Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 717 28 March Maart 2025 No. 52388

PART 1 OF 4

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

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government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

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

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** *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**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

Closing Times for Acceptance of Notices

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

Extraordinary Gazettes

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

Notice Submission Process

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

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

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

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

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

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

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

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

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

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

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

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

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

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

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

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

QUOTATIONS

13. Quotations are valid until the next tariff change.

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

14. Each quotation has a unique number.

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

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

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

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

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

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

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

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

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

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

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

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

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

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

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

CANCELLATIONS

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

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Approval of notices

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

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

Government Printer Indemnified Against Liability

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

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

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

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

Liability of advertiser

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

Customer inquiries

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Payment of cost

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

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

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

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

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

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

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

Proof of publication

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

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

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149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

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

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 6041 **28 March 2025**

AMENDED GAZETTE NOTICE INTERMS OF SECTION 11A (4) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO 22 OF 1994), AS AMENDED

Notice is hereby given in terms of Section 11A (4) of the Restitution of Land Rights Act, 1994 (Act 22 of 1994), as amended, that an amendment is hereby made to Government Gazette No. 42185 Notice No.32 of 2019 dated 25th of January 2019. The Gazette is amended to withdraw all properties indicated in the table from the Gazette No. 42185 Notice No.32 of 2019 dated 25th of January 2019. A land claim for Restitution of Land Rights has been lodged by Mr Ngwenyama Jack Singo ID No.2101120517608 8 on the farm Chibase 213 MT situated within the Makhado Local Municipality, Vhembe District, Limpopo Province.

Details of the properties to be withdrawn from Gazette No.42185 Notice No.32 are as follows:

Farm name	Current owner	Title Deed	Extent in Hectares	Encumbrances
Portion 1 of the farm Chibase 213 MT	No Details	None		
Portion 8 of the farm Chibase 213 MT	Thulamela Local Municipality	T25022/2007PTA	77.3387Ha	None
Remaining Extent of Portion 26 of the farm Chibase 213 MT	No Details	None	15.3159Ha	BG1625/1997/VNPTA
Remaining Extent of Portion 28 of the farm Chibase 213 MT	Thulamela Local Municipality	T90737/2006PTA	46.2251Ha	None
Portion 32 of the farm Chibase 213 MT	Thulamela Local Municipality	T153835/2006PTA	7579.0000SQM	None
Remaining Extent of Portion 38 of the farm Chibase 213 MT	Thulamela Local Municipality	T3102/2017	311.2102Ha	None
Remaining Extent of Portion 41 of the farm Chibase 213 MT	Mafunzwaini Langanani Jack	TG16537/1997/VNPA	5768.0000SQM	None
Remaining Extent of Portion 42 of the farm Chibase 213 MT	Thulamela Local Municipality	T29577/2006PTA	101.6590Ha	No Details
Remaining Extent of Portion 45 of the farm Chibase 213 MT	Provincial Government of Northern Province	T78208/2001PTA	61.1600Ha	No Details

All interested parties should take note that the Office of the Regional Land Claims Commissioner: Limpopo is investigating this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing, within **14 days** of publication of this notice, any comment, objection or information under **KRP No. 401** as the reference number to:

The Regional Land Claims Commissioner: Limpopo
Private Bag X 9552
Polokwane
0700

OR

Submissions may also be delivered to:
Koos Smit Building
61 Biccard Street
Polokwane
0700

OR

13th-15th Floor Thabakgolo Nedbank Building
50—58 Landros Mare Street
Polokwane
0700

MR. L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 28/03/2025

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WITHDRAWAL OF GAZETTE NOTICE OF LAND CLAIM

Notice is hereby given in terms of Section 11A (2) for withdrawal of Government Gazette No.29096 dated 11st of August 2006 Notice No. 1060 of 2006 in terms of which the under-mentioned properties were published.

This notice is made in light of the fact that the late Mr. Petrus Gerhardus on behalf of his deceased parents, Petrus and Gerhardus Honeyborne, lodged a land claim in respect of Remaining extent of the farm Zorgvliet of Maraisgraf 650 KS situated in the Modimolle-Mokgopong Local Municipality, Waterberg District of Limpopo

The Office of the Regional Land Claims Commissioner: Limpopo has initially found the land claim to be complying with the requirements of Rule 3 of the Rules of the Commission on Restitution of Land Rights as read with Section 2 of the Restitution of Land rights Act No 22 of 1994 as amended.

Further investigation in terms of rule 5 finds the land claim to be non-compliant since it does not meet the set criteria in terms of section 2(2) (a) & (b) of the Restitution of Land Rights Act 22 of 1994 as amended.

It is therefore important to note that the below-mentioned property is being withdrawn from the above mentioned gazette.

The property description is as follows:

Property	Current Owner	Title Deed	Extent (Hectares)	Endorsements	Holder
Remaining extent of the farm Zorgvliet or Maraisgraf 650 KS	National Government of Republic of South Africa	T3722/1983PTA	5718678 H	K5483/2001RMPTA	Tungela Operations PTY LTD

Any party that has an interest in the above- mentioned property is hereby invited to submit in writing, within **90** days of publication of this notice, any comments, objections, or information under reference number **KRP 901 to:**

The Regional Land Claims Commission: Limpopo
Private Bag X 9552
Polokwane
0700

OR

Submission may also be delivered to
13th- 15th Floor, Thabakgolo Nedbank Building,50-58 Landros-Mare Street
Corner Rissik & Schoeman Streets
Polokwane
0700

MAPHUTHA L.H
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2025/03/12

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 6043 **28 March 2025**

WITHDRAWAL OF A LAND CLAIM FROM GAZETTE NUMBER 45498, NOTICE 1505 OF 2021 DATED 17 NOVEMBER 2021 IN TERMS OF SECTION 11A (4) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED IN RESPECT OF MOSEHLA TEBADI ANNA LAND CLAIM.

Notice is hereby given in terms of section 11A (4) of the Restitution of Land Rights Act, Act No. 22 of 1994 as amended, that Mosehla Tebadi Anna lodged a claim for restitution of land rights on the farm Steelpoortdrift 365 KT situated in Greater-Tubatse (now known as Fetakgomo-Tubatse) Local Municipality, Sekhukhune District of the Limpopo. This land claim was lodged on the 08 December 1998.

Further details of the property under claim are as follows:

Portion	Registered owner	Extent (ha)	Title Deed	Endorsements/ Encumbrances	Holder
Remaining extent	National Government of the Republic of South Africa	2440.7845 ha	T23967/1988PTA	KT, 365PTA	None
			T13467/2013PTA	K3689/2000RMPTA	Lebowa Mineral Trust
				K3690/2000SPTA	Vanadium Technology PTY LTD
Remaining extent of Portion 7	National Government of the Republic of South Africa	6.0078 ha	T100614/2016PTA	KT, 365PTA	None
				K3689/2000RMPTA	Lebowa Mineral Trust
				K3690/2000SPTA	Vanadium Technology PTY LTD.
				K438/2024L	The Malekane Community Trust.
				K7027/2016SPTA	Twin City Development PTY LTD.
				K7028/2016SPTA	Twin City Platinum City Prop PTY LTD

Notice is hereby given in terms of section 11A (4) of the Restitution of Land Rights Act, Act No. 22 of 1994 as amended, that Mosehla Tebadi Anna lodged a claim for restitution of land rights on the farm Steelpoortdrift 365 KT situated in Greater-Tubatse (now known as Fetakgomo-Tubatse) Local Municipality, Sekhukhune District of the Limpopo. This land claim was lodged on the 08 December 1998.

Take further notice that the Office of the Regional Land Claims Commissioner: Limpopo has investigated this land claim and it was found to be non-compliant with the provisions of Section 2 of the Restitution of Land Rights Act, 22 of 1994, as amended. Therefore, the office is hereby giving a Notice to withdraw this land claim on the above-mentioned property.

Any interested party affected hereby may, within a period of **30** days of publication hereof, submit his/her/its comment or objection hereto to the Office of the Regional Land Claims Commissioner at the address set out below, failing which the said notice shall **automatically** be withdrawn at the expiry of the said period.

The office of the Regional Land Claims Commissioner: Limpopo
Private Bag x9552
POLOKWANE
0700

Submission may also be delivered to:
13th – 15th Floor Thabakgolo Nedbank Building
50-58 Landros Mare Street
POLOKWANE
0700

MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER, SA
DATE: 2025/03/10

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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 6044 **28 March 2025**

AMENDMENT OF GAZETTE NOTICE NO. 140 OF 2018 AS CONTAINED IN GOVERNMENT GAZETTE NUMBER 41456 IN RESPECT OF THE LAND CLAIM LODGED BY MR. WILLIAM MOKATA BUTHANE

Notice is hereby given in terms of Section 11A (4) of the Restitution of Land Rights Act, 1994 (Act 22 of 1994) as amended, that an amendment is hereby made to government gazette No. 41456, notice No. 140 of 2018.

The amendment is made because, in terms of the further investigations that were conducted by the RLCC: Limpopo, the Office found that Buthane family lost rights on 11.9842 hectares of the farm De Loskop 198 LS and not Portion 3 of the farm De Loskop 205 LS, as indicated in the above-mentioned published Government gazette.

The below table depicts the correct property claimed by Mr. William Mokata Buthane on behalf of Buthane Family:

Property Name	Current owner	Title deed	Extent of the farm	Total hectares claimed	Endorsements	Holder
The farm De Loskop 198 LS	Loskop Plase PTY LTD	T31059/1997 PTA	2283.9671	11.9842	B1311/2019 B18/11/2019 B38054/2011PTA CONVERTED FROM PTA FROM-PTN2 &2,205&4,1	FIRSTRAND BANK LTD - 85&R/E1, 205, LS
Total hectares claimed		11.9842				

Take further notice that the Office of the Regional Land Claims Commissioner: Limpopo is processing this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing, within **90 days** of the publication of this notice, any comment, objection, or information under reference number **KRP 2421**

Office of the Regional Land Claims

Commissioner: Limpopo
Private Bag x9552
Polokwane
0700

Submissions may also be delivered to:

61 Biccard Street
Corner Grobler & Biccard Streets
Polokwane
0700

MR. LEBJANE HARRY MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2025/03/07

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AMENDMENT OF GAZETTE NOTICE NUMBER 3814 OF 2023

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 11A (4) of the Restitution of Land Rights Act, Act No. 22 of 1994 as amended, that an amendment is hereby made to Gazette Notice 3814 of 2023, Government Gazette No. 49189. The amendment of this gazette is made to **withdraw all portions of the farm Kennedys Vale 361 KT**, situated in Fetakgomo-Tubatse Local Municipality, Sekhukhune District of the Limpopo Province.

This gazette is in relation to the land claim lodged by Ms. Mathabathe Mathibele Margaret on behalf of the Mbuyane family before the cut-off date of 31 December 1998. Further investigations that were done by the Office of the Regional Land Claims Commissioner: Limpopo indicates that the Mbuyane family was dispossessed of land rights from part of portion 46 of the farm Goudmyn 337 KT.

