and be developed in partnership with the Department of Women, Youth and Persons with Disabilities.

2) Moreover, particular attention will be given to advancing empowerment of women, older persons, child-headed households, people living with disabilities and other vulnerable groups including lesbian, gay, bisexual, transgender, queer (or sometimes questioning), intersex, asexual, and others (LGBTQIA+) individuals and guidelines will be developed in this regard.

3) In addressing inequality and marginalised groups, the Department, in discussion with stakeholders, will prioritise projects with a focus on addressing spatial fragmentation and improving inclusive access to housing and economic opportunities and social infrastructure; develop best practice technical guidelines and standards; incorporate inclusion targets into professional and contractor appointments, and these will be audited to ensure that they are achieved. Inclusion targets in the procurement of services and products for human settlement projects will be used to ensure women, youth and persons with disabilities can access opportunities. Targets will be informed by best practice benchmarks and guidance from the Department of Women, Youth and Persons with Disabilities. The achievement of targets will be supported through capacity development programmes with partners such as the SETAs, the NHBRC, TVET colleges and universities. Regular reviews will be carried out to monitor and evaluate transformation progress and refine and improve performance against targets and indicators.

4) An engagement platform will be established to review progress with key role players. Regular dialogues will be hosted with sector Departments such as Department of Employment and Labour and Department of Public Service and Administration.

5) Government will continue to support the principles of B-BBEE and will create sustainable employment and business opportunities for women, youth, and persons with disabilities. The results of which will be monitored through the Transformation and Empowerment Policies (i.e., transformation score card).

6) Government will further commit to economic growth in the sector by implementing measures, advancement and development of women owned SMMEs.

7) The Department will develop and implement contractor incubator and development programmes with the objective of creating an enabling environment for the growth and development of small to medium sized construction enterprises owned by women, youth, and persons with disabilities to become sustainable construction enterprises.

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4.8 Capacity and capability development and professional practice

4.8.1 **Objective:** To enable and strengthen the institutional framework which will embed human capacity development at an: Individual level and Unit levels; Institutional (National Departmental, provincial, local, entities) levels; Intra-Institutional levels (Across Government, Civil Society and Private Sector); and Environmental level across the sector.

4.8.2 **Issue:** *Capability of human settlements sector*- The human settlements sector is faced with various challenges, including the lack of a capable and ethical workforce across the three spheres of government, which is integral to the delivery of sustainable human settlements. In addition, the absence of a dedicated professional body to hold the personnel in the human settlements sector accountable for their poor and inefficient decisions, has impacted negatively on the outcomes of the housing delivery value chain.

Policy Statements – Capability of Human Settlements Sector

1) The Department in collaboration with stakeholders will develop the Human Settlements Sector Professionalisation Implementation Framework that will include the following criteria, a) the development and delivery of Human Settlements qualifications, b) the establishment of a Human Settlements Professional body and c) making it mandatory for all those employed in the housing and human settlement sector to professionally register in a Human Settlements Professional Council while empowering the Council to accredit all training, education and professional development programmes/courses in the human settlement sector in line with international best practice.

2) Capacity development in the human settlement sector will be driven through the Human Settlement Capacity Development Strategy.

3) Government will provide model capacity development plans and reporting, model organisational structures, minimum competence standards, training programmes and material, to support the development of capacity development programmes.

4) Government will work with human settlement capacity development forums, to develop tailored programmes that build the required capabilities.

5) The Department will ensure that training programmes and best practices are shared between sectors. Project planning, management, procurement, and contract management capacity development programmes must ensure that government works with built environment professionals and contractors to deliver human settlement projects on time and within budget. Technical programmes on best practice construction methods, sustainable and off- grid technologies, and alternative building products and materials will ensure that government, built environment professionals, contractors and communities understand the potential of these approaches and can integrate them into projects.

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4.9 Expansion of the local government role through the Municipal Accreditation Programme

4.9.1 **Objective:** To support and promote the accreditation of municipalities to administer national housing programmes as a key government priority towards an overall principle for cooperative government as espoused in the Revised Municipal Accreditation Framework, 2023.

4.9.2 **Issue:** *Municipal Accreditation Programme*- The rationale for accreditation is premised on two interlinked objectives, coordinated development (horizontal integration) and accelerated delivery (vertical integration). However, the programme has generally fared poorly. Research studies from 2016 and most recently the Accreditation Framework Evaluation Study (2023) indicate broadly the challenges to include implementation protocols in various provinces were signed and not renewed; lack of accreditation dedicated units in provinces; breakdown in established accreditation governance structures; instabilities in various municipalities made the accreditation process difficult; poor expenditure of OPSCAP funds; lack of provincial and municipal capacity; funds were not gazetted; funds allocated and gazetted but could not be transferred as IPs are unsigned; poor provincial support of municipalities; and constant provincial management changes negatively impacted programme implementation.

Policy Statements – Municipal Accreditation Programme

1) Government will ensure that there is improvement and enhancements on the implementation of the Accreditation Programme through: a) the centrality of the human settlements sector plan as the key document in the municipal accreditation process and implementation of delegated responsibility, b) recognition of the important role of local government in spatial planning, spatial transformation, and spatial governance and development, and c) strategic location for the implementation of urban policies in local government, d) Introduction of the turnaround times on the accreditation process, and e) Intergovernmental consequence management, amongst others.

2) Government will develop and implement a comprehensive Capacity and Capability Development Programme to strengthen the implementation of the accreditation programme which will be underpinned by different human settlements capacity support packages to assist Category A, Category B Municipalities, and Category C municipalities in terms of what is expected for the formation of mandates, and, in consideration of socio-economic pressures that the municipalities face in respect of urbanisation.

3) Government support will be achieved by focussing on the intricate linkages between the individual, the institutional environment, the organisational culture, and the stakeholders. This will be encapsulated in four pillars, a) create an enabling environment for the implementation of the Accreditation Framework; b) develop and empower a cadre of practitioners committed to service delivery excellence; c) enhance organisational and institutional capability; and d) support the development of an environment for stakeholder relationships premised on collaboration and cooperation.

4) Collaborative partnerships with National and Provincial COGTA and Treasury as well as other stakeholders on their respective capability development programmes will be pursued and

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streamlined in an endeavour to minimise duplication, fragmentation, and reporting fatigue. Ultimately, and in pursuit of the DDM it is envisaged that this collaborative relationship will enable the implementation of the NDP, NSDF, IUDF and the MTDF. This will be achieved by localising and synergising objectives, targets, and directives in a spatially targeted and responsive manner.

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PART 5

5.1. Monitoring and reporting systems

5.1.1. Objective

Underpinning the progression and realisation of adequate housing is a set of governance conduits that will guide all processes.

5.1.2. Issue: *Monitoring and reporting disjuncture*

The challenges facing the sector includes, a) the narrow reporting on top structures and serviced sites delivered as the key measure of success is limiting as it is target driven based; b) the absence of a relationship between what is measured and the envisaged outcomes remains a setback that must be addressed; c) the absence of comprehensive cross government integrated information on human settlements makes the utilisation of the current databases severely limited for decision-making; d) unreliable, incomplete and inconsistent data and statistical information (e.g., the HSS data on beneficiaries); and, e) the absence of a comprehensive integrated database on human settlements.

Policy Statements – Monitoring and Reporting Systems

1) Government will embark on a comprehensive process of digitalisation (technology for business process enhancement), digitisation (process methodology to move to paper-less environment) and automation (use technology to undertake repetitive tasks) that will be contextualised by human systems, social systems, residential systems, and support systems, ultimately permeating the entire value chain of human settlements development. The paperless system would enable the department to streamline business processes and thus save money for the department.

2) Government monitoring and reporting systems will be premised on comprehensive and consolidated performance information with variables that are clear and concise. Data management will be the cornerstone with management of performance based on the following factors: real-time, locality, issue specific, quality and consistency. Therefore, a Monitoring, Reporting and Verification system will be established to entrench Governments' commitment to responding effectively to human settlements development.

5.2. Institutional arrangements and instruments

- The Constitution of the Republic of South Africa allocates powers to the national, provincial, and local spheres of government. Spheres may not usurp the powers of another sphere of government. Part A of Schedule 4, of the Constitution lists housing, urban development, rural development, regional planning and development, as functional areas of concurrent National and Provincial legislative competence. Section 125(3) of the Constitution provides that National Government, by legislative and other measures must assist provinces to develop the

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administrative capacity required for the effective exercise of their powers and performance of their functions. Section 154(4) also provides for the delegation of powers and functions to local government by agreement.

- It is important to strengthen key elements of Intergovernmental Relations function in line with the Intergovernmental Relations Framework Act of 2005. This recognises that relations between intergovernmental bodies are dynamic, complex, interactive, and nonetheless interdependent. Attention to institutional arrangements acknowledges complexities around planning and implementation of integrated human settlements which encompasses other amenities other than housing. Enhanced governance can serve as an enabler for the availability of required capacity to execute human settlements development. This considers the split responsibilities between the two spheres of government such as the provision of electricity, water, bulk, and rectification. Importantly, the desired state is wherein there is alignment in the identification and execution of priorities that is aligned between the national, provincial, and local spheres of government.

The detailed institutional arrangements will find expression in the Housing Code or equivalent instrument, and this will be defined programmatically.

5.3. Entities (CSOS, SHRA, HDA, NHBRC, PPRA, NHFC)

5.3.1. Each institution has primary regulatory functions that no other institution can exercise. Each regulatory institution plays a distinct and crucial role in the human settlement landscape. Although the primary functions are mostly mutually exclusive, elements of convergence and collaboration could yield positive outcomes, not only for the Department and the individual institutions, but ultimately the citizens of South Africa. This can be achieved through a redefined organisational culture that instils trust and confidence as well as improved information and knowledge management.

Policy Statements

1) Existing entities and their programmes will be rationalised and phase out of certain entities that no longer compliments the mandate of the State (e.g., NURCHA, Rural Housing Loan Fund). This will also entail alignment of entities or other implementing agencies that have a similar mandate as National government.

2) All remaining issues from housing Boards, old entities such Thubelisha Homes, SERVCON Housing Solution, South African Housing Trust Fund and related relocation subsidies and stock matters will be concluded by a date to be determined by the Minister.

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5.3.2. The Minister will establish the following institutional instruments:

5.3.2.1. **The Human Settlements Ombudsman**: The core rationale resides in the investigation and resolution of complaints and grievances about housing matters and the observance of the fundamental right of access to adequate housing, within the area of responsibility of the Department at National, Provincial and Local government level, including the Department's entities.

5.3.2.2. **Ministerial Advisory Panel (MAP)**: To advise the Minister on any matter relating to human settlements development. A member of a panel is appointed for the period determined by the Minister. The MAP members should be experts drawn from the built environment, political leadership, social, economic, and legal professions and be able to identify opportunities and gaps in human settlements development and the Department.

5.3.2.3. **The Ministerial Stakeholder Forum** with a chairperson and sub-working groups to improve working relationships and ensure monitoring and feedback on the Ministers programmes and feedback mechanisms.

5.3.2.4. **The Ministerial Intervention Task Force** with technical capacity that will support the special intervention by:

5.3.2.5. Issuing a directive to the province, specifying steps that must be taken to fulfil the Constitutional obligations and address deficiencies.

5.3.2.6. Placing the organ of state under national administration if the province fails to comply with the directive.

5.3.2.7. Place under temporary supervision to assist provincial department to ensure effective governance and service delivery.

5.3.2.8. Restoration intervention to enable proper functioning rather than replace provincial autonomy permanently.

5.4. Fraud, Corruption and Maladministration

5.4.1. Objective: To implement measures towards fighting corruption and enhancing accountability in the sector. Fraud, corruption, and administration compromise the overall goal of human settlements, which is to ensure that there is adequate access to housing for all residents, irrespective of their wealth, race, or gender, including access to services and other social amenities.

5.4.2. Issue: *Fraud, corruption, and maladministration in human settlements*- The SIU presented to the Human Settlements Portfolio Committee investigations into housing corruption in provinces in May 2022. The investigations found several instances of service and goods procurement that were not fair, equitable, transparent, or cost-effective.

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The Auditor General of South Africa attributed ineffective oversight contributed to the 'disappointing audit results' and 'stunted growth towards the desired audit outcomes' within national and provincial state entities.

Policy Statements – Fraud, Corruption and Maladministration in Human Settlements

1) The Department reaffirms its commitment to the National Anti-Corruption Strategy 2020-2030 by adhering to the following strategic pillars:
   - Promote and encourage active citizenry, whistleblowing, integrity, and transparency in all spheres of society.
   - Advance the professionalisation of employees to optimise their contribution to creating corrupt-free workplaces.
   - Enhance governance, oversight, and consequence management in organisations.
   - Improve the integrity and credibility of the public procurement system.
   - Strengthen the resourcing, coordination, transnational cooperation, performance, accountability, and independence of dedicated anti-corruption agencies.
   - Protect vulnerable sectors that are most prone to corruption and unethical practices with effective risk management.

2) Government is committed to performing its functions with honesty, transparency, integrity, and to enforce a zero-tolerance approach to fraud, corruption, and maladministration and will pursue enforcement mechanisms in partnership with relevant professional bodies.

5.5. Policy Implementation Principle

The priority is to improve policy implementation by ensuring institutionalisation of policy and programmes. This will be achieved through a) Staying close to the implementers; b) Ensuring clear goals and clarity of purpose; c) Investing in the right capacity and capabilities; d) Support local capacity and pursue their commitment; e) Develop a system-wide monitoring and accountability mechanism; f) Mobilising communities, business, civil society, professional bodies, non-governmental organisation; g) Utilising political officers at various levels to drive change and progress.

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LIST OF ACRONYMS

B-BBEE	Broad-Based Black Economic Empowerment
BNG	Breaking New Ground Comprehensive Plan for the Development of Sustainable Human Settlements
CBO	Community-based Organisation
CC	Climate Change
COGTA	Department of Cooperative Governance and Traditional Affairs
COVID	Coronavirus Disease 2019
CRPD	Convention on the Rights of Persons with Disabilities
CRU	Community Residential Units
CSO	Civil Society Organisation
CSOS	Community Schemes Ombud Service
CSP	City Support Programme
DAFF	Department of Agriculture, Forestry and Fisheries
DDM	District Development Model
DLRRD	Department of Land Reform and Public Works
DMV	Department of Military Veterans
DPME	Department of Planning, Monitoring and Evaluation
DPW	Department of Public Works
DTIC	Department of Trade, Industry and Competition
DWS	Department of Water and Sanitation
EAAB	Estate Agency Affairs Board
ECD	Early Childhood Development
EEDBS	Enhanced Extended Discount Benefit Scheme
EPHP	Enhanced People's Housing Process
EPWP	Expanded Public Works Programme
ESCR	Economic, social, and cultural rights
FHFP	First Home Finance Programme
FLISP	Financed Linked Individual Subsidy Programme
GDP	Gross Domestic Product
GHS	General Household Survey
GIAMA	Government Immovable Asset Management Act
GIS	Geographic Information System
HDA	Housing Development Agency
HLAMDA	Home Loan and Mortgage Disclosure Act
HSDG	Human Settlements Development Grant
HSS	Housing Subsidy Scheme
IBT	Innovative Building Technology
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information and Communication Technology
IDP	Integrated Development Plan
INEP	Integrated National Electrification Programme
IRDP	Integrated Residential Development Programme
ISUPG	Informal Settlements Upgrading Partnership Grant
IUDF	Integrated Urban Development Framework
LEED	Leadership in Energy and Environmental Design
LGBTQIA+	Lesbian, gay, bisexual, transgender, queer (or sometimes questioning), intersex, asexual, and others
LGSETA	Local Government Sector Education Training Authority
MAP	Ministerial Advisory Panel
MEC	Member of the Executive Council
MEIA	Monitoring, Evaluation, and Impact Assessment

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MFMA	Municipal Finance Management Act 56 of 2003
MHSCG	Municipal Human Settlement Capacity Grant
MIG	Municipal Infrastructure Grant
MIIF	Municipal Infrastructure Investment Framework
MSP	Municipal Service Partnership
NCR	National Credit Regulator
NDoHS	National Department of Human Settlements
NDP	National Development Plan 2030
NDPG	Neighbourhood Development Partnership Grant
NEETS	Not engaged in education, employment, or training
NGO	Non-governmental Organisation
NHBRC	National Home Builders Registration Council
NHF	National Housing Forum
NHFC	National Housing Finance Corporation
NHNR	National Housing Needs Register
NIMBY	Not in my backyard
NMT	Non-Motorised Transport
NSDF	National Spatial Development Framework
NSDP	National Skills Development Plan
NURCHA	National Urban Reconstruction and Housing Agency
NUSP	National Upgrading Support Programme
OPSCAP	Operational Capital Support Programme
PFMA	Provincial Finance Management Act
PHDA	Priority Housing Development Area
PHSHDA	Priority Human Settlements and Housing Development Area
PIE	Prevention of Illegal Eviction and Unlawful Occupation of Land Act
POEPUDA	The Promotion of Equality and Prevention of Unfair Discrimination Act
PPP	Public Private Partnership
PPRA	Property Practitioners Regulatory Authority
RHLF	Rural Housing Loan Fund
SALGA	South African Local Government Association
SANS	South African National Standards
SCA	Supreme Court of Appeal
SEIAS	Socio-Economic Impact Assessment System
SETA	Sector Education Training Authority
SHRA	Social Housing Regulatory Authority
SIU	Special Investigating Unit
SPLUMA	Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)
TOD	Transit Orientated Development
TSC	Transaction Support Centre
TVET	Technical and Vocational Education and Training
UISP	Upgrading of Informal Settlements Programme
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
USDG	Urban Settlements Development Grant
Wi-Fi	Wireless Fidelity

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GLOSSARY OF TERMS

Adequate housing- is measured based on the fulfilment of the following elements: Legal security of tenure; availability of services, affordability; habitability, accessibility; location; cultural adequacy; physical security; Access to information Participation; Access to land, water & other natural resources; Freedom from dispossession, damage and destruction; Resettlement, restitution, compensation, non-refoulement and return; Access to remedies; Education & empowerment and Freedom from violence against women.

Affordable housing- options that are financially accessible for low-to-middle income households, facilitated by means-tested government assistance, and cover both traditional low-income and 'Gap-market' housing. The acquisition often requires a personal financial contribution, with the intent of providing dwellings with better construction specifications and finishes.

Affordable rent- refers to a percentage of disposable or gross income.

Affordable utility bills- refers to the utility costs less a percentage of utility costs rebated.

Child headed households- refers to households that are headed by minors who are taking charge of households and making decisions and taking responsibility for providing for others in terms of emotional, physical, social needs of others living with him irrespective of relationship.

Construction mafia- is a term deployed by the media to loosely to refer to extortion tactics in the context of sub-contracting or other demands (e.g., “protection fees”) made by “business forums” or other interest groups in government-funded construction contracts (*Irish-Qhobosheane, 2022)*.

Demand management refers to how the sector will oversee and manage customer demand for human settlements services. It involves the spheres of government and its agencies to understand what the human settlements customers want, plus the necessary steps that will be undertaken to fulfil those wants. The process include plan for upcoming demand and putting practical steps to meet the demand.

Green procurement – describes "a process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured" (European Commission, Green Business, https://green-business.ec.europa.eu/green-public-procurement_en). This means that sustainable public procurement must promote public procurement practices that are sustainable and aligned with national policies and priorities, playing a key role in achieving sustainable consumption and production (UNEP - UN Environment Programme, https://www.unep.org/explore-topics/resource-efficiency/what-we-do/sustainable-public-procurement).

People living with disabilities refers to a people living with a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities as declared by designated persons.

Housing backlog- under provision of affordable housing that has accumulated against previous development plan targets. Influenced by historical context, urbanisation and migration, financial constraints and the lack of available suitable land and buildings.

Housing demand- the quantity and quality of housing that households will choose to occupy, given their preferences and ability to pay. The demand for affordable housing is predicted by composition of communities; rate of urbanisation; construction costs; and government funding.

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Housing- Is both a physical structure and social structure. In terms of physical structure (dwelling) the key elements include- the design; material qualities; spatial place; and ecological interactions. Social structure defines residence-based activities; the character; the people; social qualities; socio-economic interactions in spaces within the dwelling's land and building use, and between it and immediate communities and wider society**.**

Housing need- shortfalls in certain normative standards of adequate housing. measurement of housing needs is achieved by comparing the number of households requiring separate accommodation with the number of existing dwellings.

Housing opportunity- availability of assistance with housing, either through the provision of a unit of affordable housing for rental or ownership, or a rental subsidy, or both, funded in whole or part by a housing agency. This includes the proposed or actual delivery of secure tenure; energy, water, and other basic network services for residential use; a serviced site; a serviced site including and one or more dwellings.

Human settlements- Refers to the totality of human settlements, including social, community, environmental, infrastructural (above and below ground), economic, technological, cultural, and other functions that ensure that people enjoy physical and mental health and live in a safe place in peace and dignity. Human rights are indivisible and interdependent, so the right to human settlements cannot be separated from the other rights.

Incremental building/housing - refers to a step-by-step process of building and upgrading a house. It is also referred to as housing consolidation, and it goes by other, different names, such as starter housing, phased development housing or owner-driven housing. Basically, incremental housing is a process whereby households build and extend their houses on an ad hoc basis in response to their needs and the availability of resources. Generally, it is an approach used by households with low or irregular incomes, and limited or no access to credit and loans, who start by building a small affordable dwelling. Over time they expand and improve the house based on their needs and resources. This process of extension and modification can take decades. The essential element of incremental housing is that it enables households to respond to their own priorities and needs, and to have a greater level of authority over their own housing solutions" (National Upgrading Support Programme, 2015).

Object subsidies- are a capital nature and utilised towards the overall cost of the development.

Self-build- refers to the practice or process whereby households or groups 'self' mobilise their own resources, inter alia (energy, time, finance, and skills), to invest in building housing for their own use or exchange. This allows not only for the model of 'sweat equity' (one's own labour input or non-monetary contribution) that is also common within wider understandings of self-build but recognises diverse practices of housing production with a baseline of recognising that it is individuals and small groups organising the provision of their (future) homes. Benson, M. (2017). Self-build homes: Social values and the lived experience of housing in practice. In M. Benson & I. Hamiduddin (Eds.), *Self-Build Homes: Social Discourse, Experiences and Directions* (pp. 1-14). London: UCL Press.

SHRA Accreditation- refers to the instrument used in the delivery and/or management of affordable rental housing in the respective markets.

Subject subsidies- are linked to the tenant or household and are not limited to individual allowances or operational subsidies.

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Sustainable building technology – refers to a set of construction techniques and solutions that use natural (e.g., stone, cork, wood, etc) or sustainable materials (e.g., recycled materials, concrete, etc) to reduce carbon emissions and create structures that are energy efficient, environmentally friendly, and improve health, equity, and resilience in the built environment (World Green Building Council, https://worldgbc.org/).

Sustainable human settlements- Sustainable human settlements and improved quality of household life is defined by providing for access to adequate accommodation that is suitable, relevant, appropriately located, affordable and fiscally sustainable, access to basic services such as water, sanitation, refuse removal and electricity, security of tenure irrespective of ownership or rental, formal or informal structures; and access to social services and economic opportunities within reasonable distance.

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NATIONAL TREASURY

NO. 5802 **31 January 2025**

AMENDMENTS TO REGULATIONS IN TERMS OF BANKS ACT, 1990

The Minister of Finance has, in terms of section 90 of the Banks Act, 1990 (Act No. 94 of 1990), amended the Regulations relating to Banks which were published in Government Notice No. R. 1029 of 12 December 2012, as amended by Government Notice No. R. 261 of 27 March 2015, Government Notice No. R. 309 of 10 April 2015, Government Notice No. R. 297 of 20 May 2016, Notice No. 724 of 18 December 2020, Notice No. 1427 of 31 December 2020, Notice No. R. 943 of 31 March 2022, Notice No. 2561 of 30 September 2022, and Notice No. 2900 of 23 December 2022, as set out in the Schedule.

SCHEDULE

Definitions

1. In this Schedule, "the Regulations" means the Regulations published under Government Notice No. R. 1029, in *Government Gazette* No. 35950 on 12 December 2012, as amended by—

   (a) Government Notice No. R. 261, in *Government Gazette* No. 38616 of 27 March 2015;

   (b) Government Notice No. R. 309, in *Government Gazette* No. 38682 of 10 April 2015;

   (c) Government Notice No. R. 297, in *Government Gazette* No. 40002 of 20 May 2016;

   (d) Notice No. 724, in *Government Gazette* No. 44003 of 18 December 2020;

   (e) Notice No. 1427, in *Government Gazette* No. 44048 of 31 December 2020;

   (f) Government Notice No. 943, in *Government Gazette* No. 46159 of 31 March 2022;

   (g) Notice No. 2561, in *Government Gazette* No. 46996 of 30 September 2022; and

   (h) Notice No. 2900, in *Government Gazette* No. 47789 of 23 December 2022.