The correct property under claim to be **included in the gazette** is as follows:

PROPERTY DESCRIPTION	CURRENT OWNER OF THE PROPERTY	TITLE DEED	EXTENT OF PROPERTY	BONDS/ENDORSE MENTS	HOLDER
Portion of portion 46 of farm Goudmyn 337 KT	SAMANCOR CHROME LTD	T290/2023	2950782 H **Extent of land under claim=1,2204 H**	CONSOLIDATED FROM	REG DIV KT, NAME GOUDMYN,NO 337, PRTN 44 REG DIV KT, NAME GOUDMYN,NO 337, PRTN 45

All interested parties should take note that the Officer of the Regional Land Claims Commissioner: Limpopo is processing this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing within **30** days of publication of this notice, any comments, objections or information under reference number **KRP 4640**:

The office of the Regional Land Claims Commissioner: Limpopo
Private Bag x9552
POLOKWANE
0700

Submission may also be delivered to:
13th Floor, 50-58 Thabakgolo Nedbank Building
50-58 Landros Mare Street
POLOKWANE
0700

MR L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2025/08/14

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 6046 **28 March 2025**

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

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

REF NO	CLAIMANT	PROPERTY DESCRIPTION & CLAIMED EXTENT	CURRENT LANDOWNERS	BONDS / NO BONDS	DEED OF TRANSFER	INTERESTED PARTIES
OP 002	Mr. Abdul Raman Khan	Portion 163 of the farm Klipfontein 83 IR Claimed extent: 1.2877	Republiek Van Suid Afrika	None	T36456/1982	Land Claimant, the current Landowners, and the City of Ekurhuleni Metropolitan Municipality

Take further notice that the Commission on Restitution of Land Rights investigated the claim in terms of the provisions of Rule 5 of the Rules Regarding Procedure of Commission Established in terms of section 16 of Restitution of Land Rights Act as amended. Any interested party on the claim is hereby invited to submit, representations in terms of section 11A of the Restitution of Land Rights Act 22 of 1994 as amended within 30 (thirty) working days from the publication date of this notice, any comments/information may be send to:

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

MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2025/03/17

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

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

REF NO	CLAIMANT	PROPERTY DESCRIPTION & CLAIMED EXTENT	CURRENT LANDOWNERS	BONDS / NO BONDS	DEED OF TRANSFER	INTERESTED PARTIES
Z 0340 (KRP10056)	Mr. Chela Geelbooi Phuti	Portion 14 (Remaining Extent) of the farm Leeuwfontein 487 JR Claimed Extent = 6.2681 hectares	National Government of the Republic of South Africa	None	T53410/2009	Land Claimant, the current Landowners, and the City of Tshwane Metropolitan Municipality

Take further notice that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of Rule 5 of the Rules Regarding Procedure of Commission Established in terms of section 16 of Restitution of Land Rights Act as amended. Any interested party on the claim is hereby invited to submit, representations in terms of section 11A of the Restitution of Land Rights Act 22 of 1994 as amended within 90 (ninety) working days from the publication date of this notice, any comments/information may be send to:

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

MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2025/03/14

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 6047 **28 March 2025**

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT, 1947 (ACT NO. 36 OF 1947)

REGULATIONS RELATING TO THE TARIFFS FOR THE REGISTRATION OF FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES, STOCK REMEDIES, STERILIZING PLANTS AND PEST CONTROL OPERATORS, APPEALS AND IMPORTS: AMENDMENT

The Minister for Agriculture, Land Reform and Rural Development, has under Section 23 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), made the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government notice No. R. 1449 of 1 July 1983, as amended by government Notices Nos. R. 96 of January 1984, R. 2055 of 14 September 1984, R. 1053 of 3 June 1988, R. 1242 of 9 June 1990, r. 1409 of 6 August 1993, R.1592 of 30 September 1996, r. 1017 of 14 August 1998, R. 216 of 10 March 2000, R. 964 of 5 October 2001, R. 1096 of 30 August 2002, R. 1475 of 17 October 2003, R. 3448 of 15 April 2005, R.1139 of 2 December 2005, R. 225 of 17 March 2006, R935 of 22 September 2006, R. 956 of 29 September 2006, R. 1086 of 3 November 2006, R. 1087 of 3 November 2006, R. 250 of 23 March 2007, R. 483 of 8 June 2007, R.755 of 18 July 2008,R.112 of 13 February 2009, R.72 of 12 February 2010 and R.97 of 18 February 2011, R.75 of 8 February 2013, R259 of 5 April 2013, R 207 of 1 April 2014, R 285 of 31 March 2015,
R 372 of 29 March 2016, No R 310 of 31 March 2017, No R 394 of 28 March 2018,
No R 471 of 29 March 2019, No.R.395 of 27 March 2020, No. R. 265 of 26 March 2021
No R 1978 of 1 April 2022, No R 1752 of 21 April 2023, No R4482 of 8 March 2024.

Substitution of Table 1 of the Regulations R 4482 of 08 March 2024

2. The Regulations are hereby amended by the substitution for Table 1 of the following table:

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Table 1
"FEES PAYABLE"

TARIFFS, RATES AND SCALES FOR SERVICES, GOODS AND SUPPLIES PROVIDED BY THE DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
AGRICULTURE INPUTS CONTROL			
FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT, 1947 (Act No. 36 of 1947)			
1 REGISTRATIONS: Application for registration of Farm Feed and Pet Food including application on lapsed registration, parallel and daughter registrations.			
Kinds of Farm Feeds and Pet Food (Groups and kinds)			
1.1 Importers for own use			
1.1 (a) Raw material of plant, animal origin and their by-products including blended raw materials of plant and animal origin and their by-products	R 1 923.00 per application/product	R 2 023.00 per application/product	Registration is valid for 3 years
1.1 (b) **Feed Additives**			
(i) Technological additives	R 3 499.00 per application/product	R 3 681.00 per application/product	Registration is valid for 3 years
(ii) Sensory additives	R 1 923.00 per application/product	R 2 023.00 per application/product	Registration is valid for 3 years.
(iii) Zootechnical additives	R 3 499.00 per application/product	R 3 681.00 per application/product	
(iv) Nutritional additives	R 1 923.00 per application/product	R 2 023.00 per application/product	

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
(v) Nutritional Additives Premixes	R 3 499.00 per application/product	R 3 681.00 per application/product	
(vi) Livestock feeds (complete concentrate and supplements)	R 3 499.00 per application/product	R 3 681.00 per application/product	
1.1 (c) **Pet foods**			
(i) Complete dog and cat foods	R 3 499.00 per application/product	R 3 681.00 per application/product	Registration is valid for 3 years.
(ii) Complete miscellaneous pet foods	R 929.00 per application/product	R 977.00 per application/product	Registration is valid for 3 years.
(iii) Complementary pet foods	R 1 399.00 per application/product	R 1 472.00 per application/product	Registration is valid for 3 years.
(iv) Pet-Neutraceuticals	R 3 499.00 per application/product	R 3 681.00 per application/product	Registration is valid for 3 years.
(v) Herbal supplements (including horses)	R 929.00 per application/product	R 977.00 per application/product	
(vi) Nutritional supplements (including horses)	R 1 923.00 per application/product	R 2 023.00 per application/product	
(vii) Seed and Grain mixtures	R 929.00 per application/product	R 977.00 per application/product	
1.2 **Importers for retail / Local trader/ Distributor/ Seller/ Manufacture for retail/ Parallel registration/ Daughter registration**			
1.2 (a) Raw material of plant, animal origin and their by-products including blended raw materials of plant and animal origin and their by-products	R 3 152.00 per application/product	R 3 316.00 per application/product	

NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
1.2 (b) **Feed Additives**			
(i) Technological additives	R 6 179.00 per application/product	R 6 500.00 per application/product	
(ii) Sensory additives	R 3 674.00 per application/product	R 3 865.00 per application/product	
(iii) Zootechnical additives	R 6 179.00 per application/product	R 6 500.00 per application/product	
(iv) Nutritional additives	R 3 674.00 per application/product	R 3 865.00 per application/product	
(v) Nutritional additives premixes	R 6 179.00 per application/product	R 6 500.00 per application/product	
(vi) Livestock feeds (complete concentrate and supplements)	R 6 179.00 per application/product	R 6 500.00 per application/product	

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
1.2 (c) **Pet food**			
(i) Complete dog and cat foods	R 6 179.00 per application/product	R 6 500.00 per application/product	
(ii) Complete miscellaneous pet foods	R 1 923.00 per application/product	R 2 023.00 per application/product	
(iii) Complementary pet foods	R 1 923.00 per application/product	R 2 023.00 per application/product	
(iv) Pet-Neutraceuticals	R 6 179.00 per application/product	R 6 500.00 per application/product	
(v) Herbal supplements (including horses)	R 1 923.00 per application/product	R 2 023.00 per application/product	
(vi) Nutritional supplements (including horses)	R 3 674.00 per application/product	R 3 865.00 per application/product	
(vii) Seed and Grain mixtures	R 1 923.00 per application/product	R 2 023.00 per application/product	
2. RENEWALS: **Application for the renewal of the registration of a Farm Feed and Pet Food** **(Groups and kinds of farm feeds and pet food)**			
2.1 **Importers for own use**			
2.1 (a) Raw material of plant, animal origin and their by-products including blended raw materials of plant and animal origin and their by-products	R 730.00 per application/product	R 768.00 per application/product	

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
2.1 (b) **Feed Additives**			
(i) Technological additives	R 730.00 per application/product	R 768.00 per application/product	
(ii) Sensory additives	R 730.00 per application/product	R 768.00 per application/product	
(ii) Zootechnical additives	R 730.00 per application/product	R 768.00 per application/product	
(iv) Nutritional additives	R 730.00 per application/product	R 768.00 per application/product	
(v) Nutritional Additives Premixes	R 730.00 per application/product	R 768.00 per application/product	
(vi) Livestock feeds (complete, concentrate and supplements)	R 730.00 per application/product	R 768.00 per application/product	
2.1 (c) **Pet Food**			
(i) Complete dog and cat foods	R 730.00 per application/product	R 768.00 per application/product	-do-
(ii) Complete miscellaneous pet foods	R 730.00 per application/product	R 768.00 per application/product	-do-
(iii) Complementary pet foods	R 730.00 per application/product	R 768.00 per application/product	-do-
(iv) Pet-Neutraceuticals	R 730.00 per application/product	R 768.00 per application/product	-do-
(v) Herbal supplements (including horses)	R 730.00 per application/product	R 768.00 per application/product	
(vi) Nutritional supplements (including horses)	R 730.00 per application/product	R 768.00 per application/product	
(vii) Seed and Grain mixture	R 730.00 per application/product	R 768.00 per application/product	

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
2.2. **Importers for retail/ Local trader/Distributor/ Seller/ Manufacture for retail/ Parallel registration/ Daughter registration**			
2.2 (a) Raw material of plant, animal origin and their by-products including blended raw material of plant and animal origin and their by-products	R 1 635.00 per application/product	R 1 720.00 per application/product	
2.2 (b) **Feed Additives**			
(i) Technological additives	R 2 963.00 per application/product	R 3 117.00 per application/product	
(ii) Sensory additives	R 1 761.00 per application/product	R 1 853.00 per application/product	
(iii) Zootechnical additives	R 2 963.00 per application/product	R 3 117.00 per application/product	
(iv) Nutritional Additives	R 1 761.00 per application/product	R 1 853.00 per application/product	
(v) Nutritional Additives Premixes	R 2 963.00 per application/product	R 3 117.00 per application/product	
(vi) Livestock feeds (complete, concentrate and supplements)	R 2 963.00 per application/product	R 3 117.00 per application/product	

NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
2.2 (c) **Pet Food**			
(i) Complete dog and cat foods	R 2 963.00 per application/product	R 3 117.00 per application/product	
(ii) Complete miscellaneous pet foods	R 929.00 per application/product	R 977.00 per application/product	
(iii) Complementary pet foods	R 929.00 per application/product	R 977.00 per application/product	
(iv) Pet-Neutraceuticals	R 2 963.00 per application/product	R 3 117.00 per application/product	
(v) Herbal supplements including horses.	R 929.00 per application/product	R 977.00 per application/product	
(vi) Nutritional supplements (including horses)	R 1 761.00 per application/product	R 1 853.00 per application/product	
(vii) Seed and Grain mixture	R 929.00 per application/product	R 977.00 per application/product	

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3 LATE RENEWAL APPLICATIONS: **Payment additional to that mentioned in 2.1 (a)-(c) and 2.2 (a)-(c) above, in case of a late application for the renewal of animal feed and pet food.**			
3.1. **Importers for own use**			
(i) Raw material of plant, animal origin and their by-products including blended raw materials of plant and animal origin and their by product.	R 560.00 per application/product	R 589.00 per application/product	
(ii) Groups and kinds of farm feeds and pet food mentioned 2.1(b & c)	R 560.00 per application/product	R 589.00 per application/product	
(Groups and kinds of farm feeds and pet food for):			
3.2. **Importers for retail/ Local trader/ distributor/ Seller/ Manufacture for retail/Parallel registration/ Daughter registration**			
3.2. (a) Raw material of plant, animal origin and their by-products including blended raw materials of plant and animal origin and their by - products	R 888.00 per application/product	R 934.00 per application/product	