Amendment of regulation 7 of the Regulations

2. Regulation 7 of the Regulations is hereby substituted for the following regulation:

   "7. **Forms prescribed: financial, risk-based and other related returns to be submitted to the Authority with indication of institution by which, intervals at which and period within which returns shall be submitted**

   A bank, controlling company, branch, branch of a bank or any other relevant person, entity or institution regulated or supervised by the Authority shall submit to the Authority such financial, risk-based, and other related returns as may be determined or directed in writing by the Authority, in accordance with such requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 100

3. Form BA 100 immediately preceding regulation 18 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 18 of the Regulations

4. Regulation 18 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) A bank shall complete the form BA 100 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 110

5. Form BA 110 immediately preceding regulation 19 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 19 of the Regulations

6. Regulation 19 of the Regulations is hereby amended by the substitution for subregulation (6) of the following subregulation:

"(6) A bank shall complete the form BA 110 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 120

7. Form BA 120 immediately preceding regulation 20 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 20 of the Regulations

8. Regulation 20 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation:

"(4) A bank shall complete the form BA 120 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 125

9. Form BA 125 immediately preceding regulation 21 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 21 of the Regulations

10. Regulation 21 of the Regulations is hereby amended by the substitution for subregulation (8) of the following subregulation:

"(8) A bank shall complete the form BA 125 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 130

11. Form BA 130 immediately preceding regulation 22 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 22 of the Regulations

12. Regulation 22 of the Regulations is hereby amended by the addition of the following subregulation:

"(5) A bank shall complete the form BA 130 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 200

13. Form BA 200 immediately preceding regulation 23 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 23 of the Regulations

14. Regulation 23 of the Regulations is hereby amended by the substitution for subregulation (23) of the following subregulation:

"(23) A bank shall complete the form BA 200 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 210

15. Form BA 210 immediately preceding regulation 24 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 24 of the Regulations

16. Regulation 24 of the Regulations is hereby amended by the substitution for subregulation (10) of the following subregulation:

"(10) A bank shall complete the form BA 210 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 220

17. Form BA 220 immediately preceding regulation 25 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 25 of the Regulations

18. Regulation 25 of the Regulations is hereby amended by the substitution for subregulation

(4) of the following subregulation:

"(4) A bank shall complete the form BA 220 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 300

19. Form BA 300 immediately preceding regulation 26 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 26 of the Regulations

20. Regulation 26 of the Regulations is hereby amended by the substitution for subregulation (17) of the following subregulation:

"(17) A bank shall complete the form BA 300 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 310

21. Form BA 310 immediately preceding regulation 27 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 27 of the Regulations

22. Regulation 27 of the Regulations is hereby amended by the substitution for subregulation (9) of the following subregulation:

"(9) A bank shall complete the form BA 310 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 320

23. Form BA 320 immediately preceding regulation 28 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 28 of the Regulations

24. Regulation 28 of the Regulations is hereby amended by the addition of the following subregulation:

"(9) A bank shall complete the form BA 320 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 325

25. Form BA 325 immediately preceding regulation 29 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 29 of the Regulations

26. Regulation 29 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation:

"(4) A bank shall complete the form BA 325 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 330

27. Form BA 330 immediately preceding regulation 30 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 30 of the Regulations

28. Regulation 30 of the Regulations is hereby amended by the substitution for subregulation (10) of the following subregulation:

"(10) A bank shall complete the form BA 330 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 340

29. Form BA 340 immediately preceding regulation 31 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 31 of the Regulations

30. Regulation 31 of the Regulations is hereby amended by the substitution for subregulation (8) of the following subregulation:

"(8) A bank shall complete the form BA 340 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 350

31. Form BA 350 immediately preceding regulation 32 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 32 of the Regulations

32. Regulation 32 of the Regulations is hereby amended by the substitution for subregulation

(7) of the following subregulation:

"(7) A bank shall complete the form BA 350 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 400

33. Form BA 400 immediately preceding regulation 33 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 33 of the Regulations

34. Regulation 33 of the Regulations is hereby amended by the substitution for subregulation (10) of the following subregulation:

"(10) A bank shall complete the form BA 400 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 410

35. Form BA 410 immediately preceding regulation 34 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 34 of the Regulations

36. Regulation 34 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) A bank shall complete the form BA 410 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 500

37. Form BA 500 immediately preceding regulation 35 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 35 of the Regulations

38. Regulation 35 of the Regulations is hereby amended by the substitution for subregulation (7) of the following subregulation:

"(7) A bank shall complete the form BA 500 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 600

39. Form BA 600 immediately preceding regulation 36 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 36 of the Regulations

40. Regulation 36 of the Regulations is hereby amended by the substitution for subregulation (19), of the following subregulation:

"(19) A bank shall complete the form BA 600 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 610

41. Form BA 610 immediately preceding regulation 37 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 37 of the Regulations

42. Regulation 37 of the Regulations is hereby amended by the addition of the following subregulation:

"(5) A bank shall complete the form BA 610 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 700

43. Form BA 700 immediately preceding regulation 38 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 38 of the Regulations

44. Regulation 38 of the Regulations is hereby amended by the substitution for subregulation (17) of the following subregulation:

"(17) A bank shall complete the form BA 700 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Amendment of regulation 61 of the Regulations

45. Regulation 61 of the Regulations is hereby substituted for the following regulation:

"61. **Forms prescribed: returns to be submitted to the Authority and the Economic Statistics Department of the South African Reserve Bank with indication of institution by which, intervals at which and period within which returns shall be submitted**

A bank, controlling company, branch, branch of a bank or any other relevant person, entity or institution regulated or supervised by the Authority shall submit to the Authority and the Economic Statistics Department of the South African Reserve Bank such returns as may be determined or directed in writing by the Authority, in accordance with such requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 900

46. Form BA 900 immediately preceding regulation 62 of the Regulations is hereby deleted from the Regulations.

Substitution of regulation 62 of the Regulations

47. Regulation 62 of the Regulations is hereby substituted for the following regulation:

"**62. Institutional and maturity breakdown of liabilities and assets - Directives and interpretations for completion of return concerning institutional and maturity breakdown of liabilities and assets (Form BA 900)**

A bank shall complete the form BA 900 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 920

48. Form BA 920 immediately preceding regulation 63 of the Regulations is hereby deleted from the Regulations.

Substitution of regulation 63 of the Regulations

49. Regulation 63 of the Regulations is hereby substituted for the following regulation:

"**63. Analysis of instalment sale transactions, leasing transactions and selected assets - Directives and interpretations for completion of return concerning analysis of instalment sale transactions, leasing transactions and selected assets (Form BA 920)**

A bank shall complete the form BA 920 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 930

50. Form BA 930 immediately preceding regulation 64 of the Regulations is hereby deleted from the Regulations.

Substitution of regulation 64 of the Regulations

51. Regulation 64 of the Regulations is hereby substituted for the following regulation:

"**64. Interest rates on deposits, loans, and advances - Directives and interpretations for completion of return concerning interest rates on deposits, loans and advances (Form BA 930)**

A bank shall complete the form BA 930 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

Deletion of form BA 940

52. Form BA 940 immediately preceding regulation 65 of the Regulations is hereby deleted from the Regulations.

Substitution of regulation 65 of the Regulations

53. Regulation 65 of the Regulations is hereby substituted for the following regulation:

"**65. Selected locational statistics by residence and nationality - Directives and interpretations for completion of return concerning locational statistics based on residence and nationality (Form BA 940)**

A bank shall complete the form BA 940 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.".

54. **Date of commencement**

These Regulations shall come into operation on 1 February 2025.

CONTINUES ON PAGE 130 OF BOOK 2

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DEPARTMENT OF SPORTS, ARTS AND CULTURE

NO. 5803 **31 January 2025**

AN AGENCY OF THE DEPARTMENT OF SPORTS, ARTS AND CULTURE

SOUTH AFRICAN HERITAGE RESOURCES AGENCY

PROVISIONAL PROTECTION OF A PORTION OF THE THYSPUNT CULTURAL LANDSCAPE; CAPE ST FRANCIS; EASTERN CAPE FOR TWO (2) YEARS

By virtue of the powers vested in the South African Heritage Resources Agency (SAHRA), in terms of section 29 (1) (a) of the National Heritage Resources Act (No. 25 of 1999), SAHRA hereby provisionally protects portions of the Thyspunt Cultural Landscape situated on various properties, provided in the Schedule below, between Cape St Francis and Oyster Bay, Eastern Cape for a maximum period of two (2) years from the date of this publication.

Schedule

The demarcation of the site is as follows:

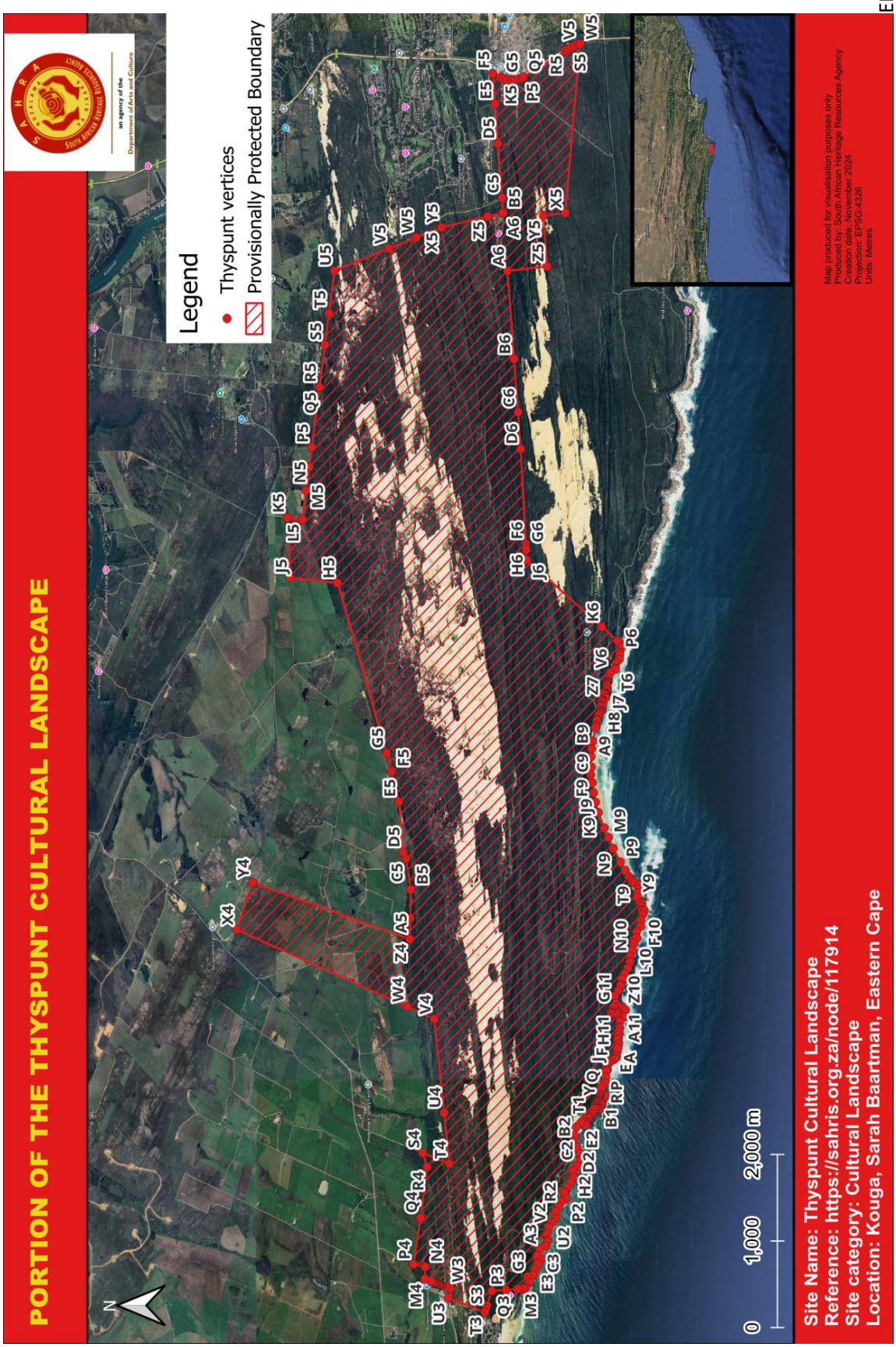
SITE NAME	ERF NO / FARM NAME	MUNICIPALITY		PROVINCE	DIAGRAM	TITLE DEED
		District Municipality	Local Municipality			
Portions of Thyspunt Cultural Landscape	Portion 92 of Farm Ongegunde Vryheid 746	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	1993/2011	T49758/2011
	Portion 5 of Farm Ongegunde Vryheid 746	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	614/1905	T37388/2013
	Portion 14 of Farm Ongegunde Vryheid 746	*Sarah Baartman District Municipality*	*Kouga Local Municipality*	*Eastern Cape*	2547/2000	T15837/2017
	Portion 23 of Farm Ongegunde Vryheid 746	*Sarah Baartman District Municipality*	*Kouga Local Municipality*	*Eastern Cape*	1528/1963	T12301/2014
	Portion 24 of Farm Ongegunde Vryheid 746	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	1529/1963	T1496/2018
	Portion 87 of Farm Ongegunde Vryheid 746	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	2548/2000	T65148/2017

SITE NAME	ERF NO / FARM NAME	MUNICIPALITY		PROVINCE	DIAGRAM	TITLE DEED
		District Municipality	Local Municipality			
Portions of Thyspunt Cultural Landscape	Remainder of Portion 7 of Farm Ongegunde Vryheid 746	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape		T18699/2017
	Portion 11 of Farm Ongegunde Vryheid 746	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	1429/1917	T31001/2013
	Remainder of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape		T50050/2010
	Portion 6 of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	A353/1926	T24590/2011
	Portion 9 of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	6815/1957	T88253/1994
	Portion 12 of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	7769/60	T49639/2013
	Portion 14 of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	2341/61	T58018/2013
	Portion 16 of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	2027/1962	T76184/1990
	Portion 17 of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	6795/1962	T83907/1994
	Portion 18 of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	6735/1967	T14342/2013
	Portion 19 of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	2768/1999	T077503/08
	Portion 20 of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	2769/1999	T4299/2013
	Portion 21 of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	2770/1999	T61653/2013
	Portion 22 of Farm Buffelsbosch 742	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	177/2013	T49637/2013
	Farm 741	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape		T39376/1992
	Portion 0 of Farm Welgelee 743	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape		T88253/1994

SITE NAME	ERF NO / FARM NAME	MUNICIPALITY		PROVINCE	DIAGRAM	TITLE DEED
		District Municipality	Local Municipality			
Portions of Thyspunt Cultural Landscape	Portion 4 of Farm Welgelee 743	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	11348/1964	T28635/1989
	Portion 6 (2) of Farm Welgelee 743	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	174/2013	T51812/2013
	Portion 8 (3) of Farm Welgelee 743	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	697/2013	T64591/2013
	Farm 824	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	LG660/1990	T39376/1992
	Farm 825	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	LG661/1990	T39376/1992
	Portion 1 of Farm 826	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	173/2013	T49024/2013
	Part of Portion 2 of Farm Welgelegen 735	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	1964/1886	T72097/1990
	Portion 9 of Farm Welgelegen 735	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	8083/1951	T000940/2011
	Portion 14 of Farm Welgelegen 735	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	2151/1993	T89489/1993
	Portion 16 of Farm Welgelegen 735	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	9166/1993	T46702/1994
	Portion 17 of Farm Welgelegen 735	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	1967/1994	T83908/1994
	Portion 18 of Farm Welgelegen 735	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	176/2013	T48045/2013

SITE NAME	ERF NO / FARM NAME	MUNICIPALITY		PROVINCE	DIAGRAM	TITLE DEED
		District Municipality	Local Municipality			
Portions of Thyspunt Cultural Landscape	Portion 1 of Farm Langefontein 736	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	953/1962	T88253/1994
	Portion 2 of Farm Langefontein 736	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	954/1962	T48531/1992
	Portion 3 of Farm Langefontein 736	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	955/1962	T60566/1989
	Portion 4 of Farm Langefontein 736	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	956/1962	T27244/2015
	Portion 5 of Farm Langefontein 736	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	957/1962	T27952/2017
	Portion 6 of Farm Langefontein 736	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	958/1962	T50483/1994
	Portion 7 of Farm Langefontein 736	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	959/1962	T89982/1993
	Portion 8 of Farm Langefontein 736	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	960/1962	T85804/1993
	Portion 17 (9) of Farm Langefontein 736	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	70/2011	T023606/2011
	Remainder of Farm 809	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape		T5384/2011
	Portion 36 of Farm 809	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	4756/2004	T64774/2013
	Portion 238 of Farm Goed Geloof 745	Sarah Baartman District Municipality	Kouga Local Municipality	Eastern Cape	1204/2014	T27244/2015

Coordinates are available from SAHRA (declarations


PORTION OF THE THYSPUNT CULTURAL LANDSCAPE
an agency of the Department of Arts and Culture
Legend
Thyspunt vertices
Provisionally Protected Boundary
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Site Name: Thyspunt Cultural Landscape
Reference: https://sahris.org.za/node/117914
Site category: Cultural Landscape
Location: Kouga, Sarah Baartman, Eastern Cape
Map produced for visualisation purposes only
Produced by: South African Heritage Resources Agency
Creation date: November 2024
Projection: EPSG:4326
Units: Metres

END

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5804 **31 January 2025**

NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

NOVUS PRINT PROPRIETARY LIMITED; FREE 4 ALL PROPRIETARY LIMITED; INTREPID PRINTERS PROPRIETARY LIMITED; AND VICTORY TICKET 376 PROPRIETARY LIMITED

AND

THE MEDIA SUPPLY CHAIN MANAGEMENT DIVISION OPERATED AND CONDUCTED BY MEDIA24 PROPRIETARY LIMITED ("MEDIA24") REFERRED TO AS "ON THE DOT"; THE LOCAL NEWS PORTFOLIO OF MEDIA24 AS MORE FULLY DESCRIBED IN THE MERGER FILING; AND THE FOOTBALL PUBLICATION DIVISION OF MEDIA24 TITLED "SOCCER LADUMA AND KICK OFF"

CASE NUMBER: 2024AUG0015

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the 'Rules for the Conduct of Proceedings in the Competition Commission', that it has approved the transaction involving the abovementioned firms subject to conditions set out below:

Background

1. On 06 August 2024, the Competition Commission (the "Commission") received a notification of an intermediate merger whereby Novus Print Proprietary Limited, through its wholly owned subsidiaries Free 4 All Proprietary Limited, Intrepid Printers Proprietary Limited and Victory Ticket 376 Proprietary Limited (collectively "Novus"), intends to acquire the following businesses from Media24 Proprietary Limited ("Media24"):

   1.1. the media distribution and supply chain management business known as "On the Dot" ("OtD");
   1.2. a portfolio of 20 community newspapers circulated in specific geographic areas within the Eastern Cape, Free State, Northern Cape and Western Cape (the "Community Newspapers");

1.3. the national soccer newspaper titles known as “Soccer Laduma” and “Kick-Off”, a national newspaper covering local and international soccer news.

(collectively the “Target Firms”).

2. Following implementation of the merger, Novus will control the Target Firms in their entirety.

Parties and activities

3. Novus is controlled by Paarl Media Holdings Proprietary Limited (“Paarl Media”) (99%), a company registered in accordance with the laws of South Africa. Paarl Media is controlled by Novus Holdings Limited (“Novus Holdings”) (100%), a public company registered in accordance with the laws of South Africa, and which is listed on the Johannesburg Stock Exchange. Novus Holdings is controlled by A2 Investment Partners Proprietary Limited (“A2”) (61.2%), a company registered in accordance with the laws of South Africa.

4. A2 is, in turn, controlled by Marble Head Investments Proprietary Limited (75%) (“Marble Head Investments”) and Zariv Investments Proprietary Limited (25%) (“Zariv Investments”). **[CONFIDENTIAL]**.

5. Apart from Novus Holdings, A2 does not control any firms. Apart from A2, Marble Head Investments controls the following firms: MHG Gaming Proprietary Limited ("MHG Gaming") (100%); Wiltron Projects Proprietary Limited ("Wiltron Projects”) (50%); Marblewave Proprietary Limited (“Marblewave”) (55%); and A2 Private Equity Partners Limited (“A2 Private Equity Partners”) (82%).

6. **[CONFIDENTIAL]**.

7. Novus and its controlling firms are collectively referred to as the “Novus Group”.

8. The merging parties submit that Novus Holdings (the ultimate controller of the Primary Acquiring Firms) has 36.33% shareholding held by historically disadvantaged persons (“HDPs”).

9. The Novus Group is active in the provision of printing services to customers across multiple sectors, including education, retail, government and media. In addition, it is also active in the publishing and sale of educational materials.

10. The Target Firms are controlled by Media24, a company registered in accordance with the laws of South Africa. Media24 is, in turn, wholly controlled by Naspers Limited, a public company listed on the Johannesburg Stock Exchange.

11. The Target Firms do not control any firms.

12. The merging parties submit that Media24 has an HDP ownership of 45.02%, as reflected in its latest B-BBEE certificate.

13. The activities of the Target Firms are outlined in turn below:

    13.1. *Soccer Laduma and Kick Off:* Soccer Laduma and Kick Off provide news, interviews, opinion and analysis of local and international soccer. Soccer Laduma has both a print and a digital media presence, while Kick Off is only available online through snl24.com.

    13.2. *Community Newspapers:* is comprised of 20 community newspapers titles (with a total of 37 editions) each focused on very specific geographic areas or communities, covering neighbourhood events, local businesses, community meetings, school activities and other topics that directly impact residents' daily lives. The Media24 community newspapers are all free publications, with the exception of Paarl Post and Weslander, and are published weekly. The Media24 community newspapers include:

        13.2.1. Boland Media: District Mail & Helderberg Gazette, Eikestadnuus, Hermanus Times, Paarl Post, Standard & Breederivier Gazette, Swartland Gazette, Weskusnuus, and Weslander;
        13.2.2. WP Media: TygerBurger (various editions), People's Post (various editions), and City Vision;
        13.2.3. EP Media: Kouga Express, Mthatha Express, PE Express, and UD Express; and
        13.2.4. Central24: Bloemnuus, Express, Vista, Vrystaat Kroon, and Noordkaap Bulletin.

    13.3. *On the Dot "OtD"*: OtD is a division of Media24 that distributes print media. It offers comprehensive, integrated logistics solutions for media products, such as magazines, newspapers (community and paid for daily and regional

newspapers), leaflets, books, bookazines, partworks, and collectibles. It also provides forecasting and demand planning services for publishers nationally, as well as in-store merchandising solutions, promotions, online sales and management of debtors.

Competition Assessment

14. The Commission found that competition concerns may arise if the merged entity requires its customers to either (i) exclusively procure coldset printing services and distribution services from the merged entity or (ii) procure printing/distribution on condition that the customer also procures distribution/printing services. That is because the merged entity's competitors are not able to offer a similar bundle.

15. To address this concern, the Commission and the parties have agreed that for 3 years after the implementation of the merger, the merged entity will offer coldset printing and distribution services separately. These conditions are set out in **Annexure A** hereto.

16. Given the conditions, the Commission concluded that the merger is unlikely to result in a substantial lessening or prevention of competition in any relevant market.

Public interest considerations

17. In order to address employment concerns, the merging parties have tendered the commitments set out in **Annexure A**.

18. The merger does not raise any other public interest concerns that require further intervention.

Conclusion

19. The Commission therefore approves the proposed transaction on the conditions set out in **Annexure A** hereto.

ANNEXURE A

NOVUS PRINT PROPRIETARY LIMITED, FREE 4 ALL PROPRIETARY LIMITED, INTREPID PRINTERS PROPRIETARY LIMITED AND VICTORY TICKET 376 PROPRIETARY LIMITED
AND
THE MEDIA SUPPLY CHAIN MANAGEMENT DIVISION OPERATED AND CONDUCTED BY MEDIA24 PROPRIETARY LIMITED, THE LOCAL NEWS PORTFOLIO OF MEDIA24, AND THE FOOTBALL PUBLICATION DIVISION OF MEDIA24
CASE NUMBER: 2024AUG0015

CONDITIONS

---

1. DEFINITIONS

The following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –

1.1 "**Acquiring Firms**" means Novus Print Proprietary Limited, Free 4 All Proprietary Limited, Intrepid Printers Proprietary Limited and Victory Ticket 376 Proprietary Limited (collectively referred to as "**Novus**");

1.2 "**Act**" means the Competition Act 89 of 1998, as amended;

1.3 "**Affected employees**" means not more than approximately 233 employees within the Target Firms that may be retrenched post-merger as a worst-case scenario for operational reasons unrelated to the Merger;

1.4 "**Approval Date**" means the date the Commission issues a Clearance Certificate (Notice CC15) in terms of the Act;

1.5 "**Commission**" means the Competition Commission of South Africa;

1.6 "**Commission Rules**" mean the Rules for the Conduct of Proceedings in the Commission;

1.7 "**Conditions**" mean, collectively, the conditions referred to in this document;

1.8 "**Days**" mean business days, being any day other than a Saturday, Sunday, or official public holiday in South Africa;

1.9 "**Implementation Date**" means the date, occurring after the Approval Date on which the Merger is implemented by the Merger Parties;

1.10 "**Media24**" means Media24 Proprietary Limited;

1.11 "**Merger**" means the Acquiring Firms' acquisition of control over the Target Firms;

1.12 "**Merged Entity**" means the Target Firms subject to the control of the Acquiring Firms, following the Implementation Date;

1.13 "**Merger Parties**" means the Acquiring Firms and the Target Firms;

1.14 "**Moratorium Period**" means a period of 3 (three) years from the Implementation Date, and includes a period between the Approval Date and the Implementation Date;

1.15 "**On the Dot**" means the Media Supply Chain Management Division Operated and conducted By Media24, and is one of the Target Firms;

1.16 "**South Africa**" means the Republic of South Africa;

1.17 "**Target Firms**" means the Media Supply Chain Management Division Operated and conducted By Media24 referred to as "On The Dot"; The Local News Portfolio Of Media24; and the Football Publication Division Of Media24 Titled "Soccer Laduma And Kick Off";

1.18 "**Tribunal**" means the Competition Tribunal of South Africa, a statutory body established in terms of section 26 of the Act; and

1.19 "**Tribunal Rules**" means the Rules for the Conduct of Proceedings in the Tribunal.

2. EMPLOYMENT CONDITIONS

2.1 Save for the Affected Employees, the Merging Parties shall not retrench any employees as a result of the Merger for a period of 3 (three) years from the Implementation Date.

2.2 For the avoidance of doubt, Merger specific retrenchments do not include (i) voluntary retrenchment and/or voluntary separation arrangements; (ii) voluntary early retirement packages; (iii) unreasonable refusals to be redeployed in accordance with the provisions of the Labour Relations Act, 66 of 1995; (iv) resignations or retirements

in the ordinary course of business; (v) retrenchments lawfully effected for operational requirements unrelated to the Merger; and (vi) terminations in the ordinary course of business, including but not limited to, dismissals as a result of misconduct or poor performance.

2.3 Novus will seek to redeploy as many of the Target Firms' potentially Affected Employees as possible should vacant positions become available at Novus and its subsidiaries, provided the employees are sufficiently qualified and experienced for such roles.

2.4 Media24 will offer the Affected Employees preferential employment as and when opportunities arise at its operations, for a period of 3 (three) years, and provided the employees are sufficiently qualified and experienced for such roles.

3. TYING / BUNDLING

3.1 For a period of 3 (three) years post the Implementation Date, the Merged Entity shall offer customers coldset printing services and On the Dot's distribution services separately. For the avoidance of doubt, the Merged Entity will not require that customers of the Merged Entity procure coldset printing on condition that they also procure distribution services from the Merged Entity (or vice versa).

4. MONITORING OF COMPLIANCE WITH THE CONDITIONS

4.1 Novus shall within 5 (five) Days of the Implementation Date notify the Commission of the Implementation Date.

4.2 The Acquiring Firms and the Target Firms shall circulate a copy of the Conditions to all employees, relevant trade unions and employee representatives within 10 (ten) Days of the Implementation Date.

4.3 As proof of compliance with clause 4.1, the Acquiring Firms and the Target Firms will within 10 (ten) Days of circulating the Conditions, inform the Commission of the circulation of the Conditions and provide a copy of the notices that were circulated to the employees and trade unions.

4.4 As proof of compliance with clause 2 and clause 3, the Acquiring Firms shall submit a report on an annual basis to the Commission within 3 months after the anniversary of the Implementation Date detailing compliance with these Conditions, for a period of 3 (three) years following the Implementation Date.

5. APPARENT BREACH

5.1 In the event that the Commission receives any complaint in relation to non-compliance with the Conditions, or otherwise determines that there has been a breach by the Merger Parties of the Conditions, the breach will be dealt with in terms of Rule 37 of the Tribunal Rules read together with Rule 39 of the Commission Rules.

6. VARIATION

6.1 The Merging Parties may at any time, on good cause shown, apply to the Commission for the Conditions to be waived, relaxed, modified and/or substituted. Should a dispute arise in relation to the variation of the Conditions, the Merging Parties shall apply to the Tribunal, on good cause shown and on notice to the Commission, for the Conditions to be waived, relaxed, modified and/or substituted.

7. GENERAL

7.1 All correspondence in relation these Conditions must be submitted to the following email addresses: mergerconditions@compcom.co.za

Enquiries in this regard may be addressed to the Manager: Mergers and Acquisitions Division at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 394 3298

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5805 **31 January 2025**

NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

GREENPATH RECYCLING (PTY) LTD

AND

THE VERSAPAK BUSINESS OF MPACT OPERATIONS (PTY) LTD

CASE NUMBER: 2024AUG0005

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the 'Rules for the Conduct of Proceedings in the Competition Commission', that it has approved the transaction involving the abovementioned firms subject to conditions set out below:

Background

1. On 02 August 2024, the Competition Commission (the "Commission") received notice of an intermediate merger whereby Greenpath Recycling (Pty) Ltd ("Greenpath"), intends to acquire control over the Versapak business of Mpact Operations (Pty) Ltd ("Versapak"). Post implementation of the proposed transaction, Greenpath will have sole control over the Target Business

Parties and activities

2. The primary acquiring firm, Greenpath, is wholly owned by Sinica Manufacturing (Pty) Ltd ("Sinica"), a company incorporated in South Africa. Sinica is controlled by Feng-Chi ("Wilson") Shen-Yu, who holds a 70% interest in the firm. The remaining 30% is held by Ms. Chien-Tai Shen-Yu. Wilson Shen-Yu also has a ***[CONFIDENTIAL]%*** controlling shareholding in Ouropack Distribution (Pty) Ltd ("Ouropack").