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
3.2 (b) **Livestock Feed Additives**			
(i) Technological additives	R 1 743.00 per application/product	R 1 834.00 per application/product	
(ii) Sensory additives	R 1 037.00 per application/product	R 1 091.00 per application/product	
(iii) Zootechnical additives	R 1 743.00 per application/product	R 1 834.00 per application/product	
(iv) Nutritional Additives	R 1 037.00 per application/product	R 1 091.00 per application/product	
(v) Nutritional Additives Premixes	R 1 743.00 per application/product	R 1 834.00 per application/product	
(vi) Livestock feeds (complete concentrate and supplements	R 1 743.00 per application/product	R 1 834.00 per application/product	
3.2 (c) **Pet Food**			
(i) Complete dog and cat foods	R 1 743.00 per application/product	R 1 834.00 per application/product	
(ii) Complete miscellaneous pet food	R 542.00 per application/per product	R 570.00 per application/per product	
(iii) Complementary pet food	R 542.00 per application/product	R 570.00 per application/product	
(iv) Pet Neutraceuticals	R 1 743.00 per application/product	R 1 834.00 per application/product	
(v) Herbal supplements (including horses)	R 542.00 per application/product	R 570.00 per application/product	
(vi) Nutritional supplements (including horses)	R 1 037.00 per application/product	R 1 091.00 per application/product	
(vii) Seed and Grain mixture	R 542.00 per application/product	R 570.00 per application/product	
4. Any other minor amendment to the registered product requested by the registration holder, e.g. transfer of registration, company and	R 1 399.00 per application/product	R 1 472.00 per application/product	

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
product name change, label amendment, additional manufacturer etc.			
4.1 **Payment for information and other services**.			
(i) Import Permit	R 804.00 per product	R 846.00 per product	
(ii) Advertisement approval	R 929.00 per request	R 977.00 per request	
(iii) Free Sale certificate	R 77.00 per certificate	R 81.00 per certificate	
(iv) Re-print of the certificate	R 77.00 per certificate	R 81.00 per certificate	
(v) Other documents	R 139 per request plus, R1.00 per page	R 146 per request plus, R1.00 per page	
(vi) Guideline documents	#	#	Guidelines are available for download on DALRRD website for free.
(vii) An appeal under section 6 of Act no 36 of 1947	R 7 928.00 per application/product	R 8 340.00 per application/product	
5. Application for sterilization plant			
5.1 Application for the registration of the Sterilization plant.	R 5 806.00 per application/product	R 6 108.00 per application/product	
5.2 Application for the renewal of the sterilization plant and rendering plant	R 2 985.00 per application/product	R 3 140.00 per application/product	Renewal is valid for 3 years.

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
5.3 Payment additional to that mentioned in 5.2 in case of late application for the renewal of the sterilizing plant and rendering plant	R 2 223.00 per application/plant	R 2 339.00 per application/plant	
5.4 **Payments for information and other services.**			
(i) Import Permit	R 804.00 per product	R 846.00 per product	
(ii) Advertisement approval	R 929.00 per advertisement.	R 977.00 per advertisement.	
(iii) Free Sale certificate	R 77.00 per certificate	R 81.00 per certificate	
(iv) Re- print of the certificate	R 77.00 per certificate	R 81.00 per certificate	
(v) Other documents	R 139 per request plus, R1.00 per page	R 146 per request plus, R1.00 per page	
(vi) Any other amendment on registered product requested by the registration holder, e.g., transfer of registration, company, and product name change, etc.	R 1 399.00 per application/product.	R 1 472.00 per application/product.	
(vii) An appeal under section 6 of Act No 36 of 1947	R 7 928.00 per application/product.	R 8 340.00 per application/product.	

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
6 Application for the registration of fertilizers			
6.1 Application for registration of fertilizer products including lapsed registration, parallel and daughter registration.	R 5 806.00 per application/product	R 6 108 per application/product	Registration is valid for 3 years.
6.2 Application for the renewal of the Fertilizer product	R 2 986.00 per application/product	R 3 141.00 per application/product	Renewal is valid for 3 years.
6.3 Payment additional to that mentioned in 6.2 in case of late application for the renewal of the fertilizer product	R 2 223.00 per application/product	R 2 339.00 per application/product	
6.4 Application for a group 3 fertilizer product including lapsed registration, parallel and daughter registration.	R 8 513.00 per application/product	R 8 956.00 per application/product	
6.5 **Payment for information and other services.**			
(i) Import Permit	R 804.00 per product	R 846.00 per product	
(ii) Advertisement approval	R 929.00 per advertisement	R 977.00 per advertisement	
(iii) Free Sale certificate	R 77.00 per certificate	R 81.00 per certificate	
(iv) Re- print of the certificate	R 77.00 per certificate	R 81.00 per certificate	
(v) Other documents	R 139 per request plus, R1.00 per page	R 146 per request plus, R1.00 per page	
(vi) Guideline documents	#	#	
(vii) Any other amendment requested by the registration holder, e.g., change	R 1 399.00 per application/product	R 1 472.00 per application/product	

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
in product name, change in company name, address, etc.			
(viii) An appeal in terms of section 6 of Act 36 of 1947	R 7 928.00 per application	R 8 340.00 per application	
7 Application for Registration of Pest Control Operator			
7.1 Application for registration of Pest Control Operator including lapsed registration.	R 2 986.00 per application	R 3 141.00 per application/product	Registration is valid for 3 years.
7.2 Application for the renewal of the Pest Control Operator.	R 1 577.00 per application	R 1 659.00 per application/product	Renewal is valid for 3 years.
7.3 Payment additional to that mentioned in 7.2 in case of late application for the renewal of Pest Control Operator certificate.	R 838.00 per application	R 882.00 per application/product	
7.4 An appeal in terms of section 6 of Act No.36 of 1947	R 7 928.00 per application/product	R 8 340.00 per application/product	
7.5 Payment for information and documentation.	R 139 per request plus, R1.00 per page	R 146 per request plus, R1.00 per page	
7.6 Re-print of the certificate	R 77.00 per certificate	R 81.00 per certificate	
8 Application for Registration of an Agricultural Remedy /Stock Remedy			
8.1 Application for the registration of an Agricultural Remedy or Stock Remedy including lapsed registration, parallel and daughter registration.	R 12 905.00 per application/product	R 13 576.00 per application/product	Registration is valid for 3 years.
8.2 Application for the renewal of the registration of an Agricultural Remedy or Stock Remedy	R 6 468.00 per application/product	R 6 804.00 per application/product	Renewal is valid for 3 years.

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
8.3 Payment additional to that mentioned in 8.2 in case of late application for renewal of an Agricultural Remedy or Stock Remedy.	R 4 515.00 per application/product	R 4 750.00 per application/product	
8.4 **Other services payments:**			
(a) Approval of additional or new source of active ingredient(s), for Agricultural Remedies	R 6 826.00 per application/product	R 7 181.00 per application/product	
(b) Change of active ingredient purity specification/ notification of new impurity of technical material/ manufacturing process change	R 6 826.00 per application/product	R 7 181.00 per application/product	
(c) Change of manufacturer or additional manufacturer for Stock Remedy or Agricultural Remedy.	R 6 826.00 per application/product	R 7 181.00 per application/product	
(d) Major change in the formulation	R 6 826.00 per application/product	R 7 181.00 per application/product	
(e) Minor change in the formulation	R 1 399.00 per application/product	R 1 472.00 per application/product	
(f) Amendment of shelf life/packaging material for Stock Remedy or Agricultural Remedy	R 6 826.00 per application/product	R 7 181.00 per application/product	
(g) Additional claim(s) and withdrawal period requested by the registration holder of an Agricultural Remedy or Stock Remedy	R 12 905.00 per application/product	R 13 576.00 per application/product	
(h) Amendment requested by the office of the Registrar in relation to restricted or controlled substance.	Free	Free	

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
(i) Change in product name, change in company name, address, spelling mistakes, species scientific name changes excluding technical changes.	R 1 399.00 per application/product	R 1 472.00 per application/product	
(j) Any other minor amendments excluding technical on registered product requested by the registration holder e.g., manufacture name change, supplier name change, transfer of registered valid registration, administrative amendments, etc.	R 1 399.00 per application/product	R 1 472.00 per application/product	
(k) Dossier updates or notifications for Stock Remedies and Agricultural Remedies	R 1 399.00 per application/product	R 1 472.00 per application/product	
(l) Approval of change of artwork on approved label, e.g., artwork approval and minor label amendment	R 1 399.00 application/product	R1 472.00 application/product	
(m) Protocol approval	R 4 110.00 per application/product	R 4 324.00 per application/product	
(n) Data waiver application: scientific data analysis	R 4 110.00 per application/product	R 4 324.00 per application/product	
(o) Fulfillment of conditional registration in case of emergency registration, e.g., minor crops/ minor species in Agricultural remedies and Stock remedies.	R 2 097.00 per application/product	R 2 206.00 per application/product	
(p) Technical/Data evaluation in case of application for an exemption.	R 2 097.00 per application/product	R 2 206.00 per application/product	

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NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2024	TARIFF APPLICABLE FROM 1 APRIL 2025	REMARKS / EXPLANATION
8.5 **Payment for information and other Services.**			
(i) Import Permit	R 804.00 per product	R 846.00 per product	
(ii) Advertisement approval	R 929.00 per advertisement	R 977.00 per advertisement	
(iii) Free Sale certificate	R 77.00 per certificate	R 81.00 per certificate	
(iv) Re- print of the certificate	R 77.00 per certificate	R 81.00 per certificate	
(v) Other documents	R 139 per request plus, R1.00 per page	R 146 per request plus, R1.00 per page	
(vi) Guideline documents	#	#	Guidelines are available free on DALRRD website.
(vii) An appeal in terms of section 6 of Act no 36 1947	R 7 928.00 per application	R 8 340.00 per application	

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 6048 **28 March 2025**

NOTICE IN TERMS OF SECTION 62(7) OF THE LABOUR RELATIONS ACT, 66 OF 1995.

PLEASE TAKE NOTICE THAT: -

1. The Association of Mineworkers and Construction Union has applied to the Commission for Conciliation, Mediation and Arbitration in terms of section 62(1) of the Labour Relations Act of 1995 for demarcation to the effect that the operations of RSC Industrial Services (Pty) Ltd and Umdeni Maintenance Services a CSG Group Company (Pty) Ltd fall within the scope of the Metal and Engineering Industries Bargaining Council.

2. The parties to the dispute as cited are as follows:

Association of Mine Workers Construction Union	APPLICANT
RSC Industrial Services (Pty) Ltd	FIRST RESPONDING
Umdeni Maintenance Services a CSG Group Company (Pty) Ltd	INTERESTED PARTY
The Metal And Engineering Industries Bargaining Council	INTERESTED PARTY

3. The CCMA believes that the question is of substantial importance and hereby invites written representation by interested persons.

4. Written representations may be made within 21 calendar days of the date of publication of this notice and should be directed to the CCMA, Western Cape - Cape Town CCMA House, 78 Darling Street, Cape Town, 8001, or Private Bag X9167, Cape Town, 8000 and marked WECT17988 - 24. Representations may also be e-mailed to ctn@ccma.org.za.

5. The CCMA Western Cape may be contacted for any enquiries at telephone number 021 469-0111.

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 6049 **28 March 2025**

NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT, 2008 (ACT NO. 24 OF 2008)

THE DRAFT NATIONAL COASTAL MANAGEMENT PROGRAMME 2025

I, Dr Dion Travers George, the Minister of Forestry, Fisheries and the Environment, hereby invite the public to comment on the revised draft National Coastal Management Programme (NCMP) in terms of section 44(2) of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (ICM Act). A copy of the draft NCMP can be downloaded from the Department of Forestry, Fisheries and the Environment's website: **www.dffe.gov.za/legislation/gazetted_notices** or can be obtained electronically upon request by email to **mmnwana@dffe.gov.za**. A hard copy can also be obtained from the Department's offices at the address indicated below by prior arrangement with the person indicated for enquiries.

The first NCMP was adopted and implemented from 2015. The NCMP is a statutory instrument required by the ICM Act. The primary purpose of the NCMP is to provide an integrated, co-ordinated and uniform approach to coastal management in the Republic by organs of state in all spheres of government, non-governmental organisations, the private sector and local communities. It is one of the most powerful integration tools provided by the ICM Act and represents the national government's commitment to a suite of priorities, management objectives and actions with tangible outcomes contributing to the steady achievement of the national vision for coastal management.

Some of the revisions to the NCMP include:

- update of the Implementation Plan: 2025-2030
- streamlining of priorities and actions for coastal management in South Africa
- the inclusion of State of the Coast Indicators for future reporting; and
- enhanced guidance to coastal provinces and municipalities for alignment and consistency between the municipal, provincial and national programmes.

Members of the public are invited to submit written representations on or objections to the draft programme within 30 days after the publication of this notice in the Gazette or advertisement in the newspaper, whichever is the later date. Written representations received after this may be disregarded.

All representations must be submitted in writing to the Deputy Director-General of the Department of Forestry, Fisheries and the Environment, Branch: Oceans and Coasts.

By hand: The Deputy Director-General
Attention: Ms Makwarela Mnwana
Department of Forestry, Fisheries and the Environment
Branch: Oceans and Coasts
East Pier Building No. 2, East Pier Road
V&A Waterfront, Cape Town
8000

By e-mail: mmnwana@dffe.gov.za
Enquiries: Ms Makwarela Mnwana on 072 034 6698.

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses to those comments are collated into a comments and response report which will be made available to the public as part of the consultation process. If you have any objection to your name being made publicly available in the comments and responses report, that objection should be highlighted in bold as part of the comments submitted.

DR DION TRAVERS GEORGE
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DEPARTMENT OF HOME AFFAIRS

NO. 6050 **28 March 2025**

ALTERATION OF SURNAMES IN TERMS OF SECTION 26 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)

The following entry published in the Government Gazette No. **29791** Government Gazette Notice No. **329** Entry No. **398** dated **20 April 2007** is hereby withdrawn.

Michael Kgotso Setrepo — 780325 5486 086 — P O Box 1, Boyne, Pretoria — Lekganyane

DEPARTMENT OF HOME AFFAIRS

NO. 6051 **28 March 2025**

ALTERATION OF FORENAMES IN TERMS OF SECTION 24 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)

The following entry published in the Government Gazette No. **32233** Government Gazette Notice No. **819** Entry No. **575** dated **22 May 2009** is hereby withdrawn.

1. Michael Kgotso Lekganyane - 780325 5486 086 - 24 Ramasodi Street, ATTERIDGEVILLE, 0008 - *Maditobane Barnabas*

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

NO. 6052 **28 March 2025**

MINE HEALTH AND SAFETY ACT, 1996 (ACT NO 29 OF 1996)

AMENDMENTS TO THE REGULATIONS RELATING TO RESCUE, FIRST AID AND EMERGENCY PREPAREDNESS AND RESPONSE

I **Samson Gwede Mantashe, MP,** Minister of Mineral and Petroleum Resources, under section 98 (1) (zP) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996) and after consultation with the Council, hereby amend Chapter 16 of the regulations to the Mine Health and Safety Act, as set out in the in the schedule.



MR. S.G. MANTASHE, MP

MINISTER OF MINERAL AND PETROLEUM RESOURCES

DATE: 28/02/2025

SCHEDULE

Amendment of Chapter 16 of the regulations

1. Chapter 16 of the regulations to the Mine Health and Safety Act is hereby amended by the substitution for Chapter 16 of the following chapter:

Definitions

For purposes of Chapter 16, unless the context indicates otherwise –

"**Breathing apparatus**" means an apparatus, which renders the user independent from breathing from the atmosphere for a minimum of two (2) hours;

"Data Logging Facility" means a system that collects, stores, and manages data related to the last known location of the wearer of a missing persons locator device over time;

"**Emergency**" means a situation, event or set of circumstances at a mine that could threaten the health or safety of persons at or off the mine, and which requires immediate remedial action, such as the evacuation, rescue or recovery of persons, to prevent serious injury or harm, or further serious injury or harm, to persons;

"Emergency Medical Care" means provision for facilities, suitably trained medical persons and response time capabilities to treat and evacuate persons who are in an emergency situation;

"**Fresh Air Base**" means the closest, safe place in through-ventilation to the site of an emergency;

"Gassing" means, for the purpose of this chapter, an incident where a person is/has been exposed to a hazardous or toxic gas which exceed the immediately dangerous to life and health level for respirable atmospheres.

"**Irrespirable atmosphere**" means an atmosphere in a mine requiring persons to wear breathing apparatus or Self-Contained Self-Rescuers (SCSR) due to the presence of hazardous gas, fumes or insufficient oxygen caused by an incident at the mine e.g. as a result of but not limited to combustible gases explosions, coal-dust explosions, combined gas and dust explosions, or mine fires.

Missing person" means a person who is unaccounted for by the employer during or after any shift;

"**Obsolete SCSR**" means any Self-Contained Self-Rescuer that is older than ten years from date of manufacturing;

"Refuge Bay" means a durable and safe place located within a safe evacuation distance of each working place as stipulated in the mines' code of practice for Emergency Preparedness and Response.

"**Self-Contained Self-Rescuer (SCSR)**" means a portable oxygen source (chemical or stored) that, when activated, will provide breathable air and includes:

a) "**Body-Worn Self-Contained Self-Rescuer (BWSCSR)**" means a SCSR designed to be worn by workers on their body for the duration of a complete underground working shift.

b) "**Long duration Self-Contained Self-Rescuer (LDSCSR)**" means a SCSR that will supply oxygen for a minimum of 60 minutes at a ventilation rate of 35 litres per minute. The unit must provide oxygen instantly when activated e.g. by chemical reaction or compressed air starters.

"Surface Fire Responder" means a person trained as stipulated in regulation 16.5(7) by a Mines Rescue Services provider, that is capable to deal with incidents and/or emergencies that may occur on every works, mine, surface mining operations or any mineral exploitation site other than underground mining.

"**Unauthorised, Self-Contained Self-Rescuer**" means a SCSR that has not been certified in terms of South African Bureau of Standards specification SANS 1737: "Body-Worn escape type breathing apparatus"

16.1 Report to Employer Relating to events that might lead to an emergency

(1) The employer must ensure that competent persons report to the employer on the adequacy of emergency preparedness and response capabilities at appropriate intervals determined in accordance with the mine's risk assessment, on the adequacy of measures put in place for the management of the following events whether underground, on surface or both:

a) Fires and explosions

b) Flooding

c) Chemical release

d) Biological release

e) Gassing

f) Engineering emergencies (Electrical, mechanical, metallurgical, processing)

g) Mining – (seismicity, falls of ground)

(2) Report to the Employer on Emergency medical care

The employer must ensure that a competent person reports to the employer on the adequacy of emergency medical care and response capabilities at appropriate intervals as determined in accordance with the mine's risk assessment.

16.2 Issuing and deployment of Self-Contained Self-Rescuers

16.2.1 Underground Operations

The employer of every underground mine must ensure that no person goes underground at the mine without a **BWSCSR**, which complies with the latest amended version of the South

African Bureau of Standards specification SANS 1737 "Body-Worn escape type breathing apparatus".

16.2.2 Surface Operations

If at any surface mining operation, the risk assessment in terms of section 11 shows that employees are exposed to **irrespirable atmospheres** in any surface area at the mine, the employer must ensure that no person goes into such area without a **BWSCSR** which complies with the South African Bureau of Standards specification SANS 1737 "Body-Worn escape type breathing apparatus"

16.2.3 Sole Allocation of a Body Worn Self-Contained Self-Rescuer

The employer must take reasonably practicable measures to ensure that any **BWSCSR** supplied to any employee in terms of sub regulations 16.2.1 and 16.2.2, must be allocated to the employee for that employee's sole use for the duration of the deployment of that **SCSR** at the mine or until that **SCSR** becomes defective and the employee is issued with another **SCSR** as required by these regulations.

16.2.4 Deployment and use of a Self-Contained Self-Rescuer

a) Any employee issued with a **BWSCSR** must wear it on the body at all times while underground at the mine or in places on surface as outlined in regulation 16.2.2;

b) Any employee issued with a **SCSR** must use it in an **emergency** where an **irrespirable atmosphere** could exist and for purposes of escape to a **refuge bay** or place of safety.

16.2.5 Training on Self-Contained Self-Rescuer

The employer must ensure that:

a) all employees issued with SCSRs are trained in the use of such an SCSR as per the provisions set out in the Mandatory Code of Practice for Lamproom Management as amended; and

b) Any employee who may be required to use a **SCSR** during an **emergency** is either trained in the use of **SCSR** or will only use it under the direct supervision of a person so trained.

16.3 No Defective, Obsolete or Unauthorised Self-Contained Self-Rescuer to be issued for use

1) The employer must ensure that no defective, obsolete or unauthorised **BWSCSR** is issued for use to any person at a mine.

2) The employer must ensure that no defective, obsolete or unauthorised **LDSCSR** under their respective control is deployed during emergencies.

16.4 Monitoring Programme

Annual testing of Self-Contained Self-Rescuers

1) The employer must annually have a representative sample of the **SCSRs**, both **BWSCSR** and **LDSCSR**, in use or in reserve at the mine, tested by an organisation accredited to do so in terms of the South African National Accreditation System, for the assessment of the structural integrity and functional performance.

2) Where **LDSCSRs** are kept in a surface rescue room at a mine or at the premises of the mines rescue service provider, the mine and the mines rescue service provider must ensure that **LDSCSRs** are tested by an organisation accredited to do so in terms of the South African National Accreditation System, for the assessment of the structural integrity and functional performance.

3) Such a representative sample, as stated in sub-regulations 1 and 2 above, must not be less than 1% of the total number of **BWSCSRs** and not less than 1% of the total number of **LDSCSRs** in use at the mine or by a mines rescue service provider or in reserve. 1% of each sample must be representative of the make, age, and deployment of the **SCSR**.

Record keeping

4) The employer must keep the following information, relating to the **SCSR** at the mine, comprising the preceding 24 months. This information must be readily available at the mine:

   a) The total number and make of **BWSCSRs** in service at the mine;

   b) The number and make of **BWSCSRs** purchased by the mine in that period;

   c) The number and make of **BWSCSRs** withdrawn from use by the mine in that period;

   d) The number of shifts worked per day (1, 2 or 3);

   e) The number of **BWSCSRs** issued daily (average for each month);

   f) The number of employees working underground (on average per shift);

   g) The number of spare **BWSCSRs** available (average per month);

   h) A tabulation of the type of defects found;

   i) The number of **BWSCSRs** repaired/refurbished; and

   j) The number of **BWSCSRs** tested in terms of regulation 16.4(1)

5) The employer must keep the following information, relating to the **LDSCSRs** in use at the mine, covering the preceding 24 months. This information must be readily available at the mine:

   a) The total number and makes of **LDSCSRs** in service at the mine or mines rescue service provider;

   b) The number and make of **LDSCSRs** purchased by the mine or mines rescue service provider in that period;

c) The number and make of **LDSCSRs** withdrawn from use by the mine or mines rescue service provider in that period;

d) A tabulation of the type of defects found;

e) The number of **LDSCSRs** repaired/refurbished; and

f) The number of **LDSCSRs** tested in terms of regulation 16.4(1);

g) The number of spare **LDSCSRs** available (average per month);

h) A tabulation of the type of defects found;

i) The number of **LDSCSRs** repaired/refurbished; and

j) The number of **LDSCSRs** tested in terms of regulation 16.4(1).

16.5 Emergency Preparedness and Response

Mine Rescue Teams

1) The employer at every underground mine must-
   (a) Provide and maintain, readily available at the *mine*, mine rescue teams in the following minimum proportions determined by the maximum number of persons who could be underground at any one time-
      (i) where there could be between 150 and 3600 persons underground, at least 2 mine rescue teams.
      (ii) where there could be between 3601 and 8100 persons underground at least 4 mine rescue teams; and
      (iii) where there could be more than 8100 persons underground at least 4 mine rescue teams and at least 1 additional mine rescue team for every additional 5000 persons who could be underground.
   (b) At any underground mine where there may be less than 150 persons underground as contemplated in regulation 16.5(1)(a)(i) enter into a contract with a mines rescue service provider that has the resources to assist with mines rescue teams as contemplated in regulations 16.5(1)(a)(i)(ii)(iii).
   (c) Ensure that each such rescue team needs to consist of a minimum of eight rescue team members trained at the mine, whereby a minimum of six rescue team members needs to be readily available at the mine to be deployed at any time to any **emergency**.
   (d) Ensure that each operating mines rescue team deployed during an **emergency** to have a backup mines rescue team per operational team when entering any area that may be of **irrespirable atmosphere** or entering an area that exceeds the statutory environmental conditions or when conducting a rescue, recovery, reconnaissance, firefighting or mines rescue rope inspection.
   (e) Ensure that a minimum of two of the responding rescue team members in a rescue team must be the holders of a blasting certificate when called to any **emergency**.
   (f) Ensure that such mines rescue teams have a minimum of two rescue team members with an advance mines rescue member certificate of competency who can captain and/or vice-captain such rescue team during the deployment to any **emergency**.