3. Greenpath is a special purpose vehicle that has been established for the purposes of this transaction and does not directly or indirectly control any firms. Greenpath and all the firms controlled by Wilson and Chien-Tai Shen-Yu are collectively referred to as the "Sinica Group".

4. The parties submit that Sinica Group is 100% owned by historically disadvantaged persons (HDPs) as contemplated by section 3(2)(a) of the Competition Act No. 89 of 1998 (as amended) (the "Act"). That is because Wilson and Chien-Tai Shen-Yu are South African citizens who were entitled to acquire citizenship by naturalisation prior to 27 April 1994.

5. The Sinica Group manufactures and supplies a range of plastic packaging products, including polystyrene ("styrene") meal boxes and trays, polyvinyl chloride film ("vinyl") and polyamide ethylene vinyl alcohol vacuum bags. Sinica Group's products are manufactured at a single facility located in Benoni (Gauteng). Sinica Group's products are used by a variety of businesses in the South African food sector, including retailers, supermarkets, restaurants, fast-food chains, butcheries and food producers (hereafter collectively referred to as "end-customers").

6. Ouropack is a distribution company which operates distribution centres in the Gauteng, Western Cape, Eastern Cape and KwaZulu-Natal provinces. Ouropack distributes styrene food packaging, vinyl food packaging, plastic and paper cups, cutlery, personal protection equipment, cleaning products and packaging bags, amongst others.

7. Versapak is an unincorporated division of Mpact Operations (Pty) Ltd ("MpactOps"). MpactOps is ultimately a solely controlled subsidiary of Mpact Limited, a JSE listed entity which is not controlled by any firm. As Versapak is an unincorporated division, it does not have any shareholders. However, the parties submit that according to its latest B-BBEE certificate (expiring 17 June 2025), MpactOps has 33.7% HDP ownership. This ownership is attributable to Versapak.

8. Versapak is a paper and plastics packaging manufacturing business operating in Southern Africa. Versapak manufactures and supplies a range of branded and unbranded plastic packaging products, including polyethylene terephthalate ("PET") containers and trays, styrene packaging and vinyl. It operates one manufacturing plant in Roodekop (Gauteng) and a second one in Paarl (Western Cape). Versapak products are used by a variety of end-customers in the fast-moving consumer goods, fast food, fresh food, beverage and agricultural sectors.

Competition Assessment

9. The Commission found that the proposed transaction is unlikely to substantially prevent or lessen competition in any relevant market.

Public interest considerations

10. In order to address employment concerns, the merging parties have tendered the commitments set out in **Annexure A**.

11. To address concerns raised by end customers, the parties have agreed to the capex commitments set out in **Annexure A**.

12. The Commission therefore approves the proposed transaction on the conditions set out in **Annexure A** hereto.

ANNEXURE A

GREENPATH RECYCLING (PTY) LTD

AND

THE VERSAPAK BUSINESS OF MPACT OPERATIONS (PTY) LTD

CASE NUMBER: 2024AUG0005

CONDITIONS

---

1. **DEFINITIONS**

1.1 The following expressions shall bear the meanings assigned to them below, and cognate expressions bear corresponding meanings:

1.1.1 "**Acquiring Firm**" means Greenpath Recycling (Pty) Ltd;

1.1.2 "**Acquiring Group**" means Greenpath, all direct and indirect controllers thereof and all firms so directly and indirectly controlled;

1.1.3 "**Approval Date**" means the date referred to on the Commission's merger clearance certificate (Form CC15), being the date on which the Merger is approved in terms of the Competition Act;

1.1.4 "**Commission**" means the Competition Commission of South Africa, a statutory body established in terms of section 19 of the Competition Act;

1.1.5 "**Commission Rules**" means the Rules for the Conduct of Proceedings in the Commission;

1.1.6 "**Competition Act**" means the Competition Act, 89 of 1998, as amended;

1.1.7 "**Conditions**" means these conditions;

1.1.8 "**Days**" means any calendar day other than a Saturday, a Sunday or an official public holiday in South Africa;

1.1.9 "**Implementation Date**" means the date occurring after the last condition precedent to the transaction is fulfilled or waived, as the case may be, when the Merger is implemented in accordance with its terms;

1.1.10 "**Labour Relations Act**" means the Labour Relations Act 66 of 1995;

1.1.11 "**Merged Entity**" means Versapak subject to the control of the Acquiring Group following the Implementation Date;

1.1.12 "**Merger**" means the proposed acquisition by the Acquiring Firm of the Target Firm;

1.1.13 "**Merging Parties**" means the Acquiring Group and the Target Firm;

1.1.14 "**Moratorium Period**" means a period of 2 (two) years from the Implementation Date and includes the period between the Approval Date and the Implementation Date;

1.1.15 "**South Africa**" means the Republic of South Africa;

1.1.16 "**Target Firm**" means The Versapak business of Mpact Operations (Pty) Ltd

1.1.17 "**Tribunal**" means the Competition Tribunal of South Africa, a statutory body established in terms of section 26 of the Competition Act; and

2. **CAPITAL EXPENDITURE**

2.1 Subject to market conditions remaining the same, the Acquiring Group commits to spending ***R[CONFIDENTIAL]*** in capex at the Target Firm, over the next four years post the Implementation of the Merger.

3. **EMPLOYMENT**

3.1 For a period of two years after the Implementation Date, the Merged Entity shall not retrench any of its employees in South Africa as a result of the Merger during the Moratorium Period. will be no Merger specific retrenchments arising as a result of the merger

3.2 The undertaking provided in paragraph 3.1. above means that no retrenchments will result in South Africa as a consequence of the implementation of the Merger. For the sake of clarity, Merger related retrenchments do not include (i) voluntary retrenchment and/or voluntary separation arrangements; (ii) voluntary early retirement packages; (iii) unreasonable refusals to be redeployed in accordance with the provisions of the Labour Relations Act; (iv) resignations or retirements in the ordinary course of business; (v) retrenchments lawfully effected for operational

requirements (for the purposes of the Labour Relations Act) unrelated to the Merger (vi) terminations in the ordinary course of business, including but not limited to, dismissals as a result of misconduct or poor performance; and (vii) any decision not to renew or extend a contract of a fixed-term third party contract employee or contract with a third party.

4. MONITORING OF COMPLIANCE WITH THE CONDITIONS

4.1 The Acquiring Firm shall inform the Commission in writing of the Implementation Date within 5 (five) Days of the Implementation Date.

4.2 The Acquiring Firm shall circulate a copy of the Conditions to the employees of the Merging Parties within 10 (ten) Days of the Approval Date. As proof of compliance herewith, the Acquiring Firm shall with 10 (ten) Days of so circulating the Conditions, notify the Commission of compliance herewith and provide evidence of such circulation.

4.3 The Acquiring Firm shall, within 30 (thirty) Days of the anniversary of the Implementation Date, for 4 (four) years commencing after the Implementation Date, provide to the Commission a report detailing its progress regarding its compliance with the Capex commitment. This report shall be accompanied by an affidavit attested to by a senior official of the Acquiring Firm, confirming the report's accuracy.

5. APPARENT BREACH

5.1 If the Commission determines that there has been an apparent breach by the Merging Parties of these Conditions, Rule 39 of the Commission Rules will apply.

6. VARIATION OF THE CONDITIONS

6.1 The Merging Parties may at any time, on good cause shown, apply to the Commission for the Conditions to be waived, relaxed, modified and/or substituted. Should a dispute arise in relation to the variation of the Conditions, the Merging Parties shall apply to the Tribunal, on good cause shown and on notice to the Commission, for the Conditions to be waived, relaxed, modified and/or substituted.

7. GENERAL

7.1 All correspondence concerning the Conditions must be submitted to the following e-mail address: mergerconditions@compcom.co.za and ministry@thedtic.gov.za.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5806 **31 January 2025**

NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

TROUW NUTRITION SOUTH AFRICA PROPRIETARY LIMITED

AND

CHEMFIT FINE CHEMICALS PROPRIETARY LIMITED

CASE NUMBER: 2024AUG0003

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the 'Rules for the Conduct of Proceedings in the Competition Commission', that it has approved the transaction involving the abovementioned firms subject to conditions set out below:

Background

1. On 02 August 2024, the Competition Commission ("Commission") received notice of an intermediate merger wherein Trouw Nutrition South Africa (Pty) Ltd ("Trouw") intends to acquire 100% of the issued share capital of Chemfit Fine Chemicals (Pty) Ltd ("Chemfit"). After the implementation of the proposed transaction, Trouw will have sole control of Chemfit.

2. The primary acquiring firm is Trouw, a private company incorporated in accordance with the laws of the Republic of South Africa. Trouw is a wholly owned subsidiary of Nutreco International B.V. ("Nutreco International"). Nutreco International is ultimately controlled by SHV Holdings N.V. ("SHV"), a company registered in Netherlands. SHV is controlled by the Fenterner van Vissingen Family, through the Lawerecht Foundation, which is a Dutch Foundation.

3. In addition to Trouw, Nutreco International controls the following other firms which are operational in South Africa, namely: (i) Mammoet Holding B.V; (ii) Nutreco Africa N.V.; and (iii) KIWA N.V.

4. Trouw does not directly or indirectly control any firm in South Africa or elsewhere.

5. Nutreco International, SHV and all firms directly or indirectly controlled by them are, hereafter, collectively referred to as the "Acquiring Group".

6. In South Africa, the Acquiring Group produces a range of animal feed mixes, which it distributes to farmers and animal feed producers. The Acquiring Group produces a range of premixed vitamin and mineral supplements that are formulated to suit the dietary requirements of poultry, livestock and domestic animals.

7. In addition to offering standard formulations, the Acquiring Group also produces and supplies (i) customised premix formulations made to specifications; (ii) animal feed supplements; (iii) Mineral blocks (iv) animal feed additives and young animal feeds for poultry, swine, ruminants and fish; and (v) Engineering solutions for lifting, transport, installation and decommissioning of large heavy structures.

8. The primary target firm is Chemfit, trading as AECI Animal Health. Chemfit is controlled by Chemical Services Limited ("Chemical Services"), which is ultimately wholly owned by AECI Limited ("AECI"). Chemfit does not control any firm.

9. Chemfit develops, manufactures and markets a broad range of premixes for livestock (dairy, beef and pigs), poultry (broilers and layers) and companion animals. In addition to its own premixes, Chemfit imports and supplies feed-grade commodities and represents international market players in animal health additives, nutraceuticals and specialty veterinary products. Chemfit distributes its products nationwide from its manufacturing site in Burgersdorp in the Eastern Cape.

Competition assessment

10. The Commission is of the view that the proposed merger is unlikely to substantially prevent or lessen competition as there are several players active in the manufacture and supply of animal feed premixes that will continue to constrain the merged entity.

Public Interest considerations

11. To address public interest concerns, the parties have tendered the commitments set out in **Annexure A**.

12. The Commission therefore conditionally approves the proposed transaction.

“ANNEXURE A"

TROUW NUTRITION SOUTH AFRICA PROPRIETARY LIMITED

and

CHEMFIT FINE CHEMICALS PROPRIETARY LIMITED

CASE NO: 2024AUG0003

CONDITIONS

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1 **DEFINITIONS**

The following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings:

1.1 "**Acquiring Firm**" means Trouw Nutrition South Africa Proprietary Limited;

1.2 "**Acquiring Group**" means the Acquiring Firm, its direct and indirect controllers and all firms directly and indirectly controlled by the aforesaid firms;

1.3 "**Approval Date**" means the date referred to on the Commission's merger clearance certificate (Notice CC 15), being the date on which the Merger is approved by the Commission in terms of the Competition Act;

1.4 "**Commission**" means the Competition Commission of South Africa, a statutory body established in terms of section 19 of the Competition Act;

1.5 "**Commission Rules**" mean the Rules for the Conduct of Proceedings in the Competition Commission;

1.6 "**Competition Act**” means the Competition Act, No. 89 of 1998, as amended;

1.7 "**Conditions**" mean these conditions;

1.8 "**Days**" mean any calendar day which is not a Saturday, a Sunday or an official public holiday in South Africa;

1.9 "**HDP**" means historically disadvantaged persons as contemplated in section 3(2) of the Competition Act;

1.10 "**HSE**" means health, safety and environment;

1.11 "**Implementation Date**" means the date, occurring after the Approval Date, on which the Merger is implemented by the Merging Parties;

1.12 "**LRA**" means the Labour Relations Act 66 of 1995, as amended;

1.13 "**Merged Entity**" means the Target Firm subject to the control of the Acquiring Group following the Implementation Date;

1.14 "**Merger**" means the proposed acquisition by the Acquiring Firm of the entire issued share capital of the Target Firm;

1.15 "**Merging Parties**" means the Acquiring Firm and the Target Firm;

1.16 "**Moratorium Period**" means a period of 2 (two) years from the Implementation Date and includes the period between the Approval Date and the Implementation Date and in respect of Semi-skilled Employees and Unskilled Employees, 3 (three) years;

1.17 "**Semi-skilled Employees**" means all non-managerial employees that have grade 12 as their highest academic qualification;

1.18 "**Target Firm**" means Chemfit Fine Chemicals Proprietary Limited;

1.19 "**Tribunal**" means the Competition Tribunal of South Africa, a statutory body established in terms of section 26 of the Competition Act; and

1.20 "**Unskilled Employees**" means all non-managerial employees that have not obtained a grade 12 qualification.

2 **EMPLOYMENT**

2.1 During the Moratorium Period, the Merged Entity shall not retrench any permanent or fixed-term contract employees or any Semi-skilled Employees and Unskilled Employees because of the Merger.

2.2 The moratorium in 2.1 above will not include: (i) voluntary retrenchment and/or voluntary separation arrangements; (ii) voluntary early retirement packages; (iii) unreasonable refusals to be redeployed in accordance with the provisions of the Labour Relations Act 66 of 1995 ("LRA"); (iv) resignations or retirements in the ordinary course of business; (v) retrenchments lawfully effected for operational requirements (for the purposes of the LRA) unrelated to the Proposed Transaction (vi) terminations in the ordinary course of business, including but not limited to, dismissals as a result of misconduct or poor

performance; and (vii) any decision not to renew or extend a contract of a fixed-term third party contract employee or contract with a third party.

3 **HSE CAPITAL COMMITMENT**

3.1 The Acquiring Group shall invest **[Confidential],** to be spent cumulatively over a period of 6 (six) years, in the HSE of the Target Firms' workers at its Burgersdorp production facilities ("HSE Capital Commitment").

3.2 The HSE Capital Commitment will include spend on:

3.2.1 improved ventilation to reduce the inhalation of hazardous substances. The Acquiring Group shall install improved ventilation, and dust extraction equipment to remove hazardous dust;

3.2.2 installation of a fire escape and sprinkler system; and

3.2.3 prevention of dust explosions through improved extraction systems.

4 **INVESTMENT IN THE RURAL COMMUNITY OF BURGERSDORP**

4.1 The Acquiring Group shall spend **[Confidential]** per year over 5 (five) years following the implementation date on projects aimed at the upliftment of the Burgersdorp community ("Development Commitment").

4.2 The Development Commitment will seek to encompass spend on, *inter alia,* improving local school infrastructure, providing community health screening and vaccinations, and providing sustainable solutions for recycling and waste disposal projects.

5 **SUPPORT FOR EMERGING HDP FARMERS**

5.1 The Acquiring Group shall host 5 (five) HDP farmer training days per year at a total cost of **[Confidential]** each, for a period of 5 (five) years following the Implementation Date aimed at providing emerging HDP farmers with training and education in respect of animal health and nutrition.

6 **MONITORING OF COMPLIANCE WITH THE CONDITIONS**

6.1 The Merging Parties shall circulate a copy of the Conditions to all employees and the employee representatives of the Target Firm and the Acquiring Firm within 5 (five) Days following the Approval Date.

6.2 As proof of compliance with 6.1 above, the Merging Parties shall within 5 (five) Days of circulating the Conditions, provide the Commission with an affidavit by a senior official of each of the Target Firm and the Acquiring Firm attesting to the circulation of the Conditions and attach a copy of the notice sent.

6.3 The Acquiring Firm shall inform the Commission in writing of the Implementation Date, within 5 (five) Days of it becoming effective.

6.4 The Acquiring Firm shall submit a report to the Commission indicating its compliance with respect to these Conditions. These reports must be lodged within 5 (five) Days after each anniversary of the Implementation Date for a period of 6 (six) years.

7 APPARENT BREACH

If the Merging Parties appear to have breached the Conditions or if the Commission determines that there has been an apparent breach by the Merging Parties of any of the Conditions, this shall be dealt with in terms of Rule 39 of the Rules for the Conduct of Proceedings in the Commission.

8 VARIATION

The Merging Parties may at any time, on good cause shown, apply to the Commission for the Conditions to be waived, relaxed, modified and/or substituted. Should a dispute arise in relation to the variation of the Conditions, the Merging Parties shall apply to the Tribunal, on good cause shown and on notice to the Commission, for the Conditions to be waived, relaxed, modified and/or substituted.

9 GENERAL

All correspondence in relation to the Conditions must be submitted to the following email addresses: mergerconditions@compcom.co.za and ministry@thedtic.gov.za.

Enquiries in this regard may be addressed to the Manager: Mergers and Acquisitions Division at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 394 3298

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5807 **31 January 2025**

NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

RYMCO (PTY) LTD
AND
THAT PART OF THE BUSINESS CARRIED ON BY PIONEER FOODS GROCERIES (PTY) LTD IN PRODUCING, MANUFACTURING, MARKETING, SELLING AND DISTRIBUTING (I) BOVRIL AND MARMITE PRIMARILY TO RETAILERS; AND (II) YEAST EXTRACT AND HYDROLYSED VEGETABLE PROTEIN-BASED FLAVOURINGS, KNOWN AS SAVOURY FOODS INGREDIENTS PRIMARILY TO FOOD MANUFACTURERS

CASE NUMBER: 2024AUG0010

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the 'Rules for the Conduct of Proceedings in the Competition Commission', that it has approved the transaction involving the abovementioned firms subject to conditions set out below:

Background and Parties

1. On 5 August 2024, the Competition Commission ("Commission") received a notice of an intermediate merger in terms of which Rymco (Pty) Ltd ("Acquiring Firm") intends to acquire part of the business carried on by Pioneer Foods Groceries (Pty) Ltd ("Pioneer Groceries" or "Seller") in producing, manufacturing, marketing, selling and distributing (i) Bovril and Marmite primarily to retailers ("Black Spreads Business") and (ii) yeast extract and hydrolysed vegetable protein-based flavourings known as savoury foods ingredients ("SFI Business") primarily to food manufacturers, hereinafter referred to collectively as the "Target Business".

2. The Acquiring Firm is a company registered in terms of the company laws of the Republic of South Africa ("Acquiring Firm") and is wholly owned and controlled by Lallemand Inc, a company with its principal place of business in Toronto Ontario, Canada ("Lallemand"). In South Africa, the Acquiring Firm owns and controls Rymco Africa (Pty) Ltd and holds a **[confidential]** controlling stake in JV Vitam International (Pty) Ltd (SA). The Acquiring Firm also has

[confidential] shareholding in Fermentos de Mozambique Limitada, a firm based in Maputo, Mozambique.

3. The Acquiring Firm, Lallemand and all the firms they control, as well as the firms controlled by those firms are collectively referred to as the "Acquiring Group."

4. The Acquiring Group has no shareholding by previously disadvantaged persons ("HDPs") as contemplated in section 3(2) of the Competition Act 89 of 1998, as amended ("the Act").

5. The Target Firm is the Target Business carried on by Pioneer Groceries. Pioneer Groceries does not control any firm and is wholly owned and controlled by Pioneer Foods (Pty) Ltd ("Pioneer Foods"), which is in turn wholly owned and controlled by Pioneer Food Group (Pty) Ltd ("Pioneer Group"). Pioneer Group is controlled by PepsiCo South Africa (Pty) Ltd ("PepsiCo SA"), which is ultimately owned and controlled by PepsiCo Inc ("PepsiCo"), a listed company incorporated in accordance with the laws of the state of New York, with its primary listing on the NASDAQ. Pioneer Groceries is not owned or controlled by HDPs as contemplated in section 3(2) of the Act. However, the employees of the Target Business are participants in the PepsiCo Employee Share Ownership Scheme (Bašumi Trust).

Activities of the Parties

6. The Acquiring Group is involved in the production and distribution of fresh and dried yeast in South Africa. The Acquiring Firm sells various forms of yeast products and enzymes to retailers and wholesalers in South Africa.

7. The Seller is primarily focused on the provision of beverages and convenient foods in various countries including South Africa. The Seller's savoury foods business houses the Target Business and comprises of Savoury Food Ingredients division ("SFI division") and the Black Spreads division. The SFI division manufactures meaty savoury base flavours used in the production of soups, sauces, gravies and pies. The Black Spreads division concerns the production of the Bovril and Marmite spreads.

Competition Assessment

8. The Commission found that the proposed merger only raises vertical overlaps. In this regard, the Acquiring Firm supplies the Target Business with fresh liquid yeast as input for the manufacture of the latter's products. The Commission however concluded that the vertical overlaps are unlikely to lead to input or customer foreclosure.

Public Interest considerations

9. The Commission found that the proposed merger is unlikely to raise any substantial employment concerns since the employees of the Target Business will be transferred to the Acquiring Firm post-merger. In addition, the merging parties agreed to the employment conditions set out in "**Annexure A**".

10. In respect of section 12A(3)(e) of the Act, the Commission noted that the merger will result in the employees of the Target Business ceasing to participate in the PepsiCo Employee Share Ownership Scheme (Bašumi Trust). The merging parties confirmed that the employees will be paid all of their participation benefits from the Bašumi Trust until the date of their transfer from the Target Business to the Acquiring Firm. This was also confirmed by the Chairperson of the Bašumi Trust.

11. The merging parties offered the various public interest conditions in "**Annexure A**", in order to countervail the adverse impact of the merger on worker ownership. The Commission found that the proposed merger, considered together with the set of remedies offered by the merging parties, adequately countervail the adverse impact of the merger on worker ownership.

12. The Commission approves that the proposed transaction with the conditions set out in "**Annexure A**".

ANNEXURE A

RYMCO (PTY) LTD

AND

THE BUSINESS CONCERNING THE PRODUCTION, MANUFACTURING, MARKETING, SELLING AND DISTRIBUTION OF (I) BOVRIL AND MARMITE PRIMARILY TO RETAILERS, AND (II) YEAST EXTRACT AND HYDROLYSED VEGETABLE PROTEIN-BASED FLAVOURINGS, KNOWN AS SAVOURY FOODS INGREDIENTS PRIMARILY TO FOOD MANUFACTURERS OWNED BY PIONEER FOODS GROCERIES (PTY) LTD

CASE NO: 2024AUG0010

CONDITIONS

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1. DEFINITIONS

1.1. The following expressions shall bear the meanings assigned to them below, and cognate expressions bear corresponding meanings –

1.1.1. "**Acquiring Firm**" means Rymco (Pty) Ltd;

1.1.2. "**Approval Date**" means the date referred to on the Commission's Merger Clearance Certificate (Form CC 15);

1.1.3. "**Commission**" means the Competition Commission of South Africa, a statutory body established in terms of section 19 of the Competition Act;

1.1.4. "**Commission Rules**" means the Rules for the Conduct of Proceedings in the Commission;

1.1.5. "**Competition Act**" means the Competition Act, 89 of 1998, as amended;

1.1.6. "**Conditions**" means these conditions and a condition means any one the conditions;

1.1.7. "**Days**" means any calendar day other than a Saturday, a Sunday or an official public holiday in South Africa;

1.1.8. "**Implementation Date**" means the date, occurring after the Approval Date, on which the Merger is implemented by the Merging Parties;

1.1.9. "**Labour Relations Act**" means the Labour Relations Act, No. 66 of 1995, as amended;

1.1.10. "**Merged Entity**" means the Acquiring Firm including the Target Firm following the Implementation Date;

1.1.11. "**Merger**" means the proposed transaction between the Merger Parties notified to the Commission under case number: 2024AUG0010;

1.1.12. "**Merger Parties**" means the Acquiring Firm and the Target Firm;

1.1.13. "**Target Firm**" the business concerning the production, manufacturing, marketing, selling and distribution of (i) Bovril and Marmite primarily to retailers, and (ii) yeast extract and hydrolysed vegetable protein-based flavourings, known as savoury foods ingredients primarily to food manufacturers owned by Pioneer Foods Groceries (Pty) Ltd; and

1.1.14. "**Tribunal**" means the Competition Tribunal of South Africa, a statutory body established in terms of section 26 of the Competition Act.

2. EMPLOYMENT

2.1. The Merged Entity shall not retrench any employees as a result of the merger for a period of (2) two years from the Implementation Date, including the period between the Approval Date and Implementation Date.

2.2. For the avoidance of doubt, this condition does not include (i) voluntary retrenchment and/or voluntary separation arrangements; (ii) voluntary early retirement packages, (iii) unreasonable refusals to be redeployed in accordance with the provisions of the Labour Relations Act; (iv) resignations or retirements in the ordinary course of business; (v) retrenchments lawfully effected for operational requirements unrelated to the Merger; (vi) terminations in the ordinary course of business, including but not limited to, dismissals as a result of misconduct or poor performance; or (vii) any decision not to renew or extend a contract of a fixed-term third party contract employee or contract with a third party.

2.3. For a period of (3) three years from the Implementation Date of the Merger, the Merged Entity shall give first consideration to any employees retrenched after the expiry of the moratorium period referred to in paragraph 2.1 above or at any time thereafter, for reasons unrelated to the Merger and in the event that employment opportunities arise within the Merged Entity, provided that such employees possess the necessary qualifications, skills, and experience required for the relevant roles.

2.4. The Merged Entity shall until 31 March 2025 maintain at least the same number of employees in the aggregate as are employed at the Target Firm in South Africa as at the Closing Date.

3. CAPITAL EXPENDITURE

3.1. Within a period of (30) thirty months from the Implementation Date, the Merged Entity shall expend approximately R10 000 000 (ten million Rands) towards the revitalisation of the Target Firm. The capital expenditure may be expended in respect of, among others, (i) improving and standardising spent yeast solids

(storage and settling tanks), (ii) process control upgrades (drying towers) and (iii) waste stream recovery (clarification of effluent for cell walls).

4. SKILLS DEVELOPMENT AND TRAINING

4.1. The Acquiring Firm shall extend its existing skills development and training initiatives to the employees transferred from the Target Firm.

4.2. For a period of (3) three years from the Implementation Date, the Acquiring Firm shall continue with its existing skills development and training initiatives and shall increase its annual expenditure in respect of the existing skills development and training initiatives by 5% over a (3) three year period.

4.3. The Acquiring Firm's annual expenditure in respect of the skills development and training initiatives during the 2024 financial year was approximately **[confidential]**.

5. MONITORING OF COMPLIANCE WITH THE CONDITIONS

5.1. The Acquiring Firm shall inform the Commission in writing of the Implementation Date within (5) five Days of the Implementation Date.

5.2. Within (10) ten Days of the Implementation Date, the Acquiring Firm shall circulate a non-confidential version of the Conditions to the Merged Entity's employees. As proof of compliance, the Acquiring Firm shall, within (5) five Days of circulating the Conditions, submit to the Commission an affidavit attested to by a senior official of the Acquiring Firm.

5.3. For a period of (3) three years, on each anniversary of the Implementation Date, the Acquiring Firm shall provide the Commission with a report in relation to the Acquiring Firm's compliance with clauses 2, 3 and 4 of the Conditions. Such a report shall be accompanied by an affidavit attested to by a senior official of the Acquiring Firm, confirming the Acquiring Firm's compliance with the Conditions.