(g) Have readily available, at the mine for use by the mines rescue team members contemplated in regulation 16.5(1)(a), one **breathing apparatus** per trained mines rescue team member and such **breathing apparatus** must continually comply with SANS 50145: /EN 145: as amended from time to time "Respiratory protective devices - Self-contained closed-circuit breathing apparatus - Compressed oxygen or compressed oxygen-nitrogen type - Requirements, testing, marking"; The normative references in SANS 50145EN 145 as amended from time to time do not apply to the employer;

(h) Enter into a contract with a mines rescue service provider per mining shaft to:

(i) coordinate and facilitate the provision of mines rescue teams and other services, relating to an **emergency**, on a cooperative basis;

(ii) train and certify mines rescue team members contemplated in regulation 16.5(1)(a) to the competency level contemplated in regulation 22.15(16)(a); and

(iii) train and certify persons to manage the control room in case of an **emergency** as contemplated in regulation 22.15(16)(a); where mine rescue teams are deployed;

(i) Immediately notify such mines rescue service provider should any **emergency** occur at the mine that requires or may require the use of the mines own rescue team members contemplated in regulation 16.5.(1)(a), for whatsoever reason, or the use of the services of such mines rescue service provider or the deployment of outside mines rescue teams through such mines rescue services provider as contemplated in regulation 16.5.(1)(e)(f);

(j) Identify a suitable location at the mine that can be used as emergency control room in case of an **emergency** with the following minimum requirements:

(i) An up to date copy of the mine ventilation and rescue plan, as contemplated in regulation 17.19, of any area that could be affected by a possible **emergency**.

(ii) a communication system to enable effective communication from such emergency control room to a potential **fresh air base** in case of an **emergency**.

(iii) a communication system independent from the communication system that is being used between the control room and the **emergency** or its **fresh air base** from where the mine can communicate to outside parties.

(iv) an emergency communication system which must have a different ring tone in comparison to any other communication systems in order for the control room operator and/or manager to immediate identify and attend to any incoming call on the emergency communication system when called for an emergency that may have occurred.

(v) such emergency control room is at all times under the control of a competent person as stipulated in regulation 16.5(1)(h)(iii), and shall be a holder of the Mine Manager's certificate as contemplated in regulation 2.5(2)(1)

(vi) a person is appointed as a competent person in the control room who records all sequence of events and instructions given by the competent person referred to in regulation 16.5(1)(h)(iii);

(vii) all relevant mine personnel, for the area at which the **emergency** exists, are available for consultation if required;

(viii) a written list of all known and anticipated hazards and risks to be expected in and around the area of the **emergency**, together with possible ways of addressing the risks, is compiled with the assistance of the persons mentioned in regulation 16.5(1)(j)(vii), and is provided to all persons assisting in dealing with the **emergency** before commencement of emergency operations;

(ix) only persons authorised by the competent person contemplated in regulation 16.5(1)(j)(v), and that is directly involved with the actual **emergency** is present in the control room.

(k) Ensure during an **emergency**, that:

(i) a sufficient number of mines rescue teams are deployed as soon as reasonably practicable to deal with the **emergency** and that the person contemplated in regulation 16.5(1)(j)(v) is advised of the name of the team captain and vice-captain of each such mines rescue team who will be coordinating the activities of that mines rescue team during the **emergency**, before the mines rescue team is deployed;

(ii) a person appointed in terms of section 12(1) and a person appointed in terms of regulation 2.13(1) is also present in the control room and or relieved by a person with similar qualification and or appointment;

(iii) a sufficient number of plans, to clearly indicate the full route from the shaft entrance to the scene of the **emergency** and possible second escapes, are available in the control room for all persons who may require them and that each mines rescue team is given their own copy before commencing rescue operations.

(iv) a **fresh air base** is established as per the mines rescue service provider's requirements and that it is maintained by the mines rescue teams deployed during that **emergency**.

(v) the control room manager ensures that no unauthorised mine personnel, other than mines rescue team members go beyond the **fresh air base** and enter the direct area where an **emergency** is dealt with, and

(vi) where a mines rescue service provider assists in the **emergency** at the mine by mobilising mine rescue teams not employed at the mine, that the person appointed in terms of regulation 16.5(1)(j)(v) consults timeously with the employee of the mines rescue services provider present in the control room on the deployment of the mines rescue teams.

(vii) ensure that mines rescue teams are trained and made available as per the contract in terms of regulation 16.5(1)(h) and stipulated in the code of conduct of such mines rescue services provider as contemplated in regulation 16.5.1(g)

2) For the purposes of regulation 16.5.1(g) and (h), a mines rescue service provider must:

(a) be an organisation or institution which has personnel with specialist knowledge and experience in mines rescue and emergencies and which has access to rescue equipment and training facilities, including facilities for Heat Tolerance Testing, Workload Testing, Simulated Training and Vertical Shaft Rescue Capabilities.

(b) render an emergency rescue service during an **emergency** on a co-operative basis with the respective mine employers.

(c) provide a mines rescue service which must focus on the mobilisation of a sufficient number of mines rescue teams not employed at the mine where the **emergency** requires such.
(d) ensure that any breathing apparatus that may be used by mines rescue teams complies with SANS 50145:1997/EN 145:1997 'Respiratory protective devices - Self-contained closed-circuit compressed oxygen breathing apparatus for special use - Safety requirements, testing, marking';;
(e) ensure that their personnel are competent to check and maintain any rescue equipment used by it in accordance with the Original Equipment Manufacturer's specifications;
(f) ensure that the functional performance of any other rescue equipment used by it is in accordance with the Original Equipment Manufacturer's specifications.
(g) ensure that the mines rescue team members provided by it meet the qualification requirements as prescribed in regulation 22.15(16)(a);
(h) ensure that where they assist in an **emergency** at a mine by mobilising mine rescue teams not employed at that mine, personnel of such mines rescue services provider is available at the mine to provide advice and guidance, as and when required, to the competent person contemplated in regulation 16.5(1)(j)(v) on the deployment of the mines rescue teams;
(i) provide a control room management course, during which persons are trained to manage the control room in case of an **emergency** where mines rescue teams are deployed, and issue a certificate upon successful completion on such terms and conditions as the mines rescue service provider may determine; and
(j) such control room management certificate as in regulation 16.5(2)(i) is renewed on a three yearly basis by such a mines rescue service provider.

3) Every mines rescue services provider, referred to in regulation 16.5(2), must:

(a) keep a register of all persons who have been found competent to practice as a rescue team member by that mines rescue service provider;
(b) implement and maintain a system to issue licences to practice to persons contemplated in regulation 16.5.(3)(a) and who meet such criteria as determined by the rescue service provider, which criteria must include at least the following:
(i) the person has not attained the age of 46 years.
(ii) the person has been declared medically fit in terms of the requirements of the mine's "Code of Practice on Minimum Standards of Fitness to Perform work at the Mine" as may be amended from time to time, prepared in accordance with the: Guideline for the Compilation of a Mandatory Code of Practice on Minimum standards of Fitness to Perform Work at a Mine;
(iii) the person has undergone and passed the Heat Tolerance Test, conducted in terms of the Chamber of Mines of South Africa Research Organization Research Report No. 29/87 – "A guide to the selection and classification of rescue team members on the basis of Heat tolerance", initially and thereafter at intervals not exceeding 25 months.
(iv) the person has undergone quarterly refresher-training sessions annually as determined by the mines rescue service provider. At least 2 of these training sessions per annum must be in a mine or simulated mine, in an atmosphere filled with real or artificial smoke, whilst using a **breathing apparatus**; and

(v) the person has undergone and passed the physical Work Load Test conducted in terms of the Mines Rescue Services provider code document, initially and thereafter at intervals not exceeding 13 months.

(c) monitor compliance by persons, issued with a licence to practice by it, with the requirements contemplated in regulation 16.5(3)(b) and suspend or revoke any such licence if the person no longer meets any of those requirements, and re-issue a licence when the person again meets the requirements.

4) Deployment of mine rescue teams:

(a) whenever an **emergency** occurs at a mine that requires the deployment of mine rescue teams, the employer and any mines rescue service provider notified in terms of regulation 16.5.1(h) and whose assistance has been requested, must take reasonably practicable measures to ensure that the required mine rescue teams are deployed as soon as possible; and

(b) every employer who has mine rescue teams in terms of regulation 16.5(1) must take reasonably practicable measures to ensure, if any of those mine rescue teams or rescue team members are called by the mines rescue services provider for training as stipulated in regulation 16.5(3)(b)(ii),(iii),(iv),(v) or to assist in an **emergency** at another mine, that they are deployed as soon as possible.

5) No employer or mines rescue service provider may allow any mine rescue team member contemplated in regulation 16.5.1(a) to be deployed as a member of a mine rescue team during an **emergency** unless such mine rescue team member is in possession of a valid license to practice, as contemplated in regulation 16.5(3) and has passed a pre-operational medical examination, determined by the mines rescue service provider, to ensure that the rescue team member is medically fit at the time to be so deployed.

(i) the employer should have readily available at the mine a system or required facilities and required resources whereby any mines rescue team member or rescue teams called to an **emergency** have the capability at such mine to conduct a pre-operational medical examination, determined by the mines rescue service provider as stipulated in regulation 16.5(1)(h);

(ii) the manager in control as contemplated in regulation 16.5.1(j)(v) should satisfy themselves that the first responding mines rescue teams on an immediate deployment has undergone and comply to the rescue team member medical declaration as prescribed by the mines rescue services provider and that such mines rescue teams should be declared medically fit as contemplated in regulation 16.5.5(i) once they can be relieved by other rescue teams.

6) The *employer* at every works, mine, surface mining operations or any mineral exploitation site other than underground mining must-

(a) provide and maintain, readily available *a* surface fire responder team or teams, competent and equipped with sufficient emergency equipment to deal with any **emergency** that may occur at that mine on all shifts worked at such mine;

(b) Ensure that such surface fire responder teams as stipulated in regulation 16.5(6)(a) consist of a minimum of seven rescue team members trained at the mine, whereby a minimum of five surface fire responder team members are readily available and can be deployed.

(c) Where there are surface fire responder teams in terms of regulation 16.5(6)(a), take reasonably practicable measures to ensure, if any of those surface fire responder teams or surface fire responder team members are called by the mines rescue services provider for training or any **emergency** as stipulated in regulation 16.5.7(i),(ii),(iv), that they are deployed as soon as possible.

7) The *employer* at every works, mine, surface mining operations or any mineral exploitation site other than underground mining must enter into a contract with a mines rescue service provider for each such works, mine, surface mining operations or any mineral exploitation site to: :

(i) equip, train and certify such surface fire responder team members as stipulated in regulation 22.15(16)(a);

(ii) ensure such surface fire responder team members undergo refresher training twice per year in a simulated training gallery at such mines rescue services provider and one such training to be in real or artificial smoke whilst using a **breathing apparatus**; and

(iii) provide a control room management course, during which persons are trained to manage the control room in case of an **emergency** where surface fire responder rescue teams are deployed, and issue a certificate upon successful completion on such terms and conditions as the mine rescue service provider may determine; such control room management certificate as in regulation 16.7(ii) to be renewed on a three yearly basis by such a mines rescue service provider.