5.4. The Commission may request such additional information from the Merger Parties, which the Commission may, from time to time, deem necessary for purposes of monitoring the extent of compliance with these Conditions.

6. APPARENT BREACH

6.1. Should the Commission receive any complaint in relation to non-compliance with the above Conditions, or otherwise determine that there has been an apparent breach of these Conditions, the breach shall be dealt with in terms of Rule 39 of the Commission Rules.

7. VARIATION OF CONDITIONS

7.1. The Merger Parties may at any time, on good cause shown, apply to the Commission for the Conditions to be waived, relaxed, modified and/or substituted. Should a dispute arise in relation to the variation of the Conditions, the Merger Parties shall apply to the Tribunal, on good cause shown and on notice to the Commission, for the Conditions to be waived, relaxed, modified and/or substituted.

8. GENERAL

8.1. All correspondence concerning these Conditions must be submitted to the following email address: mergerconditions@compcom.co.za and ministry@thedtic.gov.za.

Enquiries in this regard may be addressed to the Manager: Mergers and Acquisitions Division at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 394 3298

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5808 **31 January 2025**

NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

HAIER EUROPE APPLIANCES HOLDINGS B.V
AND
ELECTROLUX SOUTH AFRICAN PROPRIETARY LIMITED

CASE NUMBER: 2024AUG0050

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the 'Rules for the Conduct of Proceedings in the Competition Commission', that it has approved the transaction involving the abovementioned firms subject to conditions set out below:

Background

1. On 27 August 2024, the Competition Commission ("Commission") received noticed of an intermediate merger wherein Haier Europe Appliances Holding B.V ("Haier") intends to acquire 100% of the issued share capital in Electrolux South Africa ("Electrolux SA"). Upon implementation of the proposed transaction, Haier will exercise sole control over Electrolux SA.

2. The primary acquiring firm is Haier, a private company incorporated in accordance with the laws of the Netherlands. Haier is controlled by Haier Singapore Investment Holding Pte. Ltd ("Haier Singapore"). Ultimately, Haier Singapore is controlled by Haier Group Corporation ("Haier Corp"). Haier does not control any firm in South Africa.

3. All firms directly and indirectly controlled by Haier Corp are referred to as the "Acquiring Group".

4. The target firm is Electrolux SA, a private company incorporated in accordance with the laws of South Africa. Electrolux SA is directly controlled by Aktiebolaget Electrolux (publ), a Swedish firm. Electrolux SA controls the following firms in South Africa: Frumer & Bennett's Sheet Metal Works Proprietary Limited ("Frumer & Bennett") and Ilitha Solar Proprietary Limited ("Ilitha").

Activities of the parties

5. Globally, the Acquiring Group is active in the manufacture and supply of consumer electronics and domestic appliances and is headquartered in China. The Acquiring Group derives turnover from South Africa from the supply of bio-medical products such as cryopreservation products and consumables, biological safety cupboards, bio-culture, liquid nitrogen canisters, vaccine refrigerators and intelligent monitoring devices.

6. Electrolux SA conducts the following business activities in South Africa:

   6.1. the marketing and sale of home appliances, vacuums and accessories under the AEG, Electrolux and Kelvinator brands (the **"Home Appliances Business"**); and

   6.2. the manufacture and distribution of hot water systems, solar water heating systems, valves, drip trays, insulation, heat pumps and a wide range of stainless-steel kitchenware and sanitaryware for domestic and commercial use under the Kwikot brand (the **"Kwikot Business"**).

7. Electrolux SA's subsidiaries namely Frumer & Bennett and Ilitha are dormant firms and do not have any activities.

8. The Commission notes that the Home Appliances Business will not form part of the proposed transaction. The Home Appliance Business will be controlled by AB Electrolux (the Seller) and will close down, post-merger. Therefore, for the assessment of the proposed transaction, the Commission considered the Kwikot Business.

Competition Assessment

9. The Commission found that the proposed transaction is unlikely to result in any substantial prevention or lessening of competition in any relevant markets.

Public Interest considerations

10. To address the public interest issues arising in the proposed transaction, the Commission and the merging parties have agreed to a moratorium on merger-specific job losses as well as the introduction of an employee share ownership plan.

11. The Commission therefore approves the proposed transaction subject to the conditions attached as **Annexure A**.

ANNEXURE A

HAIER EUROPE APPLIANCES HOLDING B.V.

AND

ELECTROLUX SOUTH AFRICA PROPRIETARY LIMITED

CASE NUMBER: 2024AUG0050

CONDITIONS

1. DEFINITIONS

In this document, the expressions used below will have the appropriate meanings assigned to them and the following and related expressions will bear the following meanings:

1.1 **"Approval Date"** means the date on which the merger is approved by the Commission;

1.2 **"Commission"** means the Competition Commission of South Africa, a statutory body established in terms of section 19 of the Competition Act;

1.3 **"Commission Rules"** means the Rules for the Conduct of Proceedings in the Commission;

1.4 **"Competition Act"** means the Competition Act, No. 89 of 1998, as amended;

1.5 **"Conditions"** means these Merger conditions set out in this Annexure A;

1.6 **"Days"** means any calendar day that is not a Saturday, Sunday or public holiday in South Africa;

1.7 **"Electrolux"** means Electrolux South Africa Proprietary Limited;

1.8 **"ESOP"** means employee share ownership plan;

1.9 **"Haier"** means Haier Europe Appliances Holding B.V.;

1.10 **"HDP"** means Historically Disadvantaged Person as contemplated in section 3(2) of the Competition Act;

1.11 **"Implementation Date"** means the date, occurring after the last condition precedent to the Merger is fulfilled or waived, as the case may be, when the Merger is implemented in accordance with its terms;

1.12 "**LRA**" means the Labour Relations Act, No. 66 of 1995;

1.13 "**Merged Firm**" means Electrolux as controlled by Haier after the Implementation Date;

1.14 **"Merger"** means the acquisition by Haier of Electrolux;

1.15 **"Merger Parties"** means Haier and Electrolux;

1.16 **"Moratorium Period"** means a period of 2 (two) years from the Implementation Date as well as the period between the Approval Date and the Implementation Date;

1.17 **"Senior Management"** means Workers at the International Position Evaluation of level 56 and above based on the Electrolux Job Architecture;

1.18 **"Tribunal"** means the Competition Tribunal of South Africa, a statutory body established in terms of section 26 of the Competition Act;

1.19 **"Tribunal Rules"** means the Rules for the Conduct of Proceedings in the Tribunal;

1.20 **"Qualifying Workers"** means Workers employed by Electrolux on a full-time basis for an uninterrupted period of at least 2 (two) years excluding Senior Management; and

1.21 **"Worker"** means workers as defined in section (1) (xxxxiv) of the Competition Act.

2. EMPLOYEE SHARE OWNERSHIP PLAN

2.1 Within 24 months from the Implementation Date, the Merger Parties shall establish an evergreen/perpetual ESOP that will hold [Confidential] of the issued shares in Electrolux for the benefit of Qualifying Workers.

2.2 The ESOP shall be established in line with the key design principles set out in **Annexure B** to the Conditions.

3. Employment

3.1 For the duration of the Moratorium Period, Electrolux will not retrench Workers as a result of the Merger.

3.2 For the avoidance of doubt, retrenchments do not include (i) voluntary separation arrangements; ii) voluntary early retirement packages; iii) unreasonable refusals to be redeployed in accordance with the provisions of the LRA; iv) resignations or retirements in the normal course; v) terminations in the normal course of business, including but not limited to, dismissals as result of poor conduct or poor performance; and vi) necessary steps taken by the Merged Firm in terms of section 189 of the LRA, should operational requirements in the ordinary course of business that are not merger-specific necessitate that such steps be taken.

4. MONITORING

4.1 The Merged Firm shall circulate a non-confidential version of the Conditions to employees of Electrolux within 10 (ten) Days of the Approval Date and confirm to the Commission in writing that this has occurred.

4.2 The Merged Firm shall inform the Commission in writing of the Implementation Date within 5 (five) Days of its occurrence.

4.3 The Merged Firm shall inform the Commission in writing of the Implementation Date of the ESOP within 5 (five) Days of its occurrence.

4.4 The Commission may at any time request additional information from the Merger Parties, which the Commission may reasonably deem necessary for the purposes of monitoring the extent of compliance with the Conditions.

4.5 Any person who believes that the Merger Parties have failed to comply with these Conditions may approach the Commission with their complaint. If the Commission determines that there has been an apparent breach by the Merger Parties of these Conditions, the matter shall be dealt with in terms of clause 6 below.

5. VARIATION OF CONDITIONS

The Merger Parties may at any time, on good cause shown, apply to the Commission for any of the Conditions to be waived, relaxed, modified and/or substituted. Should a dispute arise in relation to the variation of the Conditions, the Merger Parties shall apply to the Tribunal, on good cause shown and on notice to the Commission, for the Conditions to be waived, relaxed, modified and/or substituted.

6. APPARENT BREACH

If the Merger Parties appear to have breached the Conditions or if the Commission determines that there has been an apparent breach by the Merger Parties of any of the Conditions, this shall be dealt with in terms of Rule 39 of the Commission Rules and, if applicable, read together with Rule 37 of the Tribunal Rules.

7. GENERAL

All correspondence concerning these Conditions must be submitted to the following email address: mergerconditions@compcom.co.za and ministry@thedtic.gov.za.

Enquiries in this regard may be addressed to the Manager: Mergers and Acquisitions Division at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 394 3298

Annexure B

ESOP DESIGN PRINCIPLES

Design Principle	Applicable Criteria
Structure	• The Merger Parties shall establish an ESOP in the form of a trust, which will hold [Confidential] of the issued share capital of Electrolux.
Cost to Workers for the establishment of the ESOP	• No cost to Workers: Qualifying Workers will not be required to pay to participate in the ESOP. • The Merger Parties must make provision for independent legal and financial experts to act on behalf of Qualifying Workers in ESOP establishment negotiations. • Any reasonable expenses incurred by the Workers and/or their employee representatives in the establishment of the ESOP shall be paid for by the Merger Parties.
Governance	• The board of trustees must be balanced, and Qualifying Workers must be represented on the board of trustees. For example, 1 (one) trustee appointed by the Merger Parties, 1 (one) appointed by the Workers and 1 (one) independent trustee. • The independent trustee will be recommended and appointed by the Qualifying Workers, subject to the candidate being acceptable to the Merger Parties.
Duration	• The ESOP will be perpetual/evergreen (to cater for the changing workforce so as to benefit all current and future Qualifying Workers).
Participants	• All current and future Qualifying Workers (not limited to HDPs). • Eligibility criteria: permanent Workers of the Merged Firm, subject to the definition of Qualifying Workers as defined in the Conditions. A reasonable minimum period of service may be stipulated. • Maternity leave will have no adverse impact on qualification.
Participation Benefits	• Qualifying Workers will be entitled to: (a) a share of any dividends paid to the ESOP while they are employed by the Merged Firm and (b) capital growth/upside based on their participation rights if a capital event occurs. • Qualifying Workers will cease to participate for certain leaver events, for example, resignations and dismissals. • Death, retirement and retrenchment will not affect Qualifying Workers' participation rights.
Value & Funding	• The value of the ESOP and the consideration payable for the shares to be held by the ESOP ("**ESOP Shares**") will be the pro rata market value of the ESOP Shares (as a proportion of the total issued shares in the Merged Firm) payable by arm's length purchaser (without any discount), with such valuation to

Design Principle	Applicable Criteria
	be performed, and the value of the ESOP shares to be calculated, as at the month preceding the establishment and commencement of the ESOP. • The Merged Firm must provide vendor finance if required. • If Vendor financing is required, the loan will bear interest at not less than [Confidential] • Dividend policy can provide for a "trickle" dividend (in the ratio of 40:60), i.e., at least 40% of any dividends declared will flow to Qualifying Workers during the funding term and, at most, 60% will be utilized to service the vendor financing.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5809 **31 January 2025**

NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

INTERNATIONAL CONTAINER TERMINAL SERVICES, INC
AND
DCT 2 SPV PROPRIETARY LIMITED

CASE NUMBER: 2024JUL0019

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the 'Rules for the Conduct of Proceedings in the Competition Commission', that it has approved the transaction involving the abovementioned firms subject to conditions set out below:

Background and Parties

1. On 16 July 2024, the Competition Commission ("Commission") received a notice of an intermediate merger in terms of which International Container Terminal Services Incorporated ("Acquiring Firm") intends to acquire control over DCT 2 SPV Proprietary Limited ("Target Firm"). The Target Firm was established as part of the proposed transaction for purposes of housing the Durban Container Terminal Pier 2 Business ("DCT Pier 2 Business").

2. The proposed transaction will result in Transnet SOC Limited ("Transnet") having 50% plus one share in the Target Firm while the Acquiring Firm will have 50% minus one share as well as operational and management control over the Target Firm in terms of section 12(2)(g) of the Competition Act 89 of 1998, as amended ("the Act").

3. The Acquiring Firm is International Container Terminal Services, Inc, a publicly listed company incorporated in accordance with the laws of the Philippines. The Acquiring Firm is listed on the Philippine Stock Exchange and the Over-the-Counter Markets Group in the United States of America. The shareholding of the Acquiring Firm is held as to 61.58% by Enrique K Razon Jr, 38.14% by the public and 0.29% by the directors and officers of the Acquiring Firm.

4. The Target Firm is DCT 2 SPV Proprietary Limited, a company incorporated in South Africa. The Target Firm is wholly owned and controlled by Transnet Port Terminals, a business unit of Transnet. Transnet is a state-owned company, which is solely owned and controlled by the

South African Government. Transnet controls Transnet International Holdings SOC Limited, which is solely owned and controlled by the South Africa Government.

5. The Target Firm does not control any firm but will own and control the DCT Pier 2 Business upon implementation of the proposed transaction. The Target Firm and the DCT Pier 2 Business are collectively referred to as the "Target Group."

6. The Target Group does not have ownership by HDPs as contemplated in section 3(2) of the Act.

Activities of the Parties

7. The Acquiring Group is a global independent terminal operator involved in the acquisition, development, management and operations of container port terminals in various countries. The Acquiring Group does not offer any products or services in South Africa.

8. The Target Firm is a newly incorporated entity for purposes of the proposed transaction and, therefore, does not have any activities. The Target Firm will however house the DCT Pier 2 Business, a specialised maritime facility of the Durban Container Terminal with dedicated infrastructure and equipment for the handling of containerised cargo. The DCT Pier 2 Business also provides transhipment/re-shipment of containers, loading and off-loading of containers onto and from vessels, storage of containers, stacking and un-stacking of containers, receiving shipment, delivery and transfer of containers within and between the terminals.

Competition Assessment

9. The Commission noted that the Acquiring Firm does not have business activities in South Africa and that the Target Firm is a new entity with no trading history, which was created to house the DCT Pier 2 Business. The Commission found that although the DCT Pier 2 Business and the Acquiring Firm are active in the broad market for the provision of container port terminal services, (including the provision of front-of-port terminal and back-of-port services), they do not operate in the same geographic market since the Acquiring Firm is not active in South Africa. The Commission also found that the proposed merger does not raise any vertical concerns.

Public Interest considerations

10. The merging parties have tendered the employment conditions contained in "**Annexure A**".

11. In relation to section 12A(3)(e) of the Act, the Commission found that the conditions in "**Annexure A**" adequately countervail the adverse impact of the merger on the promotion of a greater spread of ownership by HDPs and workers.

12. The merging parties also submitted that the proposed merger will have a significant positive effect on the port industrial sector as well as the communities around the Port of Durban.

13. The Commission noted that the Acquiring Firm is anticipated to invest capital expenditure of over **[confidential]** on various operational imperatives including (i) equipment overhaul/refurbishment costs, (ii) new equipment purchases based and (iii) infrastructure maintenance capex costs in respect of DCT 2 SPV Business.

14. In addition to the above, the merging parties agreed to conditions relating to the procurement of goods and services from firms owned and controlled by black women as set out in "**Annexure A**".

15. The Commission found that the conditions tendered by the merging parties in "**Annexure A**" adequately justify the merger on public interest grounds.

16. The Commission approves that the proposed transaction with conditions in "**Annexure A**".

ANNEXURE A

INTERNATIONAL CONTAINER TERMINAL SERVICES INC.

AND

DCT 2 SPV PROPRIETARY LIMITED

CASE NO: 2024JUL0019

CONDITIONS

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1. DEFINITIONS

1.1. The following expressions shall bear the meanings assigned to them below, and cognate expressions bear corresponding meanings –

1.1.1. "**Acquiring Firm**" means International Container Terminal Services Inc.;

1.1.2. "**Approval Date**" means the date referred to on the Commission's Merger Clearance Certificate (Form CC 15);

1.1.3. "**B-BBEE**" means broad-based black economic empowerment as defined in the B-BBEE Act;

1.1.4. "**B-BBEE Act**" means the Broad-Based Black Economic Empowerment Act 53 of 2003 as amended and the Codes of Good Practice 2013, as amended;

1.1.5. "**B-BBEE Facilitator Status**" means the designation of Transnet, by the Minister of Trade, Industry and Competition as the B-BBEE Facilitator for the Proposed Transaction in terms of Paragraph 3.6 of Statement 100 of the Codes of Good Practice 2013;

1.1.6. "**Commission**" means the Competition Commission of South Africa, a statutory body established in terms of section 19 of the Competition Act;

1.1.7. "**Commission Rules**" means the Rules for the Conduct of Proceedings in the Commission;

1.1.8. "**Competition Act**" means the Competition Act, 89 of 1998, as amended;

1.1.9. "**Conditions**" means these conditions and a condition means any one the conditions;

1.1.10. "**Days**" means any calendar day other than a Saturday, a Sunday or an official public holiday in South Africa;

1.1.11. "**Implementation Date**" means the date, occurring after the Approval Date, on which the Merger is implemented by the Merging Parties;

1.1.12. "**Labour Relations Act**" means the Labour Relations Act, No. 66 of 1995, as amended;

1.1.13. "**Merger**" means the proposed transaction between the Merger Parties notified to the Commission under case number: 2024JUL0019;

1.1.14. "**Merger Parties**" means the Acquiring Firm and the Target Firm;

1.1.15. "**Moratorium Period**" means the period between the Approval Date and the Implementation Date and, thereafter, a period of 3 (three) years from the Implementation Date;

1.1.16. "**Relevant Employees**" means any employees of Transnet seconded to the Target Firm in terms of the Personnel Services Agreement;

1.1.17. "**Seconded Employees**" means any employees of Transnet seconded to the Target Firm in terms of the Personnel Services Agreement;

1.1.18. "**Target Firm**" means DCT 2 SPV Proprietary Limited, a newly incorporated entity, that will hold the Durban Container Terminal Pier 2 Business of Transnet;

1.1.19. "**Transnet**" means Transnet SOC Limited; and

1.1.20. "**Tribunal**" means the Competition Tribunal of South Africa, a statutory body established in terms of section 26 of the Competition Act.

2. EMPLOYMENT

2.1. Transnet shall not retrench any employees in South Africa as a result of the Merger during the Moratorium Period.

2.2. For the sake of clarity, retrenchments do not include (i) voluntary retrenchment and/or voluntary separation arrangements; (ii) voluntary early retirement packages; (iii) unreasonable refusals to be redeployed in accordance with the provisions of the Labour Relations Act; (iv) resignations or retirements in the ordinary course of business; (v) retrenchments lawfully effected for operational requirements unrelated to the Merger; (vi) terminations in the ordinary course of business, including but not limited to, dismissals as a result of misconduct or poor performance; or (vii) any decision not to renew or extend a contract of a fixed-term third party contract employee or contract with a third party.

2.3. Transnet undertakes that the terms of employment of any Seconded Employees will be no less favourable than if they were not seconded to the Target Firm.

2.4. The tenure of any Seconded Employees will not be affected by their secondment to the Target Firm.

2.5. For the avoidance of doubt, Transnet's undertakings in paragraphs 2.1, 2.3 and 2.4 exclude any changes to the terms of employment of the Seconded Employees which affect Transnet's employees generally and which are not related to the Merger, or which arise due to reasons unrelated to the Merger.

3. EMPLOYEE INCENTIVE SCHEME

3.1. For so long as the Acquiring Firm has control of the Target Firm for purposes of the Competition Act, then as and when the Target Firm declares dividends to the Acquiring Firm and to Transnet, immediately before the declaration of any dividends, the Target Firm shall make payment of an amount which is equal to 10% (ten per cent) of the total amount that would otherwise be available for declaration as dividends, to Transnet for purposes of Transnet allocating that amount equitably amongst the Relevant Employees, pursuant to which Transnet shall allocate such amount equitably amongst the Relevant Employees, which amount shall be paid to them within a maximum period of 60 calendar days from the date of receipt of any such amount.

4. PROCUREMENT FROM LEVEL 1 B-BBEE FIRMS AND BLACK WOMEN-OWNED FIRMS

4.1. For a period of 3 (three) years from the Implementation Date, the Merger Parties will procure that:

4.1.1. 40% (forty per cent) of the Target Firm's total expenditure on goods and services (excluding capital equipment not manufactured in South Africa and spares related to such capital equipment) is incurred in respect of businesses with a Level 1 B-BBEE contributor status level; and

4.1.2. 25% (twenty five per cent) of the Target Firm's expenditure on goods and services (excluding capital equipment not manufactured in South Africa and spares related to such capital equipment) is incurred in respect of business entities which have at least 30% black women ownership.

5. ATTAINMENT OF B-BBEE STATUS

5.1. Within a period of 1 (one) year of Transnet being granted B-BBEE Facilitator Status, the Target Firm shall attain a Level 4 B-BBEE contributor status as

provided for in the codes of good practice for B-BBEE, issued in terms of the B-BBEE Act.

6. MONITORING OF COMPLIANCE WITH THE CONDITIONS

6.1. The Merging Parties shall inform the Commission in writing of the Implementation Date within 5 (five) Days of the Implementation Date.

6.2. Within 10 (ten) Days of the Implementation Date, Transnet shall circulate a non-confidential version of the Conditions to its employees. As proof of compliance, Transnet shall, within 5 (five) Days of circulating the Conditions, submit to the Commission an affidavit attested to by a senior official of Transnet.

6.3. For a period of 3 (three) years, on each anniversary of the Implementation Date, Transnet shall provide the Commission with a report confirming compliance with clauses 0, 3, 4 and 5 of the Conditions. Such a report shall be accompanied by an affidavit attested to by a senior official of Transnet, attesting to compliance with the Conditions.

6.4. Any employee of Transnet who believes that Transnet has not complied with or has acted in breach of these Conditions may approach the Commission.

6.5. The Commission may request such additional information from the Merger Parties, which the Commission may, from time to time, deem necessary for purposes of monitoring the extent of compliance with these Conditions.

7. APPARENT BREACH

7.1. Should the Commission receive any complaint in relation to non-compliance with the above Conditions, or otherwise determine that there has been an apparent breach of these Conditions, the breach shall be dealt with in terms of Rule 39 of the Commission Rules.

8. VARIATION OF CONDITIONS

8.1. The Merger Parties may at any time, on good cause shown, apply to the Commission for the Conditions to be waived, relaxed, modified and/or

substituted. Should a dispute arise in relation to the variation of the Conditions, the Merger Parties shall apply to the Tribunal, on good cause shown and on notice to the Commission, for the Conditions to be waived, relaxed, modified and/or substituted.

9. GENERAL

9.1. All correspondence concerning these Conditions must be submitted to the following email address: mergerconditions@compcom.co.za and ministry@thedtic.gov.za

Enquiries in this regard may be addressed to the Manager: Mergers and Acquisitions Division at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 394 3298

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5810 **31 January 2025**

NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

DYNAMIC BRANDS MANUFACTURING PROPRIETARY LIMITED
AND
DYNAMIC BRANDS MANUFACTURING PROPRIETARY LIMITEDTHE INTELLECTUAL PROPERTY, EQUIPMENT AND STOCK RELATED TO THE DILUTABLE NON-ALCOHOLIC BEVERAGE BRANDS DALY'S, CARIBBEAN, JUNGLE YUM AND WILD ISLAND
CASE NUMBER: 2024JUL0029

The Competition Commission hereby gives notice, in terms of Rule 38 (3)(c) of the 'Rules for the Conduct of Proceedings in the Competition Commission', that it has approved the transaction involving the abovementioned firms subject to conditions set out below:

Background

1. On 18 July 2024, the Competition Commission ("Commission") received notice of an intermediate merger whereby Dynamic Brands Manufacturing Proprietary Limited ("Dynamic Brands") wishes to acquire the intellectual property, equipment and stock related to the dilutable non-alcoholic beverage brands *Daly's, Caribbean, Jungle Yum* and *Wild Island* ("Target Brands") from Pioneer Foods Groceries Proprietary Limited ("PFG"). Following the implementation of the proposed transaction, Dynamic Brands will solely control the Target Brands.

2. The primary acquiring firm is Dynamic Brands which is registered in South Africa. Dynamic Brands is controlled by Dynamic Hold 01 Proprietary Limited ("Dynamic Hold") and KLT Dynamic Proprietary Limited ("KLT Dynamic"). Dynamic Hold is controlled by the **[CONFIDENTIAL]**. KLT Dynamic is ultimately controlled by the trustees of the **[CONFIDENTIAL]**. The Commission understands that Dynamic Brands does not control any entities.

3. Dynamic Brand is active in the manufacturing and supply of non-alcoholic dilutable concentrated and ready to drink ("RTD") beverages sold under various brands. The

concentrates manufactured and sold by Dynamic Brands include: (i) Dairy-blend concentrates sold under the *Fusion* and *Delicious* brands; and (ii) Fruit-based concentrates sold under the *Slimsy, Yello, Rascals, Mr Orange*, and *Burtons* brands. Dynamic Brands also manufactures and sells RTD beverages under its *Rascals, Mr Orange, Mr Berry, Slimsy* and *Burtons* brands.

4. Dynamic Brands and the firms controlling Dynamic Brands will be referred to as the "Acquiring Group".

5. The primary target firm comprises of the Target Brands currently owned by PFG. PFG is registered in South Africa and is ultimately controlled by PepsiCo Inc, a firm incorporated in the United States of America.

6. The Target Brands comprise of the following: (i) *Wild Island* and *Caribbean*, both of which are dairy-blend concentrate brands; (ii) *Daly's*, a fruit-based squash concentrate brand; and (iii) *Jungle Yum,* a fruit-based cordial brand. The *Jungle Yum* products were discontinued and have not been sold by PFG since 2022.

Areas of overlap

7. The Commission found that there is a horizontal overlap between the activities of the merger parties. This is because the merger parties are both active in the market for the production and distribution of non-alcoholic beverages, specifically concentrates, in South Africa. The Commission found that there is no vertical relationship between the merger parties.

Competition Analysis

8. With regard to the market definition, the Commission considered (i) the broad market for the manufacturing and supply of concentrates in South Africa and (ii) the narrow market for the manufacture and supply for dairy-blend concentrates in South Africa.

9. The Commission found that the merged entity will have an estimated market share of approximately **[CONFIDENTIAL]** in the broad market for the manufacturing and supply of concentrates in South Africa. In this broad market, the merged entity would continue to face competition from other players including Tiger Brands which is the largest player in the market.

10. However, in the narrow market for the manufacture and supply for dairy-blend concentrates in South Africa, the Commission found that the merged entity will have an estimated market share of more than **[CONFIDENTIAL]**. The Commission found that the merged entity would be the dominant player in this narrow market.