8) The employer must ensure that every mines rescue services provider, referred to in regulation 16.5(7)(i):

(i) keep a register of all surface fire responder team members who have been found competent to practice as a surface fire responder team member, and breathing apparatuses by that mines rescue service provider;

(ii) implement and maintain a system to issue licences to practice to surface fire responder team members contemplated in regulation 16.5(6)(a) and who meet such criteria as determined by the rescue service provider;

(iii) be an organization or institution which includes personnel with specialist knowledge and experience in mines rescue and emergencies and which has access to specialised mining rescue equipment, workload training gallery, heat tolerance climatic chamber, and training facilities with emergency response capabilities;

(iv) that the surface fire responder team members has undergone and passed the surface fire responder Workload Test, and other required trainings conducted in terms of the mines rescue services provider training program, initially and thereafter at intervals not exceeding 13 months;

(v) that any breathing apparatus that may be used by surface fire responder teams complies with SANS 50137/EN 137 : 2006 type 2 'Respiratory protective devices and as amended from time to time – "Self-contained breathing apparatus - Compressed air" – requirements and testing; and

(vi) monitor compliance by surface fire responder team members, issued with a licence to practice by it, with the requirements contemplated in regulation

16.5.6(a) and suspend or revoke any such licence if the surface fire responder team member who no longer meets any of those requirements, and re-issue a licence when the surface fire responder team member again meets the requirements;

(vii) verify that any firefighting and/or rescue and recovery gear used by the mines surface fire responders complies with the following minimum standards; firefighting clothing suits with EN469 and/or NFPA 1851, wildland clothing suits with EN15614, technical rescue clothing EN 16689:2017, boots EN15090 type 2 for building structures firefighting and type 1 for wildland firefighting, gloves EN659 and/or NFPA1971, structural helmets EN443, firefighting helmets EN16471 or as otherwise prescribed and approved by the mines rescue service provider.

16.6 Refuge Bays

1) The employer of every underground mine must ensure that:

   a) readily accessible **refuge bays** are provided in the underground workings of the mine;

   b) such **refuge bays** as stipulated in 16.6.1(a) are constructed in such a manner that allows for the mines rescue service providers' available equipment and to conduct rescue or recoveries safely from such refuge bays as referenced in the Mines Rescue Services – Member Mines Circular No. 02/2020 - Mobile Rescue Chamber in the Mining Industry - Dated 10 February 2020 ; and

   c) where a mine is required to have **BWSCSRs** in terms of regulation 16.2, such **refuge bays** are located within the limits of protection afforded by the **BWSCSRs** in use at the mine.

2) The employer must take reasonably practicable measures to ensure, having regard to the number of persons likely to be present in the area served by the **refuge bay**, that every **refuge bay** should at least:

   a) be of sufficient size;

   b) be equipped with means for the sufficient supply of respirable air;

   c) be equipped with a sufficient supply of potable water;

   d) be equipped with sufficient and hygienic ablution facilities;

   e) be equipped with sufficient illumination;

   f) be equipped with sufficient first aid equipment;

   g) be equipped with an efficient and effective means to communicate verbally to surface on its own independent line and dialling number, and not be shared with another telephone.

   h) be situated, where practicable, in an area not being used for storage of combustible material or close to such an area.

   i) should not be situated in the same excavation where permanent conveyor belts are installed.

   j) a plan of the escape route is displayed in the **refuge bay**, indicating the position of the **refuge bay** in relation to the shaft or any other egress or access way to the surface.

k) have adequate signage displayed in the **refuge bay**, setting out the emergency procedures to be followed in the **refuge bay** and relevant emergency phone numbers.

l) have a means to facilitate clear identification of the location of the **refuge bay** from the outside in poor visibility; and

m) be constructed in such a way that air containing noxious smoke, fumes or gases will not enter the **refuge bay**;

n) be of sufficient size to accommodate the maximum number of employees intended to use the **refuge bay**;

3) The employer must take reasonably practicable measures to ensure that every **refuge bay** is examined to ensure compliance with: 16.6(2)(a) to (o):

a) at least once every 30 days by a person appointed in terms of regulation 2.15.1 of the regulations in force in terms of item 4 of schedule 4 to the MHSA as provided for in sub regulation 2.15.5(b); and

b) paragraph 2(a) to (l) at least once every 30 days by a person appointed in terms of regulation 2.15.1 and 2.17.1 in force in terms of item 4 of Schedule 4 of the Act or any other employee of a higher ranking; and

c) at least once every 90 days by a person appointed in terms of section 12 of the Act, or by a person who is the holder of a practical certificate issued by the Chamber of Mines or has successfully completed the practical examination of the Intermediate Certificate in Mine Environmental Control, issued by the Minerals Council of South Africa, working under the control of a person appointed in terms of section 12 of the Act.

4) The employer must take reasonably practicable measures to ensure that a written report on the inspection contemplated in 16.6(3)(c) is provided within 7 days to the manager appointed in terms of section 3 (1)(a).

16.7 Missing Person Locator System.

The employer must ensure that:

16.7 (1) No person goes underground at the mine without an intrinsically safe device to determine the last known location of such a person or persons in the event that they go missing while in underground workings.

16.7 (2) If at any surface mine, the risk assessment in terms of section 11 shows that there is a significant risk of employees going missing, including being engulfed by slope failure, the employer must ensure that persons are provided with a missing persons locating device, to determine their last known location, should they go missing at the pit.

16.7 (3) At mines where unplanned or uncontrolled flow of water, broken rock, mud or slimes from a slimes dam may pose a significant risk to the safety of persons, the employer must ensure that persons are provided with a missing persons locating device, to determine their last known location, in the event they go missing.

16.7 (4) The use of the missing persons locator device must form part of the mine's emergency preparedness and response strategy.

16.7 (5) The battery life of the missing persons locator device must be informed by the outcome of the mine risk assessment to enable the locating of the missing person during and after a working shift.

16.7 (6) The system providing the last known location of the **missing person** as contemplated in 16.7.(1), 16.7.(2) and 16.7(3) must be equipped with a **data logging facility**.

16.7(7) All personnel required to make use of such missing persons locating systems are properly trained on the effective use thereof and that such a device must be always worn on the body.

16.7(8) An effective procedure is determined for providing, amongst other things, the following:

a) inspection, repair and maintenance of missing persons locating systems by suitably trained and qualified persons,
b) calibration where possible, and testing of missing persons locating systems as per the manufacturers' specifications.
c) testing to confirm the functionality of the missing persons locating systems and keeping of the records of such tests.

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

NO. 6053 **28 March 2025**

MINE HEALTH AND SAFETY ACT, 1996 (ACT NO 29 OF 1996)

AMENDMENTS TO THE REGULATIONS RELATING TO OCCUPATIONAL HYGIENE

I **Samson Gwede Mantashe,** MP, Minister of Mineral and Petroleum Resources, under section 98 (1) (r) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996) and after consultation with the Mine Health and Safety Council, hereby amend Chapter 22 of the regulations to the Mine Health and Safety Act, as set out in the schedule.

The amended regulations comes into operation 90 days from the date of publication in the Government Gazette.

MR. S.G. MANTASHE, MP
MINISTER OF MINERAL AND PETROLEUM RESOURCES
DATE: 28/02/2025

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SCHEDULE

Substitution of regulation 22.9 (2) (a)

1. Regulation 22.9 (2) (a) of the regulations to the Mine Health and Safety Act is hereby amended by the substitution for the table on "Occupational Exposure Limits for Airborne Pollutants" under regulation 22.9 (2) (a) of the following table:

"OCCUPATIOANL EXPOSURE LIMITS FOR AIRBORNE POLLUTANTS

Tabulation shows inhalable particulates unless indicated to be respirable

CURRENT SUBSTANCE	PROPOSED SUBSTANCE	POLLUTANT CODE	CURRENT MHSA SCHEDULE 22.9(A) OEL	SAMI NEW OEL	SAMI FINAL NOTATIONS
Acetone	Acetone	4	500 ppm/1185 mg/m³ STEL 1000 ppm/2375 mg/m³	250 ppm, STEL 500 ppm	Ns BEI Urine: 25mg/L @ End of shift
Acetonitrile	Acetonitrile	5	40 ppm/70 mg/m³ STEL 60 ppm/105 mg/m³	20 ppm	Skin
Aluminium metal respirable particulate	Aluminium metal respirable particulate	17	5 mg/m³	2 mg/m³	None
Asbestos, all forms	Asbestos, all forms	34	0,2f/ml	0,1f/ml	Carc
Benzene	Benzene	43	1 ppm/ 3 mg/m³	0.5 ppm STEL 2.5 ppm	Carc a1, skin BEI Urine: End of shift 25/500µg/g creatinine
Calcium silicate inhalable particulate respirable particulate	Calcium silicate inhalable particulate respirable particulate	102	5 mg/m³	1 mg/m³	
Carbon monoxide (CO)	Carbon monoxide (CO)	113	35 mg/m³ / 30 ppm	25 ppm	Blood: carboxyhaemoglobin=3,5% haemoglobin @ end of shift Exhaled air 20ppm
Carbon monoxide (CO)	Carbon monoxide (CO)	113	C 115 mg/m³ / 100 ppm	C 100 ppm	
	Carbon monoxide (CO) for donning SCSR	113		300 ppm	

Cement dust respirable	Cement dust respirable	121	5 mg/m³	3 mg/m³	DSEN
None	Metallic chromium as Cr(0)		None	0.5 mg/m³	
Chromium, metal and inorganic compounds (as Cr) Cr (II) compounds	Cr(II) compounds	148	0.5 mg/m³	0.5 mg/m³	Carc category 1
Chromium, metal and inorganic compounds (as Cr) Cr (III) compounds	Chromium (metal and inorganic compounds) Cr(III) water-soluble compounds	149	0.5 mg/m³	0.003 mg/m³	Carc A4; Sk; DSEN; RSEN
Chromium, metal and inorganic compounds (as Cr) Cr (VI) compounds	Chromium (metal and inorganic compounds) Cr(VI) water soluble compounds	150	0.05 mg/m³	0.0005 mg/m³	Total chromium in urine Chromium in plasma, whole blood, red cell
None	Chromium (metal and inorganic compounds) Cr(VI) water soluble compounds	150	None	STEL 0.015 mg/m³	Urine: Total chromium at the End of shift at the end of the week=25µg/L Increase during shift =10µg/L Cr (VI): carc A1; Sk; DSEN; RSEN
Coal dust (respirable particulate)	None	151	2 mg/m³	1.5 mg/m³	
Coal dust (respirable particulate)	Coal dust, Anthracite	151	None	0.4 mg/m³	carc A4
Coal dust (respirable particulate)	Coal dust, Bituminous	151	None	0.9 mg/m³	carc A4
Copper Dust and mists (as Cu]	Copper fume	154	0.2 mg/m³	0.2 mg/m³	None
Copper Dust and mists (as Cu]	Copper dust & mist	155	1 ppm STEL 2 PPM	1 mg/m³	None
Ethyl benzene	Ethyl benzene	276	100 ppm/435 mg/m³ STEL 125 ppm/545 mg/m³	20 ppm	BEI Sum of mandelic acid and phenylglyoxylic acid: urine @End of shift 0.15g/g creatinine CARC, SKIN/Ns
*Formaldehyde	*Formaldehyde	300	1 ppm/1.2 mg/m³ STEL 2 ppm/2.5 mg/m³	0.3 ppm	CarC category 1 DSEN

CURRENT SUBSTANCE	PROPOSED SUBSTANCE	POLLUTANT CODE	CURRENT MHSA SCHEDULE 22.9(A) OEL	SAMI NEW FINAL OEL	SAMI FINAL NOTATIONS
None	Diesel particulate matter (DPM) – Elemental Carbon			0.1 mg/m³	Carc A1
None	Diesel particulate matter (DPM) – Total Carbon		None	None	
Hydrogen sulphide	Hydrogen sulphide	341	10 ppm/ 14 mg/m³ STEL 15 ppm/ 21 mg/m³	1 ppm STEL 5 ppm	None
Iron oxide, dust and fume [as Fe]	Iron oxide, dust and fume [as Fe] (respirable particulate)	348	5 mg/m³ C 10 mg/m³	5 mg/m³	Carc A4
Lead, elemental, and inorganic compounds [as Pb]	Lead, elemental, and inorganic compounds [as Pb]	366	0.1 mg/m³	0.05 mg/m³	Carc A3