11. The Commission also received concerns from several customers regarding the likely impact of the merger on competition in the narrow market for the manufacture and supply for dairy-blend concentrates in South Africa. Customers were particularly concerned about the reduction in the number of credible alternatives in the market and the ability of the merged entity to unilaterally increase prices post-merger, particularly with respect to smaller customers or those owned and operated by historically disadvantaged persons.

12. However, the Commission engaged the merger parties regarding potential remedies that may address the substantial lessening of competition likely to arise due to the proposed merger. This was largely because the Commission found that the Target Brands have been loss-making and that absent the merger, it is likely that the Target Brands may have exited the market. In this regard, the Commission and the merger parties have agreed to a non-discriminatory pricing condition which would ensure that they do not discriminate against any of its customers, particularly small and medium sized business and firms owned by HDPs, in respect of any of its supply and pricing agreements and continue to provide products to all its customers in the ordinary course of business on commercially reasonable and practical terms.

13. The conditions are contained in **Annexure A**.

Public Interest considerations

14. The Commission assessed the merger's effect on each of the public interests, consistent with the framework set out in the *Revised Public Interest Guidelines Relating to Merger Control*. The most relevant aspects of that assessment are set out below.

15. The Commission found that there are currently **[CONFIDENTIAL]** employees employed under the Target Brands and none of them will be transferred to Dynamic Brands ("Target Brands employees"). The merger parties submitted that of the **[CONFIDENTIAL]** employees employed by the Target Brands:

    15.1. **[CONFIDENTIAL]** employees elected to take voluntary severance packages ("VSPs").

    15.2. **[CONFIDENTIAL]** employees have been redeployed. This redeployment has been finalised and confirmed.

    15.3. **[CONFIDENTIAL]** employees indicated that they were not willing to be relocated outside of the Free State (where the Target Brands are based). The Commission understands that these employees have been earmarked for vacancies within the Free State and appointment letters are to be finalised; and

15.4. **[CONFIDENTIAL]** employees will be re-deployed to vacancies nationally within the seller's business. The Commission understands that these appointments are yet to be finalised.

16. In light of the above, the merger parties submit that the Proposed Transaction will have no negative effect on employment.

17. However, due to (i) the Target Brand's employees not transferring to the Acquiring Group, (ii) some of the above-mentioned redeployments not yet being finalised, and (iii) the retrenchment notices that have already been issued to the Target Brand's employees, the Commission was concerned that the employees of the Target Brands may still be retrenched as a result of the Proposed Transaction. The Commission requested the merger parties to agree to a moratorium on merger-specific retrenchments for two years following the implementation of the Proposed Transaction. The merger parties have agreed to the above, as contained in **Annexure A.**

18. In addition to the above, the Commission and the merger parties have agreed to a condition which will result in the Acquiring Firm making an aggregate contribution of R2 000 000.00 over a period of 2 (two) years towards supplier development and enterprise and skills development initiatives.

19. The Commission therefore conditionally approves the proposed transaction.

ANNEXURE A: CONDITIONS

DYNAMIC BRANDS MANUFACTURING PROPRIETARY LIMITED

AND

THE INTELLECTUAL PROPERTY, EQUIPMENT AND STOCK RELATED TO THE DILUTABLE NON-ALCOHOLIC BEVERAGE BRANDS DALY'S, CARRIBEAN, JUNGLE YUM AND WILD ISLAND

CASE NUMBER: 2024JUL0029

CONDITIONS

1. DEFINITIONS AND INTERPRETATION

1.1 In this document the following expressions bear the meanings assigned to them below and related expressions beat corresponding meanings -

1.1.1 "**Approval Date**" means the date referred to in the Commission's merger clearance certificate;

1.1.2 "**Acquiring Firm**" means Dynamic Brands Manufacturing Proprietary Limited;

1.1.3 "**Act**" means the Competition Act 89 of 1998, as amended;

1.1.4 "**Affected Employees**" the 86 employees of PFG who worked under the Target Brands;

1.1.5 "**Commission**" means the Competition Commission of South Africa;

1.1.6 "**Commission Rules**" mean the Rules for the Conduct of Proceedings in the Commission;

1.1.7 "**Conditions**" means these conditions contained in this "Annexure A", agreed to by the Merged Entity and the Commission;

1.1.8 "**Days**" mean business days, being any day other than a Saturday, Sunday, or official public holiday in the Republic of South Africa;

1.1.9 "**Implementation Date**" means the date, occurring after the Approval Date, on which the Merger is implemented by the Merger Parties;

1.1.10 "**LRA**" means the Labour Relations Act No. 66 of 1995 (as amended);

1.1.11 "**Merged Entity**" means the combined firm resulting from the Merger between the Acquiring Firm and the Target Brands;

1.1.12 "**Merger**" means the acquisition of the Target Brands by the Acquiring Firm;

1.1.13 "**Merger Parties**" means the Acquiring Firm and the Target Brands;

1.1.14 "**Moratorium Period**" means a period of 2 (two) years from the Implementation Date as well as the period between the Approval Date and the Implementation Date;

1.1.15 **"PFG"** means Pioneer Foods Groceries Proprietary Limited;

1.1.16 **"Pioneer Food Group"** means Pioneer Food Group Proprietary Limited;

1.1.17 "**South Africa**" means the Republic of South Africa;

1.1.18 "**Target Brands**" means certain assets owned by PFG including the intellectual property, plant equipment, and stock related to the dilutable non-alcoholic beverage brands *Daly's, Caribbean, Wild Island* and *Jungle Yum*; and

1.1.19 "**Tribunal**" means the Competition Tribunal of South Africa.

2. CONDITIONS TO THE APPROVAL OF THE MERGER

2.1 EMPLOYMENT

2.1.1 The Merged Entity and PFG shall not retrench any employees, including the Affected Employees, as a result of the Merger, for the duration of the Moratorium Period.

2.1.2 For the sake of clarity, retrenchments do not include (i) voluntary separation arrangements; or (ii) voluntary early retirement packages,

(iii) unreasonable refusals to be redeployed in accordance with the provisions of the LRA; (iv) resignations or retirements in the ordinary course of business; (v) retrenchments lawfully effected for operational requirements unrelated to the Merger; (vi) terminations in the ordinary course of business, including but not limited to, dismissals as a result of misconduct or poor performance; (vii) any decision not to renew or extend a contract of a contract order; and (viii) any transfer of employees to the employment of a third party as a result of any sale of business operations, including related assets and liabilities, or any joint venture or similar business arrangements.

3. SUPPLIER DEVELOPMENT, ENTERPRISE DEVELOPMENT AND SKILLS DEVELOPMENT

3.1 The Acquiring Firm shall make an aggregate contribution of R2 000 000.00 over a period of 2 (two) years with a minimum average contribution of R500 000 per annum towards supplier development initiatives and a minimum average contribution of R500 000 per annum towards enterprise and skills development initiatives.

4. NON-PRICE DISCRIMINATION

4.1 For a period of 5 (five) years from the Implementation Date, the Merger Parties shall:

4.1.1 not engage in prohibited price discrimination as defined in section 9 of the Act against any of its customers in respect of any of its supply and pricing agreements. In particular, the Merged Entity shall not engage in prohibited price discrimination against small and medium sized businesses (as defined in the Act) or firms controlled or owned by historically disadvantaged persons (as contemplated in section 3(2) of the Act);

4.1.2 continue to provide products to its customers in the ordinary course of business and on commercially reasonable and practical terms

5. MONITORING OF COMPLIANCE WITH THE CONDITIONS

5.1 The Merged Entity shall inform the Commission in writing of the Implementation Date of the Merger within 5 (five) Days of its occurrence.

5.2 The Merged Entity and PFG shall circulate a copy of the Conditions to all their employees and/or their employee representatives and/or relevant trade unions within 5 (five) Days of the Approval Date.

5.3 As proof of compliance thereof, the Merged Entity and PFG shall within 5 (five) Days of circulating the Conditions to all the employees and/or the employee representatives and/or relevant trade unions, provide the Commission with an affidavit by a senior official of each of the Merged Entity and PFG attesting to the circulation of the Conditions and attaching a copy of the notice sent.

5.4 The Merged Entity shall submit a report to the Commission on each anniversary of the Implementation Date:

5.4.1 For a period of 2 (two) years from the Implementation Date, setting out the following in compliance with clause 3 of the Conditions:

5.4.1.1 The names of the HDP employees that were part of the training initiatives for the year;

5.4.1.2 Whether the training initiatives were completed;

5.4.1.3 The amount in rands spent on the training initiatives;

5.4.1.4 The amount in rands spent on social responsibility and supplier development initiatives for that year;

5.4.1.5 The list of HDP suppliers from which the Acquiring Firm procured products or services for that year and proof that the suppliers are HDPs; and

5.4.1.6 A description of the nature of the supplier and enterprise development initiatives for that year.

5.4.2 For a period of 5 (five) years from the Implementation Date, setting out confirmation of its compliance with clause 4 of the Conditions. In particular that the Merged Entity has supplied all its customers in the ordinary course of business and on commercially reasonable and practical terms.

5.4.3 For a period of 2 (two) years from the Implementation Date, setting out its compliance with clause 2 of the Conditions.

5.5 This report shall be accompanied by an affidavit, attested to by a director or other suitable person of the Merged Entity, confirming the accuracy of the contents of the report.

5.6 Within a period of 10 (ten) days from the Implementation Date, PFG shall provide the Commission with a detailed list of the Affected Employees who are redeployed within

the broader Pioneer Food Group and the final number of Affected Employees who accepted voluntary severance packages.

5.7 Any employee of the Merged Entity who believes that the Merged Entity has not complied with or has acted in breach of the Conditions may approach the Commission.

5.8 The Commission may request such additional information from the Merged Entity or PFG which the Commission from time to time regards as necessary for the monitoring of compliance with these Conditions.

6. APPARENT BREACH

6.1 An apparent breach by the Merger Parties of any of the Conditions shall be dealt with in terms of Rule 39 of the Commission Rules read together with Rule 37 of the Tribunal Rules.

7. VARIATION OF CONDITIONS

7.1 The Merger Parties may at any time, on good cause shown, apply to the Commission for the Conditions to be waived, relaxed, modified, and/or substituted. Should a dispute arise in relation to the variation of the Conditions, the Merger Parties shall apply to the Tribunal, on good cause shown and on notice to the Commission, for the Conditions to be waived, relaxed, modified, and/or substituted.

8. GENERAL

8.1 All correspondence in relation to these Conditions must be submitted to the following email address: mergerconditions@compcom.co.za.

Enquiries in this regard may be addressed to the Manager: Mergers and Acquisitions Division at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 394 3298

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5811 **31 January 2025**

CO-OPERATIVE THAT HAS BEEN DIRECTED TO CHANGE NAME BY THE REGISTRAR OF CO-OPERATIVES IN TERMS OF SECTION 11 OF CO-OPERATIVES ACT NO. 14 OF 2005, AS AMENDED.

Notice is hereby given in terms of section 11 of the Co-operatives Act of 2005 as amended, that co-operative name has been amended as follows:

1. **MANDELA POULTRY CO-OPERATIVE LIMITED (2015/002842/24)** has been revoked and changed to **HONEYDEW POULTRY PRIMARY CO-OPERATIVE LIMITED**

REGISTRAR OF CO-OPERATIVES
Office of the Registrar of Co-operatives
The DTIC Campus
77 Meintjies Street
Sunnyside
0002

Private Bag X237
PRETORIA
0001

DEPARTMENT OF WATER AND SANITATION

NO. 5812 **31 January 2025**

WATER RESEARCH LEVY 2025/26 - RATES AND CHARGES: INCREASE OF 4.48%

By virtue of the powers vested in me in terms of Section 11 of the Water Research Act, 1971 (Act. 34 of 1971), I, Pemmy Majodina, in my capacity as the Minister of Water and Sanitation, hereby give notice of the increase in the Water Research Levy by 4.48% for the period 01 July 2025 to 30 June 2026.

1. The following rates and charges will be applicable as from 1 July 2025 to June 2026:

(a) Eight hundred and thirty one cents (831c) in respect of each hectare of land of which the water use is permissible during 01 July 2025 to 30 June 2026 in terms of Section 22(1)(a)(ii) of the National Water Act (Act No.36 of 1998) (NWA), or in respect of which an allocation has been made under Chapter 4 of the said NWA for the irrigation thereof at any time during the said year, with water supplied or made available from government water work. These rates and charges shall be recovered by or on the instructions of the Director-General: Water and Sanitation, simultaneously with any other charge which I may make in respect of the land concerned during the said period in terms of Section 57 of the said NWA or, if no such charge is made, the charge shall be payable upon demand to the Director-General: Water and Sanitation.

(b) The amount mentioned in 1(a) above shall apply in respect of each hectare of land permitted under the control of an irrigation board or other water management institution established in terms of the NWA for the irrigation of land at any time during the 2024/25 financial year of such board or institution with water supplied or made available from a government water work or a water work belonging to such board or institution. This charge shall be recovered by the irrigation board or statutory body concerned and shall be remitted to the Director-General: Water and Sanitation within thirty days (30) days of the close of the financial year of the irrigation board or statutory body.

(c) With effect from 1 July 2025, eight comma zero eight three cent (8,08c) per cubic meter in respect of metered water supplied or made available from government water work for the purposes other than the irrigation of land: Provided that if a free allocation has been made to a specific consumer from a government water work, the said charge shall not apply to that allocation as it shall be deemed to be water supplied from his own sources by the consumer concerned. These charges shall be recovered by the Director-General: Water and Sanitation, simultaneously with any charge which I may make in terms of section 57 of the NWA in respect of the supply of water as from said date or shall be payable to him upon her upon demand.

(d) With effect from 1 July 2025, eight comma zero eight cent (8.08c) per cubic meter in respect of quantity of water supplied or made available for use for the urban, industrial or domestic purposes by statutory body or water management institution established in terms of the said NWA or by any other water services institution as defined in terms of the Water Services Act (Act No. 108 of 1997): Provided that there shall be deduction from the total quantity of water supplied or made available after 1 July 2025 by any

one of the abovementioned suppliers the quantity of water supplied or made available from a government water work as contemplated in paragraph 1(c) and the quantity of water obtained from any of the abovementioned suppliers after that date in respect of which the charge referred to paragraph 1(c) or (d) has already been paid. The total amount payable in terms of this paragraph in respect of water supplied or made available shall be remitted by the supplier concerned, to reach the Director-General Water and Sanitation, Private Bag X313, Pretoria, 0001.

(e) The audited statements prescribed in terms of Section 11(3)(b) of the Water Research Act shall be submitted as soon as possible after the payments mentioned in paragraph 1(d) have been made.

2. If such rates and charges remain wholly or partly unpaid after due date, interest shall be charged in terms of section 80(1)(a) of the Public Finance Management Act (Act No.1 of 1999) on the outstanding amount at a rate determined from time to time by the Minister of Finance, on loans granted out of a Revenue Fund.

3. For the purpose of this notice, one cubic meter shall be equal to one kiloliter.

4. The effective date of this Notice is 1 July 2025.

MISS PEMMY C.P MAJODINA, MP
MINISTER OF WATER AND SANITATION

20/12/24

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NOTICE 2950 OF 2025

PUBLIC NOTICE

Application for derogation for the restricted use of Agricultural Remedies identified as a substance of concern.

This notice is to inform the public of administrative action being taken in relation to the approval of Agricultural Remedies under the Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 19747 (act No. 36 of 1947)

ADAMA SOUTH AFRICA (Pty) Ltd., hereby informs the public of its intention to submit an application for the derogation of the registered Agricultural Remedy **LINAGAN® SC (L6294)** containing **linuron** with active load **500 g/L**, identified as a substance of concern due to its classification as reproductive toxin Category 1B according to Globally Harmonized System of Classification and Labelling of Chemicals, for the following uses in South Africa: A herbicide for the control of weeds in agricultural crops or situations such as **carrots, potatoes, sweet potato-transplants.**

As per the requirements of the "Regulations relating to Agricultural Remedies" of August 2023, a toxicological risk assessment was conducted for the proposed end uses, and the public is hereby invited to review the risk assessment report and submit comments in relation to the proposed application. This report can be accessed online via the following website: https://www.adama.com/south-africa/en/derogation or in hard copy at the Department of Agriculture, Land Reform and Rural Development (Agriculture Building, 20 Steve Biko, Arcadia, Pretoria, 0001) during office hours (08:00 to 16:00 on Mondays to Fridays, excluding public holidays).

Interested parties must submit comments or objections in connection with the proposed application in writing to:

Mr. M Mudzunga
The Registrar: Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No.36 of 1947) Department of Agriculture, Land Reform and Rural Development, Private Bag X 343, Pretoria, 0001.

Office 417, Harvest House Building, 30 Hamilton Street, Arcadia, Pretoria, 0001
Tel. No: 012 319 6530
Email to MalutaM@dalrrd.gov.za

Interested parties must submit comments or objections in relation to this application within 30 days of the publication of this notice. Comments received after the closing date will not be considered.

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

ALGEMENE KENNISGEWING 2950 VAN 2025

PUBLIEKE KENNISGEWING

Aansoek vir derogasie vir die beperkte gebruik van landbouchemikalieë as sorgwekkende middel.

Hierdie kennisgewing het ten doel om die algemene publiek in te lig van die administratiewe aksie onderweg in verband met die goedkeuring van landbouchemikalieë onder die Wet op Misstowwe, Veevoer, Landbouchemikalieë en Veemiddels,1947 (Wet Nr. 36 van 1947).

ADAMA SUID-AFRIKA (Pty) Ltd., stel die algemene publiek hiermee in kennis van die voorneme om ‘n aansoek in te dien vir derogasie vir die die geregistreerde landboumiddel **LINAGAN® SC (L6294)** met aktiewe bestanddeel-inhoud van **500 g/L linuron,** wat geïdentifiseer is as ‘n sorgwekkende middel weens klassifikasie as reproduktief toksies Kategorie 1B volgens die “Globally Harmonized System of Classification and Labelling of Chemicals” vir die volgende eindgebruike in Suid-Afrika: ‘n Onkruiddoder vir die beheer van onkruide in landbougewasse of omstandighede soos **aartappels, patats (steggies) en wortels.**

Soos vereis in die “Regulations relating to agricultural remedies” van Augustus 2023 is ‘n toksikologiese risko-ontleding onderneem vir die voorgestelde eindgebruike en die publiek word genooi om die risko-ontleding na te gaan en om kommentaar in verband met die voorgestelde aansoek in te dien. Bogenoemde verslag kan óf aanlyn verkry word by https://www.adama.com/south-africa/en/derogation of in gedrukte vorm by die Departement van Landbou, Grondhervorming en Landelike Ontwikkeling, (Landbougebou, Steve Bikostraat 20, Arcadia, Pretoria, 0002) gedurende kantoorure (08:00 to 16:00 Maandae tot Vrydae, publieke vakansiedae uitgesluit).

Belangstellendes moet kommentaar, of besware rakende hierdie aansoek skriftelik rig aan:

Mr. M Mudzunga
Registrateur, Wet op Misstowwe, Veevoer, Landbouchemikalieë en Veemiddels, 1947 (Wet Nr. 36 van 1947). Departement van Landbou, Grondhervorming en Landelike Ontwikkeling, Privaatsak X343, Pretoria, 0001

Kantoor 417, Harvest House-gebou, Hamiltonstraat 30, Arcadia, Pretoria, 0002
Tel. nr: 012 319 6530
Epos: MalutaM@dalrrd.gov.za

Kommentaar, of besware rakende hierdie aansoek moet binne 30 dae van publikasie van hierdie kennisgewing ingedien word. Kommentaar ontvang na die sperdatum mag nie noodwendig in ag geneem word nie.

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NOTICE 2951 OF 2025

PUBLIC NOTICE

Application for derogation for the restricted use of Agricultural Remedies identified as a substance of concern.

This notice is to inform the public of administrative action being taken in relation to the approval of Agricultural Remedies under the Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (act No. 36 of 1947)

ADAMA SOUTH AFRICA (Pty) Ltd hereby informs the public of its intention to submit an application for the derogation of the registered Agricultural Remedy **WARLOCK® 19.2 EC (L9872)** containing **emamectin benzoate** with active load **19.2 g/L**, identified as a substance of concern due to its classification as reproductive toxin Category 1B according to Globally Harmonized System of Classification and Labelling of Chemicals, for the following uses in South Africa: An insecticide for the control of pests in agricultural crops such as **apples, pears, citrus, groundnuts, maize, sweetcorn, pomegranates, sunflower, stone fruit, table grapes, wine grapes and tomatoes.**

As per the requirements of the "Regulations relating to Agricultural Remedies" of August 2023, a toxicological risk assessment was conducted for the proposed end uses, and the public is hereby invited to review the risk assessment report and submit comments in relation to the proposed application. This report can be accessed online via the following website: https://www.adama.com/south-africa/en/derogation or in hard copy at the Department of Agriculture, Land Reform and Rural Development (Agriculture Building, 20 Steve Biko, Arcadia, Pretoria, 0001) during office hours (08:00 to 16:00 on Mondays to Fridays, excluding public holidays).

Interested parties must submit comments or objections in connection with the proposed application in writing to:

Mr. M Mudzunga
The Registrar: Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No.36 of 1947) Department of Agriculture, Land Reform and Rural Development, Private Bag X 343, Pretoria, 0001.

Office 417, Harvest House Building, 30 Hamilton Street, Arcadia, Pretoria, 0001
Tel. No: 012 319 6530
Email to MalutaM@dalrrd.gov.za

Interested parties must submit comments or objections in relation to this application within 30 days of the publication of this notice. Comments received after the closing date will not be considered.

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

ALGEMENE KENNISGEWING 2951 VAN 2025

PUBLIEKE KENNISGEWING

Aansoek vir derogasie vir die beperkte gebruik van landbouchemikalieë as sorgwekkende middels.

Hierdie kennisgewing het ten doel om die algemene publiek in te lig van die administratiewe aksie onderweg in verband met die goedkeuring van landbouchemikalieë onder die Wet op Misstowwe, Veevoer, Landbouchemikalieë en Veemiddels,1947 (Wet Nr. 36 van 1947).

ADAMA SUID-AFRIKA (Pty) Ltd., stel die algemene publiek hiermee in kennis van die voorneme om 'n aansoek in te dien vir derogasie vir hul geregistreerde landboumiddel **WARLOCK® 19.2 EC (L9872)** met aktiewe bestanddeel-inhoud van 19.2 g/L **emamektien bensoaat,** wat geïdentifiseer is as 'n sorgwekkende middel weens klassifikasie as reproduktief toksies Kategorie 1B volgens die "Globally Harmonized System of Classification and Labelling of Chemicals" vir die volgende eindgebruike in Suid-Afrika: 'n Insekdoder vir die beheer van plae in landbougewasse soos **appels en pere, sitrus, grondbone, mielies en suikermielies, granate, sonneblomme, steenvrugte, tafel-en wyndruiwe en tamaties**.

Soos vereis in die "Regulations relating to agricultural remedies" van Augustus 2023 is 'n toksikologiese risko-ontleding onderneem vir die voorgestelde eindgebruike en die publiek word genooi om die risko-ontleding na te gaan en om kommentaar in verband met die voorgestelde aansoek in te dien. Bogenoemde verslag kan óf aanlyn verkry word by https://www.adama.com/south-africa/en/derogation of in gedrukte vorm by die Departement van Landbou, Grondhervorming en Landelike Ontwikkeling, (Landbougebou, Steve Bikostraat 20, Arcadia, Pretoria, 0002) gedurende kantoorure (08:00 to 16:00 Maandae tot Vrydae, publieke vakansiedae uitgesluit).

Belangstellendes moet kommentaar, of besware rakende hierdie aansoek skriftelik rig aan:

Mr. M Mudzunga
Registrateur, Wet op Misstowwe, Veevoer, Landbouchemikalieë en Veemiddels, 1947 (Wet Nr. 36 van 1947). Departement van Landbou, Grondhervorming en Landelike Ontwikkeling, Privaatsak X343, Pretoria, 0001

Kantoor 417, Harvest House-gebou, Hamiltonstraat 30, Arcadia, Pretoria, 0002
Tel. nr: 012 319 6530
Epos: MalutaM@dalrrd.gov.za

Kommentaar, of besware rakende hierdie aansoek moet binne 30 dae van publikasie van hierdie kennisgewing ingedien word. Kommentaar ontvang na die sperdatum mag nie noodwendig in ag geneem word nie.

DEPARTMENT OF POLICE

NOTICE 2952 OF 2025

REGULATIONS MADE UNDER THE PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO 56. OF 2001)

REGULATIONS RELATING TO WORKING ANIMALS IN THE PRIVATE SECURITY INDUSTRY, 2018

I, Senzo Mchunu, Minister of Police, acting under section 35 of the Private Security Industry Regulation Act, 2001 (Act No 56 of 2001) and after consultation with the Council of the Private Security Industry Regulatory Authority, hereby intend to make regulations in terms of the Act as contained in the Schedule.

12.8.

MR SE MCHUNU
Minister of Police

Date: 13/12/2024

DRAFT REGULATIONS RELATING TO WORKING ANIMALS IN THE PRIVATE SECURITY INDUSTRY, 2018

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PREAMBLE

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PREAMBLE

WHEREAS the private security industry uses working animals for purposes of rendering certain security services;

AND WHEREAS the objects of the Private Security Industry Regulatory Authority are regulation of the private security industry and effective control over the practice of the occupation of security service provider in the public and national interest and in the interest of the private security industry itself, in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), which includes to take such steps as may be necessary or expedient in connection with the training of security service providers and prospective security service providers;

AND WHEREAS the Minister of Police deems it necessary to make regulations on the training, registration, use, treatment, transportation and general care of working animals by security service providers and other persons who employ security officers, in or in connection with rendering a security service, as well as the registration of training centres,in order to ensure proper control over the use of working animals and promote the general welfare of such animals.

CHAPTER 1

PURPOSE, INTERPRETATION, APPLICATION AND DEFINITIONS

Purpose and interpretation

1. (1) The purpose of these regulations is to determine the requirements and standards for the supply, training and use of working animals within the private security industry, so as to ensure proper control over their use andpromote the general welfare of working animals.

(2) These regulations must be interpreted in accordance with their purpose andin a manner consistent with the Act, the Performing Animals Protection Act, the Animals Protection Act and any other law providing for the use, protection, training and welfare of working animals which is applicable to the private security industry.

Application

2. These regulations apply to –

(1) all security service providers, in practising the occupation of security service provider and using working animals in or in connection with rendering a security service or carrying on business as a security service provider, or in performing any other act or function which is subject to the Act;

(2) every other person using his or her own employees as security officers, who uses working animals in or in connection with rendering a security service, to the extent provided for in the Act and these regulations;

(3) every person involved in the training or assessment of working animals; and

(4) every person who supplies and/or trains working animals to security service providers orother persons using their own employees as security officers, as contemplated in the Act and regulations.

Definitions

3. In these regulations any word or expression to which a meaning has been assigned in the Act will bear the meaning so assigned and, unless the context indicates otherwise –

"accreditation" means the certification by the Authority of a security service provider contemplated in these regulations as having the capacity, resources, knowledge and experience to fulfil a particular function in the quality assurance system in relation to the training of working animals;

"Act" means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001) and all the regulations made in terms of the Act;

"Animals Protection Act" means the Animals Protection Act, 1962 (Act No. 71 of 1962);

"assessment" means the process of gathering and weighing evidence in order to assess whether or not a working animal can demonstrate the outcomes required for a particular security purpose, and to determine whether the specified training standards applicable to that security purpose have been met;

"assessor" means a natural person who conducts or intends to conduct external assessments;

"colt" means a male horse under 5 years of age;

"development partner" means a person appointed by the Authority to develop specific training standards for working animals, including assessment specifications, or to assist the Authority with functions relating to the approval of training programmes;

"DH2 protection dog" means a security dog trained, supplied or used to deter crime, which is trained to operate on a leash only.