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Manganese, elemental, and inorganic compounds [as Mn]	Manganese, elemental, and inorganic compounds [as Mn]	378	1 mg/m³	0,2 mg/m³ [I] 0,04 mg/m³ [R]	
Manganese, fume [as Mn]	Manganese, fume [as Mn]	379	1 mg/m³ STEL 3 mg/m³	0,1 mg/m³ [I] 0,04 mg/m³ [R]	
Molybdenum compounds [as Mo] soluble compounds	Molybdenum compounds [as Mo] soluble compounds	422	5 mg/m³ STEL 10 mg/m³	0,5 mg/m³ [R]	None
*Nickel, inorganic compounds [as Ni] insoluble compounds	*Nickel, inorganic compounds [as Ni] insoluble compounds	433	0.5 mg/m³	0.2 mg/m³	Urine nickel
Nitrogen dioxide	Nitrogen dioxide	441	3 ppm 5 mg/m³ STEL 3 ppm 9 mg/m³	3 ppm 5 mg/m³ STEL 3 ppm 9 mg/m³	None
Particles not otherwise classified [PNOC] (inhalable particulate)	Particles not otherwise classified [PNOC] (inhalable particulate)	458	10 mg/m³	10mg/m³	None
Particles not otherwise classified [PNOC] (respirable particulate)	Particles not otherwise classified [PNOC] (respirable particulate)	459	3 mg/m³	3 mg/m³	None
Polyvinyl chloride [PVC] respirable particulate	Polyvinyl chloride [PVC] inhalable particulate	490	5 mg/m³	1 mg/m³	None
Portland cement respirable particulate	Portland cement respirable particulate	492	5 mg/m³	2 mg/m³	DSEN
CURRENT SUBSTANCE	**PROPOSED SUBSTANCE**	**POLLUTANT CODE**	**CURRENT MHSA SCHEDULE 22.9(A) OEL**	**SAMI NEW FINAL OEL**	**SAMI FINAL NOTATIONS**
Silica, crystalline (respirable particulate) - Quartz	Silica, crystalline (respirable particulate) - Quartz	522	0.1 mg/m³	0.05 mg/m³	carc A2
Silica, crystalline (respirable particulate) - Cristobalite	Silica, crystalline (respirable particulate) - Cristobalite	521	0.1 mg/m³	0.05 mg/m³	carc A2
Silica, crystalline (respirable particulate) - Tridymite	Silica, crystalline (respirable particulate) - Tridymite	523	0.1 mg/m³	0.05 mg/m³	None
Silica, crystalline (respirable particulate) - Tripoli	Silica, crystalline (respirable particulate) - Tripoli	524	0.1 mg/m³	0.05 mg/m³	None
Silica, amorphous (inhalable)	Silica, amorphous (inhalable)	526	10 mg/m³	10 mg/m³	None
Silica, amorphous (respirable)	Silica, amorphous (respirable)	527	5 mg/m³	5 mg/m³	None
Silica, fused (respirable particulate)	Silica, fused (respirable particulate)	525	0.1 mg/m³	0.05 mg/m³	None
Titanium dioxide (Inhalable particulate)	Titanium dioxide (Inhalable particulate)	569	10 mg/m³	10 mg/m³	carc A4
Titanium dioxide (respirable particulate)	Titanium dioxide (respirable particulate)	570	5 mg/m³	5 mg/m³	None
Vanadium Pentoxide (Inhalable particulate)	Vanadium Pentoxide (Inhalable particulate)	592	0.5 mg/m³	0.5 mg/m³	carc A3

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Vanadium Pentoxide (Fume and Respirable particulate)	Vanadium Pentoxide (Fume and Respirable particulate)	593	0.05 mg/m³	0.05 mg/m³	None
Welding Fume	Welding Fume	598	5 mg/m³	5 mg/m³	None
Wood Dust (hard wood)	Wood Dust (hard wood)	600	1 mg/m³	1 mg/m³	Sen
Wood Dust (soft wood)	Wood Dust (soft wood)	601	5 mg/m³	5 mg/m³	None

[1] The OEL of 5 mg/m³ for inhalable welding fume, is coupled with compliance with OEL values for the individual elemental hazardous contaminants in the fume

Notations:

BEI - Biological Exposure Indices indicate to occupational health and hygiene professionals that biological monitoring needs to be performed for a particular pollutant.

Carc - The carcinogen notation refers to a pollutant that may produce a benign or malignant neoplasm. Range from Carc A1-A5.

Skin - The skin notation indicates that significant quantities of the pollutant may be absorbed through the skin to produce systemic effects following exposure.

Sen – The sensitizer notation indicates that the pollutant may produce dermal (DSEN) and/or respiratory sensitization (RSEN).

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DEPARTMENT OF MINERAL RESOURCES AND ENERGY

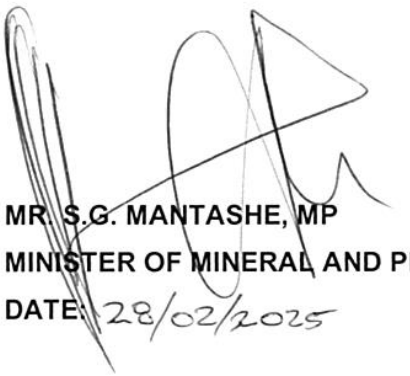
NO. 6054 **28 March 2025**

MINE HEALTH AND SAFETY ACT, 1996 (ACT NO 29 OF 1996)

AMENDMENTS TO THE REGULATIONS RELATING TO MACHINERY AND EQUIPMENT

I **Samson Gwede Mantashe,** MP, Minister of Mineral and Petroleum Resources, under sections 98 (1) (g) and (h) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996) and after consultation with the Council, hereby amend Chapter 8 of the regulations to the Mine Health and Safety Act, as set out in the in the schedule.

As a consequence of the amendments, chapter 16 of the Mine Health and Safety Regulations (Minerals Act) is hereby repealed in its entirety.



MR. S.G. MANTASHE, MP
MINISTER OF MINERAL AND PETROLEUM RESOURCES
DATE: 28/02/2025

SCHEDULE

Amendment of Chapter 8 of the regulations

1. Chapter 8 of the regulations to the Mine Health and Safety Act is hereby amended by the addition after regulation 8.12 of the following regulations:

8.13 Shafts and winders

Definitions

For purposes of regulation 8.13, unless the context otherwise indicates:

'Abnormally tight winding rope' means any load exceeding the total payload which includes the mass of the **suspended load** as prescribed on the winding plant permit;

'Approved winding rope testing station' means a testing station approved by the Chief Inspector of Mines for the destructive testing of ropes used in a **winding plant**;

'Attached load' means everything suspended from or attached to the winding rope and includes the portion of any balance rope and one half of any tail carriage and one half of any sheave which contributes to load at the termination of the winding rope;

'Attachments' include everything suspended from or attached to the conveyance other than the winding rope and includes any balance rope;

'Automatic winding plant' means a **winding plant** that is automatically operated;

'Balance winding rope' includes tail rope, balance rope or balance chain;

'Banksman' means a person stationed at the shaft top, who shall be the holder of an onsetter's certificate, appointed by the manager to supervise the loading and unloading of persons, **material** and **explosives** in the cage, skip, or other means of conveyance and to give the necessary signals;

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'Drive' means, for the purpose of regulation 8.13.105, any action requiring skill whereby the control levers of the **winding plant** are manipulated in such a way that the winding engine moves in direct relation to the movement of the lever;

'Explosives' shall have the same meaning as is assigned to that term in the Explosives Act, 2003 (Act No. 15 of 2003);

'Effective length of rope' means the length of the winding rope from the clove hitch knot or on the drum over the sheave or drum in the headgear and the humble hook or attachment mechanism to the conveyance;

'Initial breaking strength' means the maximum load capacity of a sample of a new rope as determined by the destructive testing in accordance with the applicable testing standards, at an **approved winding rope testing station**;

'Material' means whatever may be conveyed by means of a winding plant elevator or self-propelled mobile machine excluding persons, minerals and **explosives**;

'Nominal rope diameter' means the rope diameter specified by the manufacturer;

'Onsetter' means a person who shall be the holder of an onsetter's certificate issued by the Principal Inspector of Mines and appointed by the manager to have charge of a cage, skip or other means of conveyance underground in which persons, **material**, equipment and **explosives** are being raised or lowered and to give the necessary signals;

'Prescribed permit' means a winding plant permit prescribed by these regulations;

'Recoverable recordable system' means any recordable system that will retain the data captured therein indefinitely and which:

(a) captures the time and date of every entry, name and signature of every person making an entry;

(b) allows for the retrieving of all data captured;

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(c) Incorporates measures to prevent unauthorised changes to any captured data;

(d) is auditable; and

(e) in the case of an electronic system, is backed up at least weekly;

'Semi-automatic winding plant' means a **winding plant** that can be operated partly manually and automatically;

'Shaft' means any tunnel having a cross-sectional dimension of 3,7 metres or over and -

(a) being inclined to the horizontal of 15 degrees or over; or

(b) being inclined to the horizontal of less than 15 degrees but more than 10 degrees where the speed of traction may exceed two metres per second;

'Slack winding rope' means any loss of tension of the rope due to risk factors such as the obstruction of the free movement of the conveyance between highest and the lowest point of winding;

"Station level" means the bank and any level in a **shaft**, at which conveyances stop for the loading or unloading of persons, equipment, **material**, minerals or **explosives**;

'Shaft station' means the area surrounding the **shaft** at every **station level** and identified and demarcated as the **shaft station** by the employer;

'Suspended load' means the sum of the **attached load** and the mass of the **effective length of rope**.
'The Act' means the Mine Health and Safety Act, Act No. 29 of 1996, as amended;

'Winding cycle' means a full or partial return trip starting with a conveyance at the bank level and ending with the same conveyance returning to the bank level;

'Winding Engine Driver' means a person who is the holder of a **Winding Engine Driver** Certificate issued by the Chief Inspector of Mines and appointed by the manager for the purpose of safely transporting persons, **material**, equipment, mineral and **explosives** up and down the **shaft**;

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'Winding plant' means any hoist or other appliance used or intended to be used for the conveyance of persons, **material**, **explosives** or mineral by means of a cage, skip or other means of conveyance in any **shaft** or **winze** where the control system of the driving machinery can normally be operated manually or automatically from the motor or engine room, but excluding any lift or elevator, lifting machine, endless rope haulage and scraper winch installation;

'Winze' means any tunnel having an inclination below the horizontal in the direction of working of more than 5 degrees and not included in the definition of "**shaft**".

Requirements for the Conveyance of persons in shafts and winzes

8.13.1 The manager of a mine shall not use a **winding plant** nor permit any other person(s) to use such **winding plant** unless that person is in possession of a **prescribed permit** or permission issued by a Principal Inspector of Mines.

8.13.2 No person shall ride, cause or permit any other person to ride in or on a conveyance operated by a **winding plant**, unless it is permitted by a **prescribed permit** or permission.

8.13.3 Every application for the use of a **winding plant** shall be made to the Principal Inspector of Mines according to the **prescribed permit** or permission.

8.13.4 The Principal Inspector of Mines may grant a permit or permission to use such **winding plant**, subject to conditions as he may specify.

8.13.5 The permit or permission shall be kept at the mine manager or engineer office and a legible and suitably protected copy thereof shall be displayed in the winding engine room.

8.13.6 The Principal Inspector of Mines may direct that any regulation to the Mine Health and Safety Act dealing with lifts or elevators shall apply to an automatic or **semi-automatic winding plant** by giving written notice to that effect to the manager, with specific reference to the regulation concerned, whereupon such regulation shall apply to such **winding plant**.

8.13.7 The manager of a mine must carry out specific or periodic tests or inspections of any **winding plant** as determined by the risk assessment, or when directed to do so by the Principal Inspector of Mines.

8.13.8 In calculating the total mass of persons to be conveyed in a **winding plant**, a minimum of 75 kilograms shall be allowed for each person.

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Design of winding engine

8.13.9. The winding engine shall be such that:

8.13.9.1 when running at various speeds with light or heavy loads it can be readily slowed and stopped and after being stopped it can be restarted immediately in either direction; and

8.13.9.2 it can lift the maximum unbalanced load on the drum from the bottom to the top of the **shaft** or **winze**.