"DH4 patrol dog" means a security dog trained, supplied or used to deter crime, search for and apprehend suspects, which is trained to operate with and without a leash,

"DH 5 Sniffer dog-Substance Detection" has the meaning attributed to it in that part of the Training Standards for Security Dogs and Handlers

"DH5 Tracking dog" has the meaning attributed to search for or locate persons or evidence and assist in investigating stock theft crimes, which is trained to operate with or without a leash.

"DH5 Search and Rescue dog" has the meaning attributed to search for or locate persons or evidence, which is trained to operate with or without a leash.

"filly" means a female horse under 5 years of age;

"gelding" means a castrated male horse of any age;

"handler" means a security service provider who has charge of a working animal for the purpose of rendering a security service, and **"handling"** has a corresponding meaning;

"horse" means a colt, filly, gelding, mare or stallion trained, supplied or used for safeguarding as defined in the Performing Animals Protection Act;

"mare" means a female horse 5 years and over;

"Performing Animals Protection Act" means the Performing Animals Protection Act, 1935 (Act No. 24 of 1935);

"Private Security Industry Regulations, 2002" means the Private Security Industry Regulations, 2002 made in terms of the Act;

"register", with regard to a working animal or a training centre, means to enter the identification and other details of a working animal or a training centre, as the case may be, in the register contemplated in section 24 of the Act, in the mannerprovided for in regulation 6 or regulation 9 respectively;

"security dog" means a dog trained, supplied or used for safeguarding as defined in the Performing Animals Protection Act;

"sniffer dog" means a security dog trained, supplied or used to search for substances, follow a scent track, search or locate persons or evidence and assist

ininvestigating stock theft crimes, which is trained to operate with or without a leash;

"stallion" means an uncastrated male horse 5 years and over;

"supply" means to sell, lease or make available a working animal to any person for a remuneration, reward, fee or benefit, and "**supplier**" has a corresponding meaning;

"these regulations" means the regulations contained in this Schedule;

"training centre" means any premises used for the purposes of training a working animal or for purposes of conducting assessments, continuation training, and refresher training;

"training certificate" in relation to a working animal, means a training certificate issued by the Authority and/or an accredited dog training centre under regulation 21(1);

"training instructor" means a natural person who trains or intends to train working animals and handlers;

"Training of Security Officer Regulations, 1992" means the Training of Security Officer Regulations, 1992 made in terms of section 32(1) of the Security Officers Act, 1987 (Act No. 92 of 1987); and

"training programme" means a programme, course, workshop or other form of instruction or training for working animals and handlers;

"training provider" means a person who conducts or intends to conduct the business of providing training for or assessment of working animals, and includes the owner or operator of a training centre;

"Training Standards for Security Dogs and Handlers" means the Security Officers Board Notification of Establishment of Training Standards for Security Dogs and Handlers, published under Board Notice 15 in *Government Gazette* 19740 of 12 February 1999, in terms of the Security Officers Act, (Act No. 92 of 1987), as amended;

"user" means a security business that deploys working animals for the purpose of or in connection with the rendering of security services;

"working animal" means a security dog and a horse.

CHAPTER 2

FUNCTIONS OF THE AUTHORITY, REGISTRATION AND ACCREDITATION

General functions of the Authority pertaining to working animals

4. (1) The Authority shall for the purpose of regulating the training, supply and use of working animals within the private security industry and in accordance with the Act and these regulations –

(a) determine the accreditation requirements for security service providers involved in training of working animals, including the criteria for withdrawal of accreditation of such persons;

(b) determine training standards for the different categories of working animals;

(c) determine the instructional objectives to be achieved, and approve the contents of security training programmes in consultation with the private security industry and other relevant institutions;

(d) develop guidelines on the best methods and procedures for conducting assessments;

(e) monitor and audit the quality of training provided for working animals;

(f) from time to time inspect and evaluate any training centre, training provider and training instructor's methods, conduct or abilities, and verify the authenticity of training certificates;

(g) inspect the premises of users of working animals to verify compliance with the minimum standards;

(h) keep a register in which it must enter the details and particulars of all working animals and training centres;

(i) keep a register of all security service providers and employers of in-house security officers who use, train or supply working animals;

(j) issue on such conditions as it may determine, a training certificate indicating the achieved training level of a working animal;

(k) develop standards in respect of the transportation of working animals;

(l) determine minimum conditions on the use of working animals which include, but are not limited to, the hours of deployment, general care at place of deployment, permanent and temporary kennels, stables and shelters;

(m) participate in the activities of other bodies or persons entitled by law to set standards in respect of the training or general care and welfare of working animals; and

(n) enter into agreements with or obtain the assistance of any relevant person,institution or organ of state to conduct or assist it in conducting any investigation or perform any function in terms of these regulations.

(2) All assessments and verifications by the authority's delegated personnel must be performed by trained and qualified inspectors who are qualified up to the relevant standard that they assess and/or verify (as the case may be).

(3) The practical training of the authority's delegated personnel's assessment and certification must be conducted by an accredited PSiRA Dog Training establishment.

Registration of training providers, training instructors, suppliers and assessors as security service providers

5. (1) No person may train, supply, deploy or use a working animal for purposes of or in connection with the rendering of security services unless he or she is registered asa security service provider.

(2) The provisions of Chapter 3 of the Act, read with the Private Security Industry Regulations, 2002 pertaining to registration as a security service providerapply insofar as reasonably possible to any training provider, training instructor, assessor and supplier to the private security industry, provided that-

(a) an application for registration must, in addition, meet any applicableregistration requirements provided for in these regulations;

(b) for purposes of registration, a supplier to the private security industry shallbe considered to be a security business.

Security Dog Supplier

6. (1) Any supplier of working animals (security dogs) who provides dogs and/or trained handlers must be accredited as a security dog supplier.

(2) The minimum requirements for a security dog supplier include, but are not limited to, the following-

(a) Dog kennels: size of the kennel must at least be 1800 mm long, 1500 mm wide and 1300 mm high, with proper drainage and ventilation;
(b) Transport of working dogs' capabilities;
(c) Correct handling equipment for dogs;
(d) Dog handlers: all handlers must have an accredited PSiRA DH certificate and work within the ambit of the qualification;
(e) All handlers must be trained with PSiRA accredited certified dogs;
(f) All working animals: all dogs must be trained and certified by an PSiRA accredited dog training centre;
(g) Access to veterinary service;
(h) All dogs must have an acceptable form of identification - be microchipped;
(i) All dogs can only be utilized as per the specific discipline it was trained in; (according to certification and PSiRA registration)
(j) All handlers can only be utilized as per the specific discipline they were trained in; (according to certification and PSiRA registration)
(k) Adequate supply of nutritional food and clean fresh water
(l) Administration:

(i) Proper register for dog identification;
(ii) Signed agreement between security dog provider and security dog supplier;
(iii) Proper register continuation training / calibration record;
(iv) Cleaning register for kennels and sewerage;
(v) Adequate food and water protocol;
(vi) Adequate rodent and pest control procedures;
(vii) Movement registers for all veterinary attendance;
(viii) Deployment register of dog handler and dog;
(ix) Certificate of dog indicating: Photo of dog, Gender, Microchip number, level of training, date of certification and certificate number;
(x) Veterinary booklet of the dog;
(xi) Proper register for veterinary protocol in terms of; inoculations, internal and external parasites;
(xii) Record of certification of dogs as per regulations;
(xiii) Record of re-certification of dogs as per regulations.

(3) A supplier of working animals must keep its own register and records of all security service providers to whom working animals are supplied, including the details of each of the working animals supplied.

Registration of working animals

7. (1) No working animal may be trained, supplied, deployed or used by any person for purposes of or in connection with the rendering of security services unless the working animal has been and remains registered by the Authority in the mannerprescribed in this regulation.

(2) An application for registration of a working animal must be completed by the owner of the working animal in the manner and form required by the Authority, and must include-

(a) the following information, in respect of a security dog-
(i) name;
(ii) gender;

(iii) identification number as per implanted or electronic identification responder;

(iv) date of birth or approximate date of birth;

(v) breed and colour description;

(vi) any distinguishing features;

(vii) training level specifying all relevant standards and, in the case of substance detection dogs, the specific substances or groups of substances the security dog can detect;

(viii) details of the owner and the owner's registration number;

(ix) where there is a change of ownership or transfer of dogs, before such animal may be utilized or deployed, the new owner must complete an application for registration of the working animal in the manner and form required by the Authority.

(b) the following information, in respect of a horse–

(i) name;

(ii) gender description which includes colt, filly, stallion, mare or gelding;

(iii) identification number as per implanted or electronic responder;

(iv) date of birth or approximate date of birth;

(v) base coat colour;

(vi) any distinguishing features; and

(vii) details of the owner and the owner's registration number;

(c) the application fee as determined by the Authority;

(d) proof of a valid licence issued to the owner to use working animals, as contemplated in the Performing Animals Protection Act;

(e) any training certificates issued in respect of the working animal; and

(f) any other documents, certificates or authorisations requested by the Authority, that the owner of a working animal is required by law to keep.

(3) Any person applying in terms of sub-regulation (1) for registration of a working animal must furnish such additional particulars in connection with the application as the Authority may determine.

(4) The Authority may reject any application for registration of a working animal where the working animal does not have an implanted or electronic identification responder approved by the Authority.

(5) If the Authority is of the opinion that the provisions of these regulations have been complied with in respect of an application referred to in sub-regulation (1), it may grant such application and register the working animal.

(6) The Authority must-

(a) keep a register in which it must enter key details of every working animal registered in terms of these regulations; and

(b) issue a registration certificate and registration tag to the owner, in respect of the working animal, in the form determined by the Authority.

Change of details in respect of working animals

8. (1) The person in whose name the working animal is registered must inform the Authority within 14 days if -

(a) the working animal dies;
(b) the working animal is no longer being used to render security services and the reasons for no longer being used for such purpose;
(c) the working animal has been missing for more than 72 hours; and
(d) if the ownership of the working animal changes.

(2) In the case of a change in ownership, the registered owner must give the new owner the existing certificate of registration and registration tag as contemplated in regulation 6(6)(b) to enable the new owner to register the working animal under their name.

Withdrawal of registration of working animals

9. (1) The Authority may withdraw the registration of a working animal if –

(a) the working animal no longer meets the required training standards;

(b) the working animal is no longer used for the rendering of a security service;

(2) Whenever the registration of a working animal is withdrawn, the owner must forthwith return to the Authority the certificate of registration and registration tag, issued in terms of regulation 6(6)(b).

(3) The Authority may reverse the withdrawal of registration of a working animal on application by the owner and if there is a sound reason to do so.

Accreditation of training providers

10. (1) Any training provider must, in addition to being registered as a security service provider –

(a) be accredited as a training provider by the Authority;

(b) continuously meet all the criteria for registration and accreditation as determined from time to time by the Authority;

(c) comply with all the obligations a training provider must meet in terms of the rules, standards or criteria determined by the Authority; and

(d) be licensed to use working animals as contemplated in the PerformingAnimals Protection Act.

(2) An application for accreditation must be completed by the training provider in the manner and form required by the Authority, and must include -

(a) details of the training provider and the training provider's registration number;

(b) details of the training centre from whence the training provider shall carry out the training of working animals, and its owner if different from the training provider referred to in paragraph (a);

(c) details of the type, level and scale of training programmes to be provided bythe training provider, the standards, part qualifications or qualifications to be offered in relation to those training programmes and evidence that the training provider is competent to conduct those training programmes;

(d) information regarding the number of working animals that can be accommodated at the training centre and the number of staff,

including training instructors, assessors and training personnel, who will work at discretion of the training centre;

(e) the location and working animal accommodation conditions of the training centre, which must at least meet the requirements set out in regulation 10;

(f) the application fee as determined by the Authority; and

(g) any other documents, certificates or authorisations requested by the Authority, that the training provider is required by law to keep.

(3) Any person applying in terms of sub-regulation (1) for accreditation as a training provider, must furnish such additional particulars in connection with the application as the Authority may determine.

(4) The Authority must reject any application for accreditation of a training provider if the training centre at which that training provider shall conduct the training of the working animals does not meet the minimum requirements for training centres set out in regulation 10.

(5) If the Authority is of the opinion that the provisions of these regulations have been complied with in respect of an application referred to in sub-regulation (1), it may grant such application.

(6) If the Authority grants the application referred to in sub-regulation (1), it must enter the details of the training centre in relation to which accreditation has been granted onto the training centre register it has established for this purpose.

Minimum requirements for dog and dog handler training centres

11. (1) No person may perform any activity involving the training of working animals and dog handlers other than at a training centre that meets the minimum requirements prescribed in this regulation.

(2) The minimum requirements for a training centre include, but are not limited to, the following-

(a) adequate kennel, stable and shelter facilities as provided for in these regulations;

(b) different practical training areas, including access to –

(i) open training area for obedience and agility training;
(ii) buildings;
(iii) shopping centre(s); and
(iv) factories;

(c) training equipment which includes –

(i) agility equipment;
(ii) sound producing devices;
(iii) protective clothing and/ or equipment;
(iv) all training substances for substance detection training must be legally authorized and licensed by the applicable authority;

(d) exercise areas;
(e) fully equipped lecture rooms;
(f) store room facilities for safeguarding of training equipment;
(g) store room for storing of dog food;
(h) a safe for storing of licensed substances used in training;
(i) QMS (Quality Management System) – PSiRA approved;
(j) Approved PSiRA training manuals for all courses presented;
(k) training provided by registered and PSiRA accredited training instructors.
(l) Dog kennels: size of the kennel must at least be 1800 mm long, 1500 mm wide and 1300 mm high, with proper drainage and ventilation;
(m) Veterinary services must be accessible;
(n) Allocated quarantine and sick bay for dogs;
(o) Transport of working dog's capabilities;

Change of address of training provider

12. (1) Any accredited training provider who wishes to change its training centre address and retain its accreditation as a training provider must apply to the Authority, on the form approved for this purpose and accompanied by any documentation and information as may be required, for approval by the Authority of the change of training centre address and, where applicable, registration of the new training centre.

(2) The application as contemplated in sub-regulation (1) must include the following information –

(a) the reason for relocation; and

(b) such details of the new training centre, if it is not already registered, as are required in terms of regulation 9.

(3) The Authority may, on receipt of an application for approval to change an address –

(a) conduct a site visit to determine whether the new training centre meets the minimum requirements set out in regulation 10; and

(b) issue an approval letter acknowledging the change of address and registration of the new training centre.

Suspension or withdrawal of accreditation of a training provider

13. (1) The accreditation of a training provider shall be suspended when –

(a) the training provider's registration as security service provider is suspended for any reason, as contemplated in section 26 of the Act; or

(b) the training provider's registration as security service provider is suspended for failure to pay any amounts due in terms of legislation relating to the deduction and payment of annual amounts made in terms of the repealed Security Officers Act (Act No. 92 of 1987) or in terms of the Levies Act, 2002(Act No. 23 of 2002).

(2) The accreditation of a training provider shall lapse when –

(a) the training provider's registration as security service provider is withdrawn for any reason as contemplated in section 26 of the Act;

(b) the training provider's registration as security service provider is withdrawn for failure to pay any amounts due in terms of legislation relating to the deduction and payment of annual amounts made in terms of the repealed Security Officers Act (Act No. 92 of 1987) or in terms of the Levies Act, 2002(Act No. 23 of 2002);

(c) the training provider's registration as a security service provider is not renewed as contemplated in section 22 of the Act;

(d) the training provider ceases operating from the training centre registered by the Authority and approved for purposes of accreditation of the training provider, without the Authority having approved a change of address in accordance with regulation 11;

(e) the training provider requests the withdrawal of its accreditation, in respect of specified standards, part qualifications or qualifications; and

(f) the training provider ceases to hold a valid licence to use working animals as contemplated in the Performing Animals Protection Act.

Accreditation of training instructors and assessors

14. (1) Any person who intends to train a working animal or to conduct external assessments must, in addition to being registered as a security service provider -

(a) comply with the accreditation standards for patrol dog and handler instructor and/or substance detection dog and handler instructor in terms of Board notice 15 of 1999 –

(b) be accredited as an assessor or training instructor in respect of the specific standards or qualifications in relation to which he or she intends to train or assess; and

(c) ensure that his or her registration remains valid in relation to the conditions and requirements determined by the Authority.

(2) An accredited training instructor or assessor must, when conducting training or an assessment into the competence and outcomes of security training of working animals –

(a) use the applicable officially approved training or assessment methods and procedures;

(b) act in an objective manner without showing any prejudice or favour; and

(c) not employ a method or practice that would distort the actual competence or outcomes of the training or assessment.

Accreditation standards for patrol dog and protection dog handler instructor / assessor

15. (1) An applicant for accreditation as a patrol dog and protection dog assessor or training instructor must have the following qualifications:

(a) a qualification in respect of a training instructor's course approved by the Authority or any other training instructor's course recognised by the Authority for purposes of accreditation;

(b) minimum of one year of dog handling experience using patrol or protection dogs and

(c) have trained a minimum of 12 dog handlers and 12 security dogs to the standard of DH4, under the direct supervision and guidance of a PSiRA DH4 qualified Instructor at a PSiRA DH4 accredited training centre.

Accreditation standards for sniffer dog / substance detection dog and handler instructor / assessor

16. (1) A person who wishes to be accredited as a sniffer dog assessor or training instructor by the Authority must have the following qualifications:

(a) a DH 5 or equivalent substance detection dog or tracker handler qualificationrecognised by the Authority;

(b) minimum of one year of dog handling experience using sniffer dogs;

(c) a qualification in respect of a training instructor's course approved by the Authority or any other training instructor's course recognised by the Authority for purposes of accreditation;

(d) be a qualified patrol dog and protection dog handler instructor; and

(e) have trained a minimum of 6 handlers and 6 sniffer dogs to the standard ofDH5, under the direct supervision and guidance of a PSiRA DH5 qualified Instructor at a PSiRA DH5 accredited training centre.

Accreditation standards for DH5 tracking dog and handler instructor / assessor

17. (1) A person who wishes to be accredited as a Tracking dog assessor or training instructor by the Authority must have the following qualifications:

(a) a DH5 or equivalent tracking detection dog or tracker handler qualification recognised by the Authority; and

(b) minimum of one year of dog handling experience using tracker dogs;

(c) a qualification in respect of a training instructor's course approved by the Authority or any other training instructor's course recognised by the Authority for purposes of accreditation;

(d) be a qualified patrol dog, protection dog handler instructor; and

(e) have trained a minimum of 6 dog handlers and 6 tracking dogs to the standard of DH5 tracking dog, under the direct supervision and guidance of a PSiRA DH5 tracking dog qualified Instructor at a PSiRA DH5 accredited training centre.

Accreditation standards for DH5 Search and Rescue dog and handler instructor / assessor

18. (1) A person who wishes to be accredited as a search and rescue dog assessor or training instructor by the Authority must have the following qualifications:

(a) a DH5 or equivalent search and rescue dog handler qualification recognised by the Authority;

(b) minimum of one year of dog handling experience using search and rescue dogs;

(c) a qualification in respect of a training instructor's course approved by the Authority or any other training instructor's course recognised by the Authority for purposes of accreditation;

(d) be a qualified patrol dog, protection dog handler instructor; and

(e) have trained a minimum of 6 dog handlers and 6 search and rescue dogs to the standard of DH5 search and rescue, under the direct supervision

and guidance of a PSiRA DH5 search and rescue qualified Instructor at a PSiRA DH5 accredited training centre.

(2) An oral or written and practical evaluation, by a person nominated by the Authority, of a training instructor or assessor's competency may be required by the Authority.

Suspension or withdrawal of accreditation as a training instructor or assessor

19. (1) The accreditation of an assessor or training instructor shall be suspended when –

(a) his or her registration as security service provider is suspended for any reason as contemplated in section 26 of the Act; or

(b) his or her registration as security service provider is suspended for failure to pay any amounts due in terms of legislation relating to the deduction and payment of annual amounts made in terms of the repealed Security Officers Act (Act No. 92 of 1987) or in terms of the Levies Act, 2002 (Act No. 23 of 2002).

(2) The accreditation of an assessor or training instructor shall lapse when -

(a) his or her registration as security service provider is withdrawn for any reason as contemplated in section 26 of the Act;

(b) his or her registration as security service provider is withdrawn for failure to pay any amounts due in terms of legislation relating to the deduction and payment of annual amounts made in terms of the repealed Security Officers Act (Act No. 92 of 1987) or in terms of the Levies Act, 2002 (Act No. 23 of 2002);

(c) his or her registration as a security service provider is not renewed as contemplated in section 22 of the Act; and

(d) the assessor or training instructor requests the withdrawal of registration inrespect of specified training standards, part qualifications or qualifications.

Training programme evaluation

20. (1) A training provider must submit all proposed training programmes in respect of any working animal and dog handler training standards, part qualifications or qualifications contemplated in these regulations, to the Authority or development partner to whom this function may have been delegated by the Authority, for evaluation and approval.

(2) A training provider may not offer, advertise, take bookings for or implement any training programme which has not been approved by the Authority or by the development partner delegated by the Authority for this purpose.

CHAPTER 3

MINIMUM TRAINING STANDARDS FOR WORKING ANIMALS, AND RECORD-KEEPING OBLIGATIONS OF TRAINING PROVIDERS, SUPPLIERS AND USERS OFWORKING ANIMALS

Training providers' obligations regarding training and assessment

21. (1) A training provider –

(a) must provide training for working animals which is of a high standard, equivalent to best industry practice;

(b) must employ training methods and materials which are the most suitable in the circumstances so as to promote and achieve the approved outcomes in respect of the applicable training programme, and in a manner that considers and promotes the well-being of the animal;

(c) may only provide training for working animals which accords with his or her own qualifications and official accreditation or authorisation, and must comply with every condition attached to such accreditation or authorisation;

(d) must provide training for working animals in accordance with all legal requirements applicable to such training;

(e) may only provide training for working animals in accordance with training programmes which are approved by the Authority, as regards syllabus, programme and training standards; and

(f) must, when assessing or testing the abilities or skills of a working animal, or the outcomes of any training programme or element thereof, use the applicable officially approved methods and procedures for assessment or testing, act objectively without showing any prejudice or favour, and may not employ any method or practice that would distort the actual ability or skills of the working animal undergoing the assessment or testing.

(2) The Authority may issue guidelines from time to time to promote uniformity in training standards and methods used to train working animals.

Training requirements for a DH2 protection dog

22. (1) Any training programme for protection dogs must be designed to ensure that the protection dog meets the following training standards -

(a) be able to react to teasing and bite a tease bag or sack;

(b) indicate the presence of an intruder;

(c) heel on leash;

(d) sit at the halt;

(e) heel on leash with change of direction – left turn, right turn and about turn;

(f) bite on arm guard, bite bag or suit; and

(g) 2 metres attack on criminal with arm guard, bite bag or suit where handler and dog move forward – on leash.

(2) Certification for protection dogs must be specified on the issued certificate. Certificate of compliance must be submitted to PSiRA within 14 days of issuing.

(3) Protection dogs must in accordance with requirements, be re-certified every 12 months (annually). Certificates must be submitted to PSiRA within 14 days of issuing.

(4) Continuation training on certified protection dog outcomes must be performed on a regular basis.

(5) Continuation training results must be recorded on a register and available for inspection.

Training requirements for a DH4 patrol dog

23. (1) Any training programme for patrol dogs must be designed to ensure that the patrol dog meets the following training standards –

(a) heel course with changes of direction on and off leash;
(b) distance control at 10 metres – dog to follow sit and down commands;
(c) stay in any of the above positions for 2 minutes at 10 metres away;
(d) recall of dog, the handler to be approximately 10 metres away;
(e) area search in building or open area;
(f) 5 – 10 meters attack on criminal – dog on leash;
(g) be able to negotiate natural and unnatural obstacles according to thespecific needs or requirements of the client.

(2) Certification for patrol dogs must be specified on the issued certificate. Certificate of compliance must be submitted to PSiRA within 14 days of issuing.

(3) Patrol dogs must in accordance with requirements, be re-certified every 12 months (annually). Certificates must be submitted to PSiRA within 14 days of issuing.

(4) Continuation training on certified patrol dog outcomes must be performed on a regular basis.

(5) Continuation training results must be recorded on a register and available for inspection.

Training requirements for a DH5 Substance detection dog (specialized dog discipline)

24. (1) Any training programme for substance detection dogs must be designed to ensure that the substance detection dog meets the following training standards -

(a) heel course with changes of direction on and off leash;

(b) distance control at 10 metres – dog to follow sit and down commands off leash;

(c) stay in any of the above positions for 2 minutes at approximately 10 metres away;

(d) recall of dog, the handler to be approximately 10 metres away;

(e) area search in buildings or open area and vehicles;

(f) be able to negotiate natural and unnatural obstacles; and

(g) be able to positively identify and indicate a specific substance or a specificgroup of substances.

(2) Certification containing the list of substances that the dog is trained on must be specified on the issued certificate. Certificate of compliance of a trained dog must be submitted to PSiRA within 14 days of issuing.

(3) Continuation training and calibration of substance detection dogs must be performed, using specified approved substances containing the actual target substance.

(4) Calibration results must be recorded on a calibration register and must be available for inspection.

Training requirements for a DH5 Tracker dog / Anti-poaching dog (specialized dog discipline)

25. (1) Any training programme for tracker/anti-poaching dog must be designed to ensure that the substance detection dog meets the following training standards -

(a) heel course with changes of direction on and off leash;

(b) recall of dog, the handler to be approximately 10 metres away;

(c) distance control at 10 metres – dog to follow sit and down commands off leash

(d) stay in any of the above positions for 2 minutes at approximately 10 metres away

(e) identify the scent of the subject of the track;

(f) follow the scent of the track to locate the subject of the track

(g) indicate the located subject of the track;

(h) be able to negotiate natural and unnatural obstacles;

(i) Certification for tracker dogs must be issued. Certificate of compliance must be submitted to PSiRA within 14 days of issuing;

(j) tracker dogs must in accordance with requirements, be re-certified every 12 months (annually). Certificates must be submitted to PSiRA within 14 days of issuing.

(2) Continuation training on certified tracker dog outcomes must be performed on a weekly basis.

(3) Continuation training results must be recorded on a register and available for inspection.

Training requirements for a DH5 Search and Rescue Dogs (specialized dog discipline)

26. (1) Any training programme for tracker/anti-poaching dog must be designed to ensure that the substance detection dog meets the following training standards -

(a) heel course with changes of direction on and off leash;

(b) distance control at 10 metres – dog to follow sit and down commands off leash;

(c) stay in any of the above positions for 2 minutes at approximately 10 metres away; recall of dog, the handler to be approximately 10 metres away;

(d) area search in buildings, open area and vehicles;

(e) be able to negotiate natural and unnatural obstacles; and

(f) identify the scent of the subject of the search;

(g) follow the scent of the track to locate the subject of the search;

(h) indicate the located subject of the search;

(i) Certification for search and rescue dogs must be issued. Certificate of compliance must be submitted to PSiRA within 14 days of issuing;

(j) Search and rescue dogs must in accordance with requirements, be re-certified every 12 months (annually). Certificates must be submitted to PSiRA within 14 days of issuing.

(2) Continuation training on certified search and rescue dog outcomes must be performed on a regular basis.

(3) Continuation training results must be recorded on a register and available for inspection.

Pre-requisites for use of a horse to render a security service

27. (1) No person may use a horse to render a security service, unless the horse meets the following requirements -

(a) be between the ages of 4 and 14 years;

(b) stallions must be gelded;

(c) be a minimum of 1,453 meters high;

(d) be under saddle and must know riding cues and aids; and

(e) must have strong conformation, excellent temperament, be in good body condition and free of injuries and illness.

Training certificates

28. (1) The owner of a security dog that successfully completes an approved training programme which meets the training standards contemplated in regulations 18(1), 19(1) or 20(1), as the case may be, must be issued a training certificate by the applicable training centre indicating the following -

(a) name of security dog;
(b) identification or electronic implanted responder number;
(c) date of birth or approximate date of birth;
(d) breed and colour description;
(e) training standards achieved, as contemplated in regulations 18(1), 19(1) and 20(1), specifying all relevant standards;

(f) natural and unnatural obstacles the security dog can negotiate.

(2) In the case of sniffer dogs, the specific substances or groups of substance and the security dog can detect, odors must be specified.

Retraining of security dogs

29. The Authority must determine procedures and requirements for periodic retraining and evaluation of security dogs.

Obligations of training providers regarding record-keeping

30. (1) A training provider must, for the purposes of these regulations, keep all records concerning the management, administration, and other matters relating to the training of working animals.

(2) A training provider must keep the original versions of all records referred toin sub-regulation (1) in a secure and orderly manner, available for inspection by the Authority or any person to whom relevant functions of the Authority have been delegated –

(a) at the registered training centre servicing the region in which, or at the registered training centre where the working animal has received training; and

(b) for a period of at least 4 years from the date the training took place.

(3) The records to which this regulation relates must be updated, to the extent that their nature requires or permits it, by the training provider as soon as it is reasonably practicable to do so, but in any event within 7 days.

(4) Every person referred to in section 20(2) of the Act must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the training provider in question complies with all the obligations specified in this regulation.

(5) The records that must be kept in accordance with this regulation include a register of working animals which have undergone training, containing the following particulars -

(a) name;

(b) identification or electronic implanted responder number;

(c) date of birth or approximate date of birth;

(d) breed and colour description;

(e) training standards, as contemplated in regulations 18(1), 19(1), and 20(1), specifying all relevant standards which have been met by the working animal;

(f) natural and unnatural obstacles the working animal can negotiate;

(g) in the case of sniffer dogs, the specific substances or groups of substances the sniffer dog can detect;

(h) full particulars of the training instructor and or assessor and the assessment recommendation; and

(i) any other records required by the Authority or any person to whom the function of administering the working animals register has been delegated.

Obligations of suppliers regarding record-keeping

31. (1) A supplier may only supply working animals to a registered security service provider who has confirmed in writing to the supplier that the working animals to be supplied will be handled by registered and trained handlers in the manner permitted in terms of the Act and these regulations.

(2) A supplier must, for the purpose of these regulations, keep all records concerning the management, administration and other matters relating to the business of supplying working animals.

(3) A supplier must, subject to these regulations, keep the original versions of the records referred to in sub-regulation (2) in a secure and orderly manner, available for inspection by the Authority at its registered address or, if the supplier has more than one premises –

(a) at the relevant premises servicing the region, or where the working animals are supplied from; and

(b) for a period of at least 4 years from the date the working animal is supplied.

(4) The records to which this regulation relates must be updated, to the extent that their nature requires or permits it, by the supplier as soon as it is reasonably practicable to do so, but in any event within 7 days.

(5) Every person referred to in section 20(2) of the Act must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the supplier in question complies with all the obligations specified in this regulation.

(6) Records that must be kept as contemplated in this regulation for every security dog supplied include -

(a) name of security dog;

(b) identification or electronic implanted responder number;

(c) date of birth or approximate date of birth;

(d) breed and colour description;

(e) training standards achieved, as contemplated in regulations 17(1), 18(1)and 19(1), specifying all relevant standards.

(f) Validity of re-certification training standards as contemplated in regulations 17, 18 and 19 must be kept;

(g) natural and unnatural obstacles the security dog can negotiate;

(h) in the case of sniffer dogs, the specific substances or groups of substance a sniffer dog can detect, as contemplated in regulations 19;

(i) the registration particulars of the security dog, as provided for in regulation 6;

(j) the identity and contact details of the security service provider to whom the security dog is supplied;

(k) details of the area where the user will deploy the security dog;

(l) a copy of any contracts entered into between the supplier and the security service provider to whom the security dog is supplied, pertaining to the supply of working animals;

(m) the hours normally worked by the security dog;

(n) the rest period normally allowed for the security dog;

(o) the security dog's condition on placement and collection; and

(p) any other records or documents as required by the Authority.

(7) The records that must be kept as contemplated in this regulation for every horse supplied, include –

(a) name of the horse;

(b) identification or electronic implanted responder number;

(c) date of birth or approximate date of birth;

(d) base coat colour;

(e) the registration particulars of the horse, as provided for in regulation 6;

(f) the identity and contact details of the security service provider to whom the horse is supplied;

(g) details of the area where the user will deploy the horse;

(h) a copy of any contracts entered into between the supplier and the security service provider to whom the horse is supplied, pertaining to the supply ofhorses;

(i) the hours normally worked by the horse;

(j) the rest period normally allowed to the horse;

(k) the horse's condition on placement and collection; and

(l) any other records or documents as required by the Authority.

Obligations of users of working animals regarding record-keeping

32. (1) Any security service provider who uses working animals to render a security service must, for the purpose of these regulations, keep all records concerning the management, administration and other matters relating to its business, insofar as those records have any bearing on the use of working animals.

(2) A security service provider must, subject to these regulations, keep the original versions of the records referred to in sub-regulation (1) in a secure and orderly manner, available for inspection by the Authority at its registered address or, if the security service provider has more than one premises –

(a) at the relevant premises servicing the region or where the working animal isused; and

(b) for a period of at least 4 years from the date the security service provider first uses the working animal.

(3) The records to which this regulation relates must be updated, to the extent that their nature requires or permits it, by the security service provider as soon as it is reasonably practicable to do so, but in any event within 7 days.

(4) Every person referred to in section 20(2) of the Act must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the security business in question complies with all the obligations in terms of this regulation.

(5) The records that must be kept as contemplated in this regulation for every security dog used, include -

(a) name of security dog;

(b) identification or electronic implanted responder number;

(c) date of birth or approximate date of birth;

(d) breed and colour description;

(e) details of the supplier from which the dog was obtained;

(f) a copy of any contracts entered into between the supplier of the security dog and the security service provider in question, pertaining to the supply of working animals;

(g) training standards achieved by the security dog, as contemplated in regulations 17(1), 18(1) and 19(1), specifying all relevant standards;

(h) natural and unnatural obstacles the security dog can negotiate;

(i) in the case of sniffer dogs, the specific substances or groups of substances the sniffer dog can detect;

(j) the registration particulars of the security dog, as provided for in regulation 6;

(k) the name, registration details and level of training of the handler to whom the security dog is allocated;

(l) the site register indicating the address where the security dog is used;

(m) the duration of deployment and working hours of the security dog;

(n) rest period of each security dog;

(o) the security dog's condition before and after placement; and

(p) any other records or documents as required by the Authority.

(6) The records that must be kept as contemplated in this regulation for every horse used, includes -

(a) name of horse;

(b) identification or electronic implanted responder number;

(c) date of birth or approximate date of birth;

(d) base coat colour;

(e) details of the supplier from which the horse was obtained;

(f) a copy of any contracts entered into between the supplier of the horse and the security service provider in question, pertaining to the supply of horses;

(g) the registration particulars of the horse, as provided for in regulation 6;

(h) the name, registration details and level of training of the user to whom the horse is allocated;

(i) the site register indicating the address where the horse is used;

(j) the duration of deployment and working hours of the horse;

(k) rest period of the horse;

(l) the horse's condition before and after placement; and

(m) any other records or documents as required by the Authority.

CHAPTER 4

GENERAL CARE AND OBLIGATIONS IN RESPECT OF WORKING ANIMALS

General responsibilities of any person

33. (1) Any person responsible for the use, care or management of any working animal must -

(a) not ill-treat any working animal;

(b) not unreasonably or recklessly cause harm to any working animal;

(c) take reasonable steps to mitigate the risk of any harm or the consequence of any harm caused to any working animal; and

(d) ensure proper care for ill or injured working animals.

Appointment and obligations of a responsible person

34. (1) Every security service provider that trains, supplies or uses working animals, must appoint a responsible person to oversee the welfare of the animals and to ensure compliance by the security service provider and any persons responsible for the care of a working animal.

(2) The appointment of the responsible person in no way divests any security service provider from its responsibility concerning the exercise of any power or the performance or non-performance of any duty set out in these Regulations

(3) No person who could be held liable for a contravention of these regulations shall be absolved from any liability which may arise for any non-compliance with a requirement of these Regulations by any security service provider that trains, suppliesor uses working animals, by virtue of the appointment of the responsible person.

(4) A security service provider may only appoint a person to the position of responsible person if that person -

(a) is registered as a security service provider; and

(b) for the purposes of overseeing the welfare of security dogs, has a minimum training of DH4 as contemplated in the Training of Security Officer Regulation, 1992 and any Board Notices issued in respect of the minimum training requirements for handlers; or

(c) for the purposes of overseeing the welfare of horses, is knowledgeable and experienced in –

(i) stable management;
(ii) horses' needs and behaviour;
(iii) husbandry;
(iv) the practical aspects of horse handling and care;
(v) procedures such as shoeing, treating, feeding, training and riding ofhorses;
(vi) the normal appearance and behaviour of horses and is able to recognise early signs of distress or ill-health; and
(vii) basic first aid for horses.

(5) A security service provider must inform the Authority within 7 days in writing of the appointment of a responsible person and must provide the Authority with the details of that person.

(6) Every responsible person contemplated in sub regulation (1) must –

(a) ensure that the security service provider has, maintains and effectively implements appropriate systems and procedures for the general care of working animals at all places where working animals are kept, trained and deployed;

(b) ensure that all persons employed by the service provider or that are responsible for implementing the systems and procedures are adequately skilled and competent for this purpose;

(c) ensure that he or she, a manager or his or her nominee is contactable inside and outside business hours;

(d) keep and maintain a record of any security service provider that is found mistreating a working animal for which the responsible person is responsible or that fails to comply with the provisions of these regulations and shall report such incidents to the Authority within 7 days of such incident coming to his or her attention; and

(e) keep and maintain all relevant records as provided for in these regulations.

(7) All systems and procedures referred to in sub-regulation (4)(a) must be compliant and providefor the following –

(a) provision of accommodation and equipment which suits the physical and behavioural requirements of the working animals as provided for in these regulations;

(b) the protection of working animals;

(c) provision of sufficient space for working animals to stand, move freely, stretch fully and rest;

(d) provision of sufficient quantities of appropriate feed and water to maintain good health;

(e) provision of prompt treatment in cases of illness or injury;

(f) maintenance of hygiene of the working animal's establishment and the kennel, shelter, stables and exercise areas of guarded and other premises;

(g) maintenance of the health of the working animals;

(h) supervision of regular exercise, daily feeding, watering and inspection of working animals to ensure their well-being;

(i) supervision of all staff handling working animals and ensuring that they are properly trained;

(j) provision for compliance with the systems and procedures at guarded premises; and

(k) provision for the following at any guarded premises -

(i) the welfare of working animals held at the premises;
(ii) the safety of those working with working animals;
(iii) handlers or riders are provided with the necessary equipment to safely use working animals;

(iv) public safety; and

(v) the display of any required signage.

Food and water

35. (1) Any person responsible for the use, care or management of any working animal must ensure that the working animal is provided with appropriate and adequate nutrition to maintain health and vitality.

(2) Appropriate and adequate nutrition for purposes of this regulation means a palatable, and nutritionally balanced diet designed to meet the demands of the breed, age and activity level of the working animal.

(3) Fresh water must be available to a working animal at all times, and bowls and troughs must be cleaned daily.

(4) Fresh water and food for security dogs must be protected from direct sunlight.

(5) Adult security dogs must be fed daily.

(6) Feeding levels for horses must be determined by monitoring the body condition of the horse.

(7) Hay / grass / teff for horses must be fed at floor level, and the underlying ground kept clean.

(8) Concentrates must be given to horses in feeding containers.

(9) Food and water containers must not be chewable or spillable and must be readily accessible to the working animals and positioned to avoid contamination by urine or faeces.

Security dog kennels and premises

36. (1) All security dogs must be provided with secure and comfortable accommodation and living conditions, whether temporary or permanent.

(2) Suitable facilities, where applicable, for training, exercising, systemic dips and for grooming security dogs must be available on the premises where security dogs are accommodated and must be properly maintained for hygiene and safety purposes.

(3) Kenneling must be provided for a security dog which is held at any premises for more than 6 hours where the dog is not accompanied by a handler, crating is sufficient.

(4) Security dog kennels must meet the following requirements –

(a) the kennels must be located away from sources of noise or pollution that could cause injury or stress to security dogs;
(b) the kennels must be situated in areas that are protected from excessive damp, heat and draught;
(c) the enclosures must be designed and maintained to avoid injury, disease, theft, or escape of the security dogs or interference with them by unauthorised persons;
(d) where kennels are situated outdoors, they must protect dogs from rain and wind and be adequately shaded;
(e) where kennels are situated indoors, temperature, humidity and ventilation must be considered and provided for accordingly;
(f) enclosures must allow for easy observation of security dogs while kenneled, without having to open the enclosure;
(g) the size of the kennel must at least be 1 800 mm long, 1 500 mm wide and 1 300 mm high;
(h) floors of kennels must be made of an impervious material, which is hard-wearing surface;
(i) kennel floors must be sloped to enable urine and water to run off, and a drain must be provided;
(j) drainage channels must be not less than 100mm wide, 30mm deep and have a sufficient drop;
(k) kennel drains must be fitted with baskets to trap hair and faecesand be cleaned daily;
(l) dogs must be protected from extremes of temperature and must be adequately insulated to provide protection against excessive heat and cold;
(m) the sleeping area of a kennel may not be metal;

(n) lighting should be as close as possible;
(o) sunlight is the preferred means of lighting, provided shaded areas are available;
(p) ventilation must be adequate to keep kennels free of dampness and noxious odours;
(q) all kennels must be provided with an elevated sleeping area;
(r) premises at which security dogs are accommodated and property protected by security dogs must have the necessary evacuation protocol. Dogs which require special treatment or isolation or that may be infectious must be evacuated and kenneled separately;
(s) kennel buildings must be securely lockable;
(t) each individual kennel must be fitted with a secure closing device that cannot be opened by dogs; and
(u) secure closing devices must allow for promptly access to security dogs and prompt exit of security dogs in the event of an emergency.

Horse shelters and stables

37. (1) All horses must be provided with secure and comfortable accommodation and living conditions.

(2) Horses must have access to shelter to reduce the risk to their health and welfare caused by exposure to adverse weather conditions, which includes access to shade to minimise the effect of heat stress.

(3) Horse shelters and stables must meet the following requirements -

(a) the stables must be located away from sources of noise and pollution thatcould cause stress to horses;
(b) the stables must be designed and maintained to avoid injury, disease or escape of horses or interference with them by unauthorised persons;
(c) the stables must have a solid roof and all sides of each stable must be covered and made of materials able to withstand a horse's kick;
(d) the size of the stable must at least be 3 meters in length and 3 metres inwidth per horse and must be at least 2.2 metres high;

(e) the stables must be adequately insulated to provide protection against excessive heat or cold;
(f) ventilation must be adequate to keep stables free of dampness and noxious odours;
(g) floor surfaces must not be slippery and must be sloped at an angle so water can run off to a drain;
(h) gates and stables doorways must be 1.5 meters wide and of stable design;
(i) stables must have feeding troughs that are secured to the wall at the height of the horse's chest;
(j) bedding must be of wood shavings or straw, 8cm to 15cm thick and changed daily;
(k) stables must be cleaned daily and floors rinsed to get rid of ammonia build-up from urine;
(l) the stable must have sufficient artificial lighting and power to look after the horses;
(m) fly / midge and general pest control around stables and paddocks must bedone to avoid disease;
(n) paddocks must be large enough to hold all the horses comfortably and mustbe situated in well drained areas;
(o) paddocks must have durable fencing, effective gates, be kept clean and be free of debris and sharp objects; and
(p) fences must be a minimum of 1.2 metres high and easily visible to horses with no sharp protrusion from the fence on the inner side.

Deployment conditions and kenneling of security dogs at deployed premises

38. (1) All security dogs used in rendering security services must be treated and confined in a humane manner, in accordance with legislation preventing cruelty to animals.

(2) A security dog which is injured and not yet healed or is recovering from illness may not be deployed to render a security service.

(3) A security dog that displays excessive or uncontrollable aggression must not be used to render security services.

(4) Security dogs may not be chained or tethered in any way during deployment but may be kept on a leash and training chain whilst actively carrying out security services.

(5) Security dogs must be provided with kenneling at the premises at which they are deployed, if they are at such premises for more than 12 hours.

(6) The kennels referred to in sub-regulation (5) must meet all the kenneling requirements stipulated in regulation 29.

(7) Security dogs must be kept under adequate control during deployment, which includes the following –

(a) the handler of the security dog must inspect the handling equipment of the security dog and ensure that they are in good condition before the security dog is deployed;
(b) the security dog must be used and controlled by a handler who is registered as a security service provider and has completed the training up to the standard which is required for the handling of a security dog for these specific tasks;
(c) the security dog must at all times be under the control of the dog handler so that it minimizes escape from the premises.

(8) A security dog may not work for more than 12 consecutive hours and must have a rest period of 12 consecutive hours in any period of 24 hours.

(9) Security dogs must have access to clean water at all times during deployment.

(10) Deployment registers must be kept for all security dogs.

(11) All incidents involving a security dog which occur during deployment must be reported to the responsible person contemplated in regulation 27(1), who must record such incidents in a register.

(12) Adequate paw protection must be provided to security dogs for the duration of deployment in an environment where it is warranted, having regard to surfaces that are hot or areas where paws may be injured.

Deployment conditions and requirements for use of horses

39. (1) Deployed horses must –

(a) be in good body condition and free of injuries and illness;

(b) not be used to render a security service directly after feeding;

(c) be handled at all times in such manner as to minimise the risk of pain, injury or distress; and

(d) not be worked at such intensity or at such high temperatures that the horse is likely to suffer exhaustion, heat stress, injury or distress.

(2) Horses must not be tethered or hobbled for more than 2 hours at a time and, where temporary hobbling is necessary, the handler must ensure sufficientdistance between the two hobbled legs to allow the horse to stand naturally andmove without risk or injury.

(3) Where temporary tethering is necessary, the horse must be able to lie downand, if tethered outdoors, turn around and walk.

(4) Horses that are tied for longer than 1 hour must be provided with water aswell as shelter from the elements, except if it applies to horses in transit, in a vehicle on or in immediate control of a person.

(5) A security service provider using a horse to render a security service must –

(a) be registered as such, and trained to the level of grade D;

(b) be fitted to the horse in terms of size and weight;

(c) be competent in fitting saddlery and equipment;

(d) not use electric prodders, spurs and crops in any form, or strike a horse around the head with a whip, lead or other object; and

(e) wear an appropriate helmet and any other required uniform

(6) The saddlery and equipment used for horses must –

(a) be of suitable size and correctly fitted to reduce rubbing or slipping and minimise discomfort; and

(b) be maintained in a clean and proper condition to ensure comfort, hygiene, safety and prevent injury.

(7) Horses may not be deployed to render security services for more than 6hours per day and must have 2 full days' rest in every 7 days.

(8) Horses must be given a break period after at least every 2 hours of deployment, and drinkable water must be provided in every such break period.

(9) Hoof trimming and shoeing must only be performed by persons with the necessary knowledge, experience and skills.

Exercise of security dogs

40. (1) All security dogs must be provided with sufficient exercise to be fit andhealthy while in training and when deployed and not posing a threat to public safety.

(2) A security dog must have the opportunity to –

(a) urinate and defecate if they are confined for extended periods;
(b) be checked over; and
(c) stretch their limbs.

(3) Security dogs who are not rendering a service must be exercised daily.

Exercise of horses

41. (1) Horses must be provided with sufficient exercise to be fit and healthy.

(2) Horses must be provided with an area in which they can move freely and obtain exercise sufficient enough to meet their health and welfare needs and where they can graze.

(3) Horses must not be stabled for more than 12 consecutive hours at a time unless instructed by a veterinarian for medical purposes.

(4) Horses must be exercised daily by being ridden, walked, lunged or turned loose into a paddock.

(5) Blanket covers on horses must be removed on a daily basis and aired and loose hair and dirt removed from the cover.

(6) Halters or head collars must not be left on horses when turned out into the paddock, unless there is a sound reason to do so and the horse is regularly monitored to ensure that the halter or head collar is not causing injury or distress.

Health, hygiene and disease prevention

42. (1) A working animal must be kept in hygienic and healthy conditions.

(2) Each working animal must be checked regularly.

(3) Kennels and stables must be cleaned daily.

(4) All efforts must be made to effectively control pests.

Veterinary procedures and euthanasia

43. (1) The responsible person for a working animal must ensure that working animals in his or her care receive appropriate veterinary care and, if necessary, are euthanised humanely by and on the recommendation of a veterinarian.

(2) The responsible person must ensure that the systems and procedures contemplated in regulation 27(1) require that –

(a) working animals are vaccinated against common infectious diseases and treated regularly for internal and external parasites;
(b) a relationship is established between the security service provider and a veterinary surgeon who is able to attend to working animals in his or her care;
(c) routine veterinary examination of security dogs takes place if there are signs of ill health or injuries that occur; and
(d) horses receive an annual health check.

(3) Veterinary attention should be sought for any working animal showing any significant abnormality.

(4) Except on veterinary advice, working animals displaying any significant abnormality must not be used to render security services and must be accommodated at the working animal's normal establishment.

(5) Working animals showing signs of infectious disease must be isolated from other animals and people.

Identification and records

44. (1) Working animals must be identified by either microchip / tattoo, or accurate records of their identity must be maintained as per these regulations.

(2) The responsible person as contemplated in regulation 27(1) of these regulations must keep the following records, in respect of each working animal –

(a) dates and types of vaccination;

(b) dates of veterinary checks and the name of the veterinary surgeon;

(c) deworming medication, which includes type and dates of administration;

(d) any other type of medication and dates of administration;

(e) record of each deployment of the working animal must be kept.

Transportation

45. (1) Dogs must always be transported in a safe, secure and comfortable manner

(a) any vehicle or trailer used to transport the working animal is designed for appropriate transportation of working animals and is legally licensed and roadworthy;

(b) the working animal shall not be held in parked a vehicle in conditions which are likely to impact on the health and welfare of the working animal.

(2) Any vehicle or trailer used in transporting working animals, must be designed in such a way as to –

(a) protect animals from injury;

(b) have non-slip floors and avoid direct contact with metal flooring;

(c) provide easy access and operator safety;

(d) protect against extremes of temperature;

(e) provide adequate ventilation;

(f) protect against unauthorised release ofworking animals;

(g) be easy to clean and disinfect;

(h) be supplied with clean, secure cages or with separate compartments or partitions; and

(i) allow for security dogs to sit, stand and lie down.

Working animals in public space and attacking

46. (1) A working animal must be managed responsibly in public places.

(2) A security dog used to render a security service must be accompanied with the correct equipment, be held on a leash, unlessthe security dog is –

(a) participating in an organised activity and is under the effective control of a trained handler; or

(b) a patrol dog or sniffer dog, tracker dog or search and rescue dog trained to operate off leash to render a securityservice.

(3) No handler or horse rider may take a working animal into the grounds of a school, kindergarten, childcare centre or pre-school centre without the permission of the person in charge of such place.

(4) No person may allow or cause a security dog to fight or attack other dogs or people except in a lawful manner and in reasonable defence of a person or property.

(5) A handler may not allow or cause a security dog to kill, or be killed by another animal unless, at the time of the offence, the dog was being lawfully used in the reasonable defence of a person or property.

(6) A person responsible for a security dog confined within any premises must not permit the security dog to injure a person lawfully entering those premises, or to damage their property.

Warnings signs

47. (1) A security service provider must make the public aware of the use of working animals at any premises, and of working animals that are being transported.

(2) The responsible person as contemplated in regulation 27(1) of these regulations must procure that the security service provider, or any person responsible for the care of the working animals of that security service provider –

(a) erects prominent warning signs at all entrances to a premises where workinganimals are usually kept or used, warning people that working animals are used on the premises;
(b) in the case of working animals being transported, erects warning signs on the vehicle or trailer;
(c) ensures that the sign is a minimum of A4 size, with a silhouetteof a security dog and/or horse;
(d) ensure that signs for the use of security dogs depict a large silhouette of the head and shoulder of a dog; and
(e) ensures that, while the working animal is on the premises or being transported, there is a sign displayed in a conspicuous position providing a telephone number on which a person responsible for the working animal can be contacted at any time.

CHAPTER 5

GENERAL PROVISIONS

Offences and penalties

48. (1) Any person who contravenes or fails to comply with any provision of these regulations is guilty of an offence as contemplated in section 38(4) of theAct and is liable on conviction to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment.

Repeal of regulations

49. The following regulations and notices are hereby repealed to the extent specified below:

REGULATIONS	EXTENT OF REPEAL
Board Notice 120 of 1998 as amended by Board Notice 15 of 1999	To the extent that it refers to the minimum standards of dogs
	Accreditation requirements for Dog Training Centres
	Accreditation standards for Security Dog Supplier

Short title and commencement

50. These regulations are called the Regulations Relating to Working Animals in the Private Security Industry, 2018 and come into operation 180 days after the date of publication.

DEPARTMENT OF POLICE

NOTICE 2953 OF 2025

ASSET-IN-TRANSIT DRAFT REGULATIONS IN THE PRIVATE SECURITY INDUSTRY MADE UNDER THE PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO. 56 OF 2001)

The Minister of Police, under section 35 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001) and after consultation with the Council of the Private Security Industry Regulatory Authority, hereby intends to make the Regulations in the Schedule.

Any interested or affected persons are invited to submit written comments or representations on the proposed draft Regulations to the office of the Director: Private Security Industry Regulatory Authority within four weeks from the date of publication of this notice in the Gazette at the following address:

Postal address:
The Director
Private Security Industry Regulatory Authority
Private Bag X 817
PRETORIA
0001

Street address:

420 Witch-Hazel Avenue
Eco Glades 2 Office Park, Block B

Highveld Ext 70
Centurion

E-mail: Regulations@psira.co.za

MR. E S MCHUNU

Minister of Police

Date: 13/12/2024

SCHEDULE

Chapter 1: Definitions, Purpose and interpretation and Application

1. Definitions
2. Purpose and interpretation
3. Application

Chapter 2: Functions of the Authority

4. General functions of the Authority pertaining to Asset-in-transit security service providers
5. Vetting of Asset-in-transit security services providers
6. Vetting of Asset-in-transit security service personnel
7. Minimum requirements for Asset-in-transit vehicles
8. Risk Assessments
9. Record Keeping
10. Asset Movement

Chapter 3: General Provisions

11. Offences and Penalties
12. Transitional Provisions
13. Short Title

PREAMBLE

WHEREAS the rendering of security services includes the protection or safeguarding of a person or property in any manner;

AND WHEREAS the objects of the Private Security Industry Regulatory Authority are to regulate of the private security industry and to exercise effective control over the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself, in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), which includes determining and enforcing minimum standards of occupational conduct in respect of security service providers;

AND WHEREAS the Minister of Police deems it necessary to make regulations relating to generally, any matter which it is necessary or expedient to prescribe for the attainment or better attainment of the objects of the Private Security Industry Regulation Act, or the performance of the functions of the Authority.

Be it published, therefore, the draft regulations contained in this Schedule for comment by interested persons.

CHAPTER 1

PURPOSE, INTERPRETATION, APPLICATION AND DEFINITIONS

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act will bear the meaning so assigned and, unless the context indicates otherwise –

"Act" means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);

"armoured vehicle" means a vehicle used to transport or move cash or certain value assets, which is made from an armoured material and bullet resistant glass to protect the vehicle against projectiles of various shapes and sizes;

"assets" means cash or goods of high value, including precious metals or jewellery;

"assets-in-transit" – means cash or goods with a high value, including precious metals or jewellery when transported on a public road, except when transported by a person at his or her own account, or by the South African National Defence Force or in the case of transport by escort of the Service;

"ballistic protection" means a level of protective clothing or material which aims at protecting the individual or vehicle against projectiles of various shapes and sizes;

"bank" means a public company registered as a bank in terms of the Banks Act, No. 94 of 1994;

"cross-pavement" means the act of carrying cash by an Asset-in-transit officer, using a cross pavement carrier, for purposes of collecting or delivering such cash to or from a bank or retail facility;

"employee data" means comprehensive information of employee, including but not limited to employment history within security service industry;

"escort" means a person travelling in an escort vehicle accompanying the assets-in-transit vehicle;

"escort vehicle" means a vehicle accompanying an assets-in-transit vehicle to ensure that the assets-in-transit vehicle arrive at a destination in a safe manner;

"**risk assessment**" means a systematic process of evaluating the potential risks that may be involved in conducting a Asset-in-transit;

"SARB" – means the South African Reserve Bank,1989 (Act 90 of 1989);

"these regulations" means the regulations contained in this Schedule;

"vetting" means the process of performing a background screening of:

- Security Service Providers;
- Employees of security provider; and
- Employees seeking employment.

Purpose and interpretation

2. (1) The purpose of these regulations is to determine the requirements for the transportation of assets, including the protection of such assets while in transit, within the private security industry, to ensure the safe and secured movement of assets, as well as the safety of persons transporting such assets.

(2) These regulations must be interpreted in accordance with their purpose and in a manner consistent with the Act, the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), as amended, and any other law providing for the safe transportation of assets applicable to the private security industry.

Application

3. These regulations apply to –

(a) all security service providers, practising the occupation of security service provider and transporting or protecting assets or in connection with rendering a security service or carrying on business as a security service provider, or in performing any other act or function which is subject to the Act; and

(b) every other person using his or her own employees as security officers to transport or protect assets in connection with rendering a security service, to the extent provided for in the Act and these regulations.

CHAPTER 2

FUNCTIONS OF THE AUTHORITY

General functions of the Authority pertaining to assets-in-transit security service providers

4. The Authority shall for the purpose of regulating the transportation of assets within the private security industry and in accordance with the Act and these regulations –

CONTINUES ON PAGE 258 OF BOOK 3

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(a) determine requirements for the vetting of existing assets-in-transit officers and new entrants in the assets-in-transit sector by the security business;

(b) determine and enforce minimum requirements for vehicles being used to transport assets;

(c) determine systems and devices installed in vehicles and aimed at protecting assets transported;

(d) enforce the PSiRA minimum training standards for assets-in-transit employees;

(e) keep a record in which it must enter the details and particulars of all robberies, incidents, injuries or deaths that occurred during the transportation, collection or protection of assets; and

(f) enter into agreements with or obtain the assistance of any relevant person, institution or organ of state to conduct or assist it in conducting any investigation or perform any function in terms of these regulations.

Vetting of Asset-in-transit security service providers

5. (1) A security business that is employing persons to render assets-in-transit services must ensure that such persons submit the following particulars and documentation–

(a) proof of Occupational Health and Safety Compliance;

(b) proof of financial risk assessment; and

(c) a copy of a credit report obtained from one of the Credit Bureaus.

(2) The provisions referred to in sub-regulation (1) are applicable to the existing assets-in-transit security service providers and new entrants in the assets-in-transit sector.

Vetting of Asset-in-transit security service personnel

6. (1) A security business that is employing persons to render Asset-in-transit services must ensure that such persons in possession of the following particulars and documentation in alignment with the Protection of Personal Information Act, 2013 (Act No.3 of 2013) -

(a) a certified copy of firearms competency certificate for the type of firearm to be used in the service;

(b) criminal check every six (6) months;

(c) residential check;

(d) past employers check;

(e) scientific test that measures integrity and assesses personality;

(f) an Authority registered check;

(2) The scientific test that measures integrity envisaged in paragraph (e) must be taken by all personnel of a security business, including non-security personnel every six (6) months.

(3) The provisions referred to in sub-regulation (1) are applicable to the existing Asset-in-transit security service providers and new entrants in the Asset-in-transit sector.

Minimum requirements for Asset-in-transit vehicles

7. (1) A security service provider must use a marked armoured vehicle to transport assets and such vehicle must -

(a) be equipped with a tracking device for purposes of continuously tracking and monitoring the location and movement of the vehicle;

(b) be equipped with back-to-back base radio or have an alternative communication method effective in radio reception to allow the Asset-in-transit officer in the vehicle to make contact with the security company control centre or the South African Police Service when it may be necessary;

(c) be equipped with a digital video recording device with an onsite and offsite storage capability to record footage that will be stored only where there is an incident for until finalisation of legal processes.

(d) be equipped with a panic button with back-to-back base alert for use in an emergency;

(e) have a procedure or an alternative method of preventing unauthorised entry into the vehicle and have a drop safe or secure container installed in the vehicle; and

(f) be serviced and maintained regularly and properly to ensure continued safe use of the vehicle.

(2) An Asset-in-transit security service provider must use a marked armoured vehicle that is made of ballistic protective materials in accordance with the risk assessment.

(3) A security business rendering assets-in-transit security services must provide any person who is responsible for the transportation of assets with protective clothing, including a bulletproof vest or soft vest and helmet.

(4) The protective clothing contemplated in sub-regulation (3) must be approved and certified in accordance with the relevant standards and specifications for ballistic protective materials.

Risk Assessments

8. (1) A security business rendering assets-in-transit services must conduct a risk assessment before commencing a client service and thereafter as and when required.

(2) A risk assessment referred to in sub-regulation (1) must be conducted by a person in possession of a qualification in risk management and has a minimum of two (2) years' experience in policing, security and law enforcement.

(3) Written information with regard to the requirements of sub-regulation (2) must be made available when requested by the Authority for inspection.

(4) A risk assessment report must contain the following information –

(a) the number of personnel required for each operation, taking into account the amount to be collected;

(b) the minimum level of ballistic protection for Asset-in-transit vehicles required for the service to be rendered;

(c) the number of escort vehicles required for each operation;

Record Keeping

9. (1) A security business rendering Asset-in-transit services must –

(a) keep a record of all persons with knowledge of operations for each service;

(b) keep a record at its business premises in which it enters the details and particulars of all robberies, incidents, injuries or deaths that occurred during the transportation of assets; and

(c) inform the Authority in writing of any robbery, incident, discharge of firearm, injury or death that occurred during the transportation of assets within a period of 48 hours from such occurrence.

Asset Movement

10. (1) Asset-in-transit service providers collecting or delivering cash to or from the bank or retail facility, must use a cross pavement carrier that is enabled with a cash degradation device or a currency protection device, which is capable of being electronically monitored.

(2) Asset-in-transit service providers collecting and transporting precious metals, must comply with the Precious Metals Act, 2005 (Act No. 37 of 2005).

(3) Asset-in-transit service providers must take all measures in line with these regulations to ensure safe movement of the client's cash or assets.

(3) An Asset-in-transit officer that requires a firearm to render Asset-in-transit services must ensure that the carrying and use of such firearm is in line with the provisions contained in the Firearms Control Act, No. 60 of 2000 and Regulation 13 (5) of the Private Security Industry Regulations, 2002.

CHAPTER 3

GENERAL PROVISIONS

Offences and Penalties

11. Any security service provider who –

(a) fails to use a vehicle which is equipped with security features as contemplated in regulation (7) when transporting assets;

(b) fails to appoint a risk assessor for purposes of conducting a risk assessment;

(c) carries or uses a firearm not in accordance with the requirements of the Firearms Control Act and the Private Security Industry Regulations;

(d) fails to inform the Authority of any incident relating to a robbery, injury or death of any person transporting or protecting cash or assets within the prescribed timelines; and

(e) contravenes or fails to comply with a provision of these regulations;

is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding twenty-four (24) months, or to both a fine and such imprisonment.

Transitional Provisions

12. Every person deemed to have been registered as a security service provider and practicing the occupation of Asset-in-transit service provider, must within a period of 180 days from the date of promulgation of these Regulations, or within such period as the Director may allow on the basis of a substantiated written application by such security service provider within a period of 60 days from the date of promulgation of these Regulations, comply with the requirements and minimum standards regarding the transportation and protection of cash or other assets with high value.

Short Title

13. These regulations are called the Regulations relating to the rendering of Asset-in-transit security services in the Private Security Industry, 2024.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2954 OF 2025

THE COMPETITION COMMISSION OF SOUTH AFRICA

NOTICE IN TERMS OF SECTION 10(7) OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED): THE SOUTH AFRICAN GUILD OF ACTORS AND THE PERSONAL MANAGERS ASSOCIATION CONDITIONAL EXEMPTION GRANTED

THE SOUTH AFRICAN GUILD OF ACTORS AND THE PERSONAL MANAGERS ASSOCIATION – 2022OCT0030

1. On 17 October 2022, the members of the South African Guild of Actors (“SAGA”) and the members of the Personal Managers Association (“the PMA”) (collectively referred to as the "Applicants”) filed an exemption application (the “application”) in terms of section 10(1) of the Competition Act as amended (the “Act”). The exemption application relates to conduct between the Applicants, their members and other market participants which include production houses, broadcasters, studios, advertisers, and private organisations.

2. SAGA and the PMA are non-profit organisations registered with the Companies and Intellectual Property Commission. SAGA was established in 2009 with the main purpose being to represent and protect the legal and economic rights of professional performers in the film, television, stage, commercial, voice over and corporate sectors. SAGA’s principal place of business at 357 Cork Avenue, Ferndale Randburg.

3. The PMA was established in 1980 with its main objective to implement and facilitate ethical best practice, cooperation and communication among agents/managers and all role-players in the entertainment industry for the benefit and betterment of professional performers and the industry. PMA’s principal place of business at 93 Clovelly Road, Greenside, Johannesburg.

4. SAGA membership is open to final year students at tertiary institutions studying performing arts, aspirant professionals in the early stages of their career, and any actor legally entitled to work in South Africa, who is engaged or about to be engaged as an

actor in the film/television/theatre/radio industry. PMA membership is open to professional performers' agencies in South Africa.

5. In their exemption application, the Applicants rely on the objectives set out in Section 10(3)(b)(ii) of the Act, which allows for the promotion of the effective entry into, participation in or expansion within a market by small and medium businesses, or firms controlled or owned by historically disadvantaged persons; and Section 10(3)(b)(v) of the Act, which allows the competitiveness and efficiency gains that promote employment or industrial expansion.

6. The Applicants submit that the conduct may constitute a prohibited practice in terms of section 4(1)(a), 4(1)(b)(i) and section 5(1) of the Act, in that its' members are competitors or potential competitors in the market for the provision of intellectual property services. In addition, the agents and performers are in a vertical relationship with production houses, broadcasters, studios, advertisers and/or private organisations.

7. The applicants have requested the Competition Commission ("the Commission") to grant an exemption for the period of five years to allow for the implementation of the following practices:

7.1 To collectively coordinate, communicate and exchange information to design guideline rate cards with minimum rates for Performers as related to the skill and experience of a Performer when they provide intellectual property services in the entertainment industry;

7.2 To collectively coordinate, negotiate and conclude collective agreements as relating to trading conditions in industry standard agreements with Production Houses, Broadcasters, Studios, Advertisers, or Private companies;

7.3 To collectively negotiate and implement standardised trading terms in in the industry standard contracts between Performers and Production Houses, Broadcasters, Studios, Advertisers or Private companies); and

7.4 To pool resources in order to achieve all of the above to benefit Performers whilst still maintaining the individual brands of the Applicants.

8. On 08 August 2023, the Commission published a Government Gazette Notice pertaining to the exemption application in accordance with Section 10(6)(a) of the Act. The Notice stated that the conduct sought may amount to prohibited practices in contravention of Section 4(1)(a), 4(1)(b)(i), and 5(1) of the Act. The Notice also called upon interested parties to make written representations to the Commission within 20 (twenty) business days of the publication as to why the exemption should or should not be granted. In addition, the investigating team also invited comments from stakeholders in the industry by way of direct letters following the publication of the Government Gazette Notice.

9. The submissions received from interested parties were considered in the assessment of the Applicants exemption application.

10. The Commission's assessment revealed that:

    10.1 The conduct of the Applicants, their members and other market participants may result in contravention of section 4(1)(a) and/or section 4(1)(b)(i), and alternatively section 5(1) of the Act.

    10.2 The exemption if granted, may achieve the objectives of Section 10(3)(b)(ii) and 10(3)(b)(v) of the Act.

11. After consideration of the exemption application, the Commission has decided to grant the Applicants a conditional exemption for a period of **five (5) years**, commencing from **13 December 2024** and ending on **12 December 2029**. The exemption will be subject to monitoring mechanisms which the Commission has put in place to ensure that the objectives set out in the application are met by the exemption. The Conditions and Monitoring Mechanisms are attached below as **Annexure A**.

12. Notice is hereby given in terms of Section 10(7) of the Act regarding the Commission's decision to grant this exemption. The Applicants and any other person with a substantial material interest affected by this decision may lodge an appeal to the Competition Tribunal in the prescribed manner in terms of Section 10(8) of the Act.

13. Further queries concerning this Notice should be directed to:

    Ms Asanda Ntunta
    Market Conduct Division

Competition Commission of South Africa
Email: AsandaN@compcom.co.za

Mr Godknows Giya
Market Conduct Division
Competition Commission of South Africa
Email: GodknowsG@compcom.co.za

14. Kindly make use of the following case number when sending correspondence in relation to this Notice: Case No: 2022OCT0030.

ANNEXURE A: EXEMPTION CONDITIONS

Preamble

1. The Exemption is granted to SAGA and the PMA for a period of **five (5) years** effective from **13 December 2024** up to and including **13 November 2029**, subject to the conditions listed below.

2. The conditions below only apply for the purpose and duration of the Exemption. The Exemption is in respect of collectively coordinating and designing rate cards that set minimum rates for Performers and setting of trading conditions and standard agreements regulating the working conditions between members of the Applicants, and Market participants in the entertainment industry.

3. SAGA and the PMA have requested an exemption in terms of section 10 of Act for a period of five (5) years to engage in the following activities on behalf of its members with production houses, broadcasters, studios, advertisers, and private organisations:

   3.1. To collectively coordinate, communicate and exchange information to design guideline rate cards with minimum rates for Performers as related to the skill and experience of a Performer when they provide intellectual property services in the entertainment industry;

   3.2. To collectively coordinate, negotiate and conclude collective agreements as relating to trading conditions in industry standard agreements with Production Houses, Broadcasters, Studios, Advertisers, or Private companies;

   3.3. To collectively negotiate and implement standardised trading terms in in the industry standard contracts between Performers and Production Houses, Broadcasters, Studios, Advertisers or Private companies); and

   3.4. To pool resources in order to achieve all of the above to benefit Performers whilst still maintaining the individual brands of the Applicants.

4. The exemption is meant to achieve the objectives (i) of section 10(3)(b)(ii) of the Act which reads "*promotion of the effective entry into, participation in or expansion within a market by small and medium businesses, or firms controlled or owned by historically disadvantaged persons"* and (ii) section 10(3)(b)(v) of the Act which reads "*competitiveness and efficiency gains that promote employment or industrial expansion".*

Conditions

1. The Applicants and their members must ensure that all negotiations regarding minimum rate cards, and trading conditions are conducted transparently, actively seeking cooperation and input from all relevant stakeholders, including those not represented by SAGA and PMA to foster a collaborative environment.

2. The Applicants and their members must establish clear and equitable minimum rate cards that consider the Performers' experience and skill level, professional designation, project type and scale of the project to ensure that these minimum rates are fair and reflective of industry standards. The minimum rate cards can be published on their websites or social media platforms once negotiated with the industry.

3. The Applicants and their members shall commit to using the minimum rate cards as guidelines for starting negotiations with market participants and not prescribe the minimum rate cards to the industry.

4. The Applicants shall commit to implementing initiatives and/or programs aimed at:

    4.1 promoting access to the industry for HDP Performers; and

    4.2 developing the competencies of HDP Performers.

5. The Applicants shall commit to taking active steps in promoting overall transformation including the membership structure to enhance participation of HDPs in the industry in line with the targets set out in Table A below.

Table A: Transformation Targets for SAGA and PMA

Element	Indicator	Measurement Criteria	Compliance Target	Target for year 1 of the exemption	Target for year 2 of the exemption	Target for year 3 of the exemption	Target for year 4 of the exemption	Target for year 5 of the exemption
Membership (SAGA)	Participation	HDP members as a percentage of all members	60%	52%	54%	56%	58%	60%
Membership (PMA)	Participation	HDP Performers as a percentage of Performers represented by PMA members	70%	66%	67%	68%	69%	70%

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

Annual reporting to the Commission by the Applicants

1. SAGA and the PMA are required to submit a report to the Commission on an annual basis as the Commission is obliged to monitor the impact of the measures taken to meet the objectives relied upon and to assess whether SAGA and the PMA are meeting the objectives on an on-going basis. The requested report must include the following information:

   1.1 The published minimum rate cards for the different categories of Performers in the industry and the factors that were considered when determining each minimum rate card per category of Performers.

   1.2 Minutes of meetings discussing minimum rate cards and a list of stakeholders that would have participated in the discussions.

   1.3 All agreements concluded by the Applicants relating to trading conditions in the industry and standard agreements with the representative organisations and associations in good standing which represent production houses, broadcasters, studios, advertisers, and private organisations in accordance with the collective negotiations.

   1.4 Minutes of meetings discussing trading conditions in the industry and standard agreements and a list of stakeholders that would have participated in the discussion.

   1.5 The number and details of new members who joined SAGA and the PMA respectively within the preceding year.

   1.6 The number and details of members who left SAGA and the PMA, respectively, in the preceding year and detailed reasons regarding members that left.

   1.7 While recognising that the Applicants do not represent all Performers and personal managers in the entertainment industry and that membership is voluntary. The Applicants must, submit information demonstrating how the benefits of the Exemption have been transferred to Performers in terms of:

      a) Remuneration levels;
      b) Employment and expansion for historically disadvantaged performers; and
      c) Growth and sustainability of the sector.

2. The compliance report(s) must be submitted to the following email address exemption.conditions@compcom.co.za.

Variation Clause

3. Notwithstanding the aforementioned conditions, the Commission may at any time upon good cause shown decide to vary or revise any condition during the period of the exemption.

DEPARTMENT OF TRANSPORT

NOTICE 2955 OF 2025

AIR SERVICES LICENSING COUNCIL ACT, 1990 (ACT NO. 115 OF 1990) APPLICATION FOR THE GRANT OR AMENDMENT OF DOMESTIC AIR SERVICE LICENCE

Pursuant to the provisions of section 15 (1) (b) of Act No. 115 of 1990 and Regulation 8 of the Domestic Air Regulations,1991, it is hereby notified for general information that the application detail of which appear in the appendix, will be considered by the Air Service Licensing Council. Representation in accordance with section 15 (3) of the Act No.115 of 1990 in support of, or in position, an application, should reach the Air Service Licensing Council. Department of Transport, Private Bag X 193, Pretoria, 0001 or by email to: domesticcouncil@dot.gov.za within 21 days of date of the publication thereof.

APPENDIX I (New Applications) (A)

(A) Full name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of license applied for. (D) Type of air service to which application applies. (E) Category of aircraft to which application applies.

(A) **Maverick Drone Services (Pty) Ltd**. (B) 1 Finska Street, Eldoraigne, Centurion, Gauteng, 0157. (C) Class III. (D) G2, G3, G4 & G16 (RPAS). Category A4 & H1.

APPENDIX II (Amendment Applications)

(A) Full Name and trade name of the applicant. (B) Full business or residential address the applicant. (C) The Class and number of licenses in respect of which the amendment is sought (D) Type of air service and the amendment thereto which is being applied for (E) Category of aircraft and the amendment thereto which is being applied for. (F) Amendment referred to in section 14(2) (b) to (e).

A) **UAV and Drone Solutions (Pty) Ltd.** (B) 2 River Road, Riverview Office Park, Jandel Avenue, Halway Gardens, Midrand. (C) Class III, (G1219D). (D) Type G3, G4, G5, G8 & G16 (RPAS). (E) A4, H1 & H2. (F) Changes in post holders: RPA:D. Sauermann. Security Manager: M. Bouwer. Quality Manager: M. Forte. Change to base of operation: 2 River Road, Riverview office Park, Janadel Avenue, Halfway Gardens, Midrand.

(A) **Black Eagle Aviation Services CC (G1059D)**. (B) Office 18 Main terminal building, Virginia Airport, Durban North, Kwazulu Natal, 4051. (C) Class III. (D) Type G2, G3, G4, G5, G6, G7, G8, G10, G13, G14, G15 & G16 (ship shore). (E) Category A2, A3, H1 & H2. (F) Changes in post holders: Accountable Manager: Segran Govender; Responsible person Aircraft: Dillan Charl Van Niekerk. Responsible Person Operations: Tjaart Boshoff; Air Safety Manager: Demi-Lize Shandos

(A) **Black Eagle Aviation Services CC (N1058D)**. (B) Office 18 Main terminal building, Virginia Airport, Durban North, Kwazulu Natal, 4051. (C) Class II. (D) Type N1 & N2. (E) Category A2, A3, H1 & H2. (F) Changes in post holders: Accountable Manager: Segran Govender; Responsible person Aircraft: Dillan Charl Van Niekerk. Responsible Person Operations: Tjaart Boshoff; Air Safety Manager: Demi-Lize Shandos

APPENDIX II (Approved Applications)

(A) The Class and number of the license which was issued. (B) Full name and trade name of the licensee. (C) Type of air service in respect of which the license was issued. (D) Category of aircraft in respect of which the license was issued.

(A) Class III, (G1573D). **(B)** Khulking (Pty) Ltd. **(C)** Type G3, G4 & G16 (RPAS Operations). **(D)** Category H1.

(A) Class II, N1153D. **(B)** Fireblade Aviation (Pty) Ltd t/a Fireblade Aviation **(C)** Type N1 & N2 **(D)** Category A1, A 2, A3, H1 & H2.

(A) Class II, N1572D**. (B)** Aviatte Air (Pty) Ltd. **(C)** Type N1 & N2. **(D)** Category A3 & A4.

DEPARTMENT OF TRANSPORT
INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)
GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE

Pursuant to the provisions of section 24 (1(a) and (b) and 25 (5)of Act No.60 of 1993 and Regulation 16 (1) and 17 (1) of the International Air Regulations,1994, it is hereby notified for general information that the applications, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council) representation in accordance with section 24(3) of the Act No. 60 of 1993 and regulation 25(2) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairman of the International Air Services Council at Department of Transport, Private Bag X 193, Pretoria, 0001 or by email at: internationalcouncil@dot.gov.za within 21 days of the publication hereof. It must be stated whether the party or parties making such representation is / are prepared to be represent or represented at the possible hearing of the application.

APPENDIX I (Amendment FOP'S Applications)

A) Airlink Properties Limited t/a Airlink. (B) #3 Greenstone Hill Office Park, Emerald Boulevard, Greenstone Hill, Modderfontein, 1609. (C) Class I; I/S073. (D) Type S1. Category A1. **(E)** Olivier Tambo International Airport, Johannesburg, South Africa (JNB) – Sir Seewoosagur Ramgoolam International Airport, Port Louis, Mauritius (MRU) – 7 weekly frequencies. Olivier Tambo International Airport, Johannesburg, South Africa (JNB) – N'djili Airport, Kinshasa, Democratic Republic of the Congo (FIH) – 7 weekly frequencies. Olivier Tambo International Airport, Johannesburg, South Africa (JNB) – Robert Gabriel Mugabe International Airport, Harare, Zimbabwe (HRE) – unlimited frequencies. Cape Town International Airport, Cape Town, South Africa (CPT) - Murtala Muhammed International Airport, Lagos, Nigeria (LOS) – 7 weekly frequencies. Cape Town International Airport, Cape Town, South Africa (CPT) - Kotoka International Airport, Accra, Ghana (ACC) – 7 weekly frequencies.

A) Global Aviation Operations (Pty) Ltd.(B) Hangar 2, Northern Perimeter Road, Precinct 3, OR Tambo International Airport, Kempton Park (C) Class I, (D) Type S1 & S2. (E) Category A1& A2. (F) ZS-GAC, ZS-GAL, ZS-GAS, ZS-GAR, ZS-GAO (G) JHB-Harare- Johannesburg: Johannesburg-Mauritius- Johannesburg: Johannesburg- Zanzibar- Johannesburg. (H) 4 Frequencies per week: Monday, Tuesday, Thursday, Saturday. 3 frequencies: Tuesday, Thursday & Saturday. (G)

Erratum: on notice no 2934 of 2025 on page 34 There was an omission on additional aircraft as per the below:

Duetsche Lufthansa AG t/a Lufthansa. (B) Deutsche Lufthansa AG, Venloer Strasse 151-153, 50679 Cologne, Germany. (C) Class I. (D) Type S1. (E) Category A1. (F) Registration: A350-900; D-AIXW

BOARD NOTICE 712 OF 2025

IRBA
INTEGRITY | PUBLIC INTEREST | AUDIT QUALITY

BOARD NOTICE

PUBLICATION OF THE MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

The Independent Regulatory Board for Auditors herewith publishes its Manual on the Promotion of Access to Information in terms of section 14 of the Promotion of Access to Information Act with effect 1 February 2025 (Manual).

The Manual is available on the Independent Regulatory Board for Auditors website which can be accessed through the following link:

www.irba.co.za/upload/PAIAManual_Version8_2025.pdf

Imre Nagy

Chief Executive Officer

BOARD NOTICE 713 OF 2025

ROAD ACCIDENT FUND

ADJUSTMENT OF STATUTORY LIMIT IN RESPECT OF CLAIMS FOR LOSS OF INCOME AND LOSS OF SUPPORT

The Road Accident Fund hereby, in accordance with section 17(4A)(a) of the Road Accident Fund Act, No. 56 of 1996, adjusts and makes known that the amounts referred to in subsection 17(4)(c) are hereby adjusted to **R368 035.00**, with effect from **31 January 2025**, to counter the effects of CPI inflation.

Note: The CPI index based on the new "basket and weights" was used to calculate this adjustment, **effective from 31 January 2025** (with base year December 2021 = 100). The CPI index for May 2008 was 50.43 due to the December 2021 rebasing. The CPI index for November 2024 was 116.0. This adjustment was calculated by multiplying the R 160 000 limit by 116.0/50.43.

RAADSKENNISGEWING 713 VAN 2025

PADONGELUKFONDS

AANPASSING VAN STATUTÊRE LIMIET TEN OPSIGTE VAN EISE VIR VERLIES AAN INKOMSTE EN ONDERHOUD

Die Padongelukfonds maak ooreenkomstig artikel 17(4A)(a) van die Padongelukfondswet, No. 56 van 1996 bekend dat, met effek vanaf **31 Januarie 2025**, die bedrae waarna verwys word in subartikel 17(4)(c) aangepas word tot **R368 035.00**, ten einde die uitwerking van VPI inflasie teen te werk.

Neem kennis: Die VPI indeks gebasseer op die nuwe "mandjie en gewigte" is gebruik om hierdie aanpassing, **effektief vanaf 31 Januarie 2025**, te bereken (met basisjaar Desember 2021 = 100). Die heraangepaste VPI indeks vir Mei 2008 is 50.43 as gevolg van die Desember 2021 aanpassing. Die VPI indeks vir November 2024 was 116.0. Hierdie aanpassing was bereken deur die R 160 000 limiet te vermenigvuldig met 116.0/50.43.

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