Brakes and Holding power.

8.13.10 Each winding drum or winding sheave that is fitted with a braking system shall be provided with an adequate brake or brakes which shall be kept in proper working order.

8.13.10.1 For drum type of winding engines where the rope is securely attached to the winding drum the brake or brakes, without the assistance of any counterbalancing effect of any load supported by the other drum, shall be capable of holding without slipping a load on the rope equivalent to the combined mass of:

a) the conveyance and its **attachments**;
b) the maximum permitted mass of mineral, or double the maximum permitted mass of persons, or the maximum permitted mass of **material** together with double the maximum permitted mass of persons when both **material** and persons are conveyed simultaneously, whichever is the greatest; and
c) the mass of the rope between the sheave and the conveyance, when the conveyance is at a point in the **shaft** which produces the maximum static Torque or Amps on the brakes.

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8.13.10.2 For a friction drive or sheave type winding engine where the rope or ropes are not securely attached to the winding drum or winding sheave, the brake or brakes shall be capable of holding without slipping the maximum static out-of-balance load which occurs when one of the conveyances, or where a counterpoise is used, the conveyance:

a) is loaded with the permitted mass of mineral; or
b) is loaded with double the mass of the permitted number of persons; or
c) is loaded with double the permitted mass of **material** together with double the mass of the permitted number of persons when both **material** and persons are conveyed simultaneously; or

d) is removed from its bridle.

8.13.11 All conveyances in the **winding plant** used for the regular transport of persons, including persons engaged in repairs or shaft work, shall be equipped with a means of removing persons from the **shaft** in case of an emergency.

8.13.12 Every winding drum shall have flanges or horns, and if conical or spiral, such other appliances to prevent the rope from slipping off or coiling unevenly.

8.13.13 For friction drive or sheave type winding engines, where no part of the rope is securely attached to the winding drum or sheave, there shall be no dangerous slipping of the rope on such drum or sheave under any possible working conditions.

8.13.14 Every winding drum at the driver's right-hand side, or where only one drum is used it shall have an overlay rope.

8.13.15 The reversing lever of every steam or air operated winding engine and the control lever of every electrically operated winding engine shall follow the overlay rope in the direction of travel.

8.13.16 Where a hand-operated brake lever is provided on any winding engine it shall be pulled towards the driver to apply the brakes.

8.13.17 The relief and throttle valve levers of every steam or air operated winding engine shall be in a central position.

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8.13.18 The operating mechanism and locking device of the clutch of every winding drum shall be:

a) provided with a locking arrangement which shall be used to prevent the inadvertent withdrawal of the clutch. If the clutch is not clearly visible from the driver's operating position, means shall be provided to indicate to the driver at all times the extent to which the clutch is engaged or disengaged; and

b) of such a design that inadvertent creeping in of the clutch is prevented when the clutch is disengaged.

8.13.19 For every double drum winder of which one drum can be unclutched it shall be impossible to:

a) unclutch any winding drum unless the brake or brakes of such drum are fully applied;
b) release the brake or brakes of such drum until the clutch is fully engaged and securely locked;
c) unclutch both drums at the same time; and
d) exceed 2.5m per second when any one of the clutches are withdrawn.

8.13.20 All bolts and fittings of winding drums, brakes and clutches shall be rendered secure by means of suitable locking devices.

8.13.21 In addition to any marks on the drum or rope, every winding engine shall be provided with reliable depth indicators.

8.13.22 Where the length of wind below the uppermost landing place for persons exceeds 100 metres, adequate provision shall be made whereby the winding-engine driver is warned of the arrival of the ascending or descending cage, skip or other means of conveyance at a point in the **shaft**, the distance of which from the uppermost or lowest, landing place for persons is not less than the equivalent of three revolutions of the drum or sheave of the winding engine.

8.13.23 Every winding engine shall be fitted with at least one effective automatic overwind prevention device, as well as an effective automatic overspeed prevention device.

8.13.24 When the designed allowable speed of a winder is reduced due to site specific conditions, the over speed prevention device is set to suit the site-specific conditions.

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8.13.25 The employer must install a device or combination of devices:

a) that detect **slack winding rope** and **abnormally tight winding rope** conditions on every **winding plant** in which the rope is attached to the drum operating in a vertical **shaft**, excluding a **shaft** in the course of being sunk; and

b) that must on detection of the **slack winding rope** and **abnormally tight winding rope** conditions either automatically halt all winding operations in the vertical **shaft** safely or warn all winding engine drivers operating in such **shaft** of such conditions.

8.13.26 The employer must establish an effective and safe procedure for rectifying any **slack winding rope** or **abnormally tight winding rope** conditions.

8.13.27 All winding operations in the vertical **shaft:**

a) shall cease when any **slack winding rope** or **abnormally tight rope** condition occurs, except if such operations are necessary for rectifying such a **slack winding rope** or **abnormally tight rope** condition. In such an event, such operations shall be authorised by the appointed engineer except where the appointed engineer has been given a detailed and recorded report of the **slack winding rope** or **abnormally tight winding rope** condition by a responsible person appointed by the manager;

b) may not resume unless the **slack winding rope** or **abnormally tight rope** conditions above have been rectified and the responsible appointed engineer is satisfied that winding operations may continue safely; and

c) shall have a **recoverable recordable system** for the recording of all incidents relating to **slack winding ropes** and **abnormally tight winding ropes**.

8.13.28 The employer must take reasonably practicable measures to ensure that:

a) a winder with a permitted speed exceeding 5 metres per second is equipped with a speed indicator and a recoverable recording device that records at least time and speed;

b) the information recorded is kept readily available at the mine for a period of at least 30 days; and

c) the speed indicator shall be so situated that the winding speed can be easily read at all times by the winding-engine driver from his operating position, and which speed indicator shall be used and maintained in efficient working order.

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Statutory test for brakes

8.13.29 If the means of removing persons from the **shaft** is by means of emergency brake release, the braking system must be tested at intervals not exceeding 200 days.

8.13.30 At any speed above 2,5 m/s the maximum deceleration measured at the drum for a person ("men") and/or **material winding plant** must not exceed 4 m/s^2 and for a mineral **winding plant** ("rock") must not exceed 4,5 m/s^2.

Winder and shaft safety measures

8.13.31 No winding engine plant shall be operated in automatic mode when transporting persons, materials and **explosives** to underground workings if the **winding engine driver** is not in control of such winding engine plant and be seated on the foot plate at all times.

8.13.32 Regulation 8.13.31 shall not be applicable to a winding engine plant in automatic mode used solely for the purpose of transporting minerals.

8.13.33 No **winding engine driver** or any other person shall be allowed to be in charge of the winding engine if under the influence of intoxicants or is reasonably suspected of being under the influence of intoxicants.

8.13.34 No person shall tamper with or modify any safety devices of a winding engine plant without the prior written consent of the appointed engineer responsible for such affected winding engine plant. Provided that, if any repairs are conducted on such safety devices, they are recorded and reported to the appointed engineer by the quickest possible means.

8.13.35 No person shall repair, modify or maintain any winding engine plant including its safety devices at any time while there are persons inside the conveyance or who may be affected in the shaft barrel, shaft bottom or headgear except if such measures are necessary for the offloading of persons before fault finding is done.

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Statutory requirements for winding ropes

8.13.36 Any newly installed winding rope, balance rope or guide rope and the rope connections of any such rope:

a) must be carefully examined by the engineer and may not be used for the raising or lowering of persons until the conveyance loaded with the maximum permitted mass has been run for two complete test trips between the highest and lowest stopping places ordinarily in use; and
b) must be magnetically tested or rope condition tested its entire length prior to the **winding plant** put into operation.

8.13.37 The engineer, in addition to recording the results, must record and sign the results of the examination immediately in the Winding Engine Driver's Logbook provided.

8.13.38 When any winding rope, balance rope or guide rope is installed or in use is replaced the particulars specified in the MD208 form (Notice of removal of ropes) must be submitted to the Principal Inspector of Mines.

8.13.39 In determining, the minimum allowable breaking strength of any rope used in a **winding plant**, the weight in Newtons of any mass carried by the rope must be obtained by multiplying this mass in kilograms by a factor of 9,8.

8.13.40 Where a conveyance is suspended by two or more winding ropes:

a) such ropes must be of equal **nominal rope diameter** and approximate strength;
b) arrangements must be made to equalize the tension in the ropes; and
c) each winding rope must be assumed to carry an equal share of the **attached load** for purposes of calculating rope selection factors.

8.13.41 The condition of a winding rope or balance rope must be assessed in accordance with the *SANS10293: Condition Assessment of Steel Wire Ropes on Mine Winders*, as amended and the rope may not be used if the condition thus assessed at that point in the rope has reached the discard criteria.

8.13.42 Where a winding system operating in a vertical **shaft** and not using a balance rope is such that it allows for the periodic tensile testing of the winding rope, the winding rope must have an **initial breaking strength** of not less than:

a) eight times the **attached load**; and
b) four and a half times the **suspended load**.

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8.13.43 Provided, where a winding system operating in a vertical **shaft** and not using a balance rope -

a) allows for the periodic tensile testing of the winding rope; and

b) complies with the *SANS10294: Performance, Operation, Testing and Maintenance of Drum Winders relating to Rope Safety,* as amended, the winding rope must have an **initial breaking strength** as specified in that standard.

8.13.44 Where a **winding plant** operating in an incline **shaft** allows for the testing of the winding rope, the winding rope must have a breaking strength not less than-

a) ten times the incline component of the **attached load**; and

b) five times the incline component of the **suspended load**.

8.13.45 Where a **winding plant** using a balance rope or ropes does not allow for the periodic tensile testing of the winding rope or ropes, the **initial breaking strength** of the rope must not be less than 8.1 times the **suspended load**, provided that this factor may be reduced by 0.00135 for every metre of the **effective length of rope**, but the factor must not be less than:

a) 6,75 where the conveyance is suspended by a single winding rope; or

b) 6,19 where the conveyance is suspended by 2 or 3 winding ropes; or

c) 5,62 where the conveyance is suspended by 4 or more winding ropes,

Provided that where a winding system operating in a vertical **shaft** not using a balance rope allows the periodic testing of winding ropes as required and each conveyance is suspended by two or more ropes in conjunction to rope tension compensating system constructed in a way the failure of one rope will not result in momentary lowering of the force acting in any rope, breaking strength of ropes at installation must be specified or 0.95 times or whichever is the greatest.

8.13.46 The breaking strength of a guide rope used in a winding system must not be less than five times the combined weight of the rope and its tensioning weight.

8.13.47 Any rope which is used to raise or lower a stage in a **shaft** must have a breaking strength at installation of not less than 4,5 times the combined weight of the **effective length of rope** and its share of the **attached load**.

8.13.48 A sample of every winding rope in use must be cut from the end attached to the conveyance or counterweight at intervals not exceeding six months unless the winding system does not allow shortening of the winding rope. The length of the sample must be as specified by an **approved winding rope testing station**.

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8.13.49 Where winding ropes are connected to a compensating sheave on the conveyance or counterweight, that part of the ropes that is in contact with the sheave must be cut off and the ropes re-terminated at intervals not exceeding three (3) months.

8.13.50 The manager must send the sample of a rope cut for tensile testing within two weeks to an **approved winding rope testing station** where the breaking strength and general condition must be determined.

8.13.51 For every tensile test carried out by the **approved winding rope testing station**, the manager must be provided with a certificate showing the results of the test performed.

8.13.52 If the sample of the winding rope received at the **approved winding rope testing station** is in a condition not permitting a satisfactory test, the manager must upon request of the **approved winding rope testing station** provide a new sample.

8.13.53 Except for friction drive or sheave type of winding engines, there shall not be less than three turns of rope upon the drum when the cage, skip or other means of conveyance is at the lowest point in the **shaft** or **winze** from which hoisting is carried out and the end of the rope where applicable shall be fastened securely round the arm or the **shaft** of the drum.

8.13.54 A spare rope which complies to these regulations shall be kept in reserve and readily available.

Requirements at shafts being sunk

8.13.55 For the purpose of work in a **shaft,** it shall not include work at the bottom of a **shaft** or **winze** in the course of being sunk.

8.13.56 The **winding engine driver** shall control the speed of the winding engine in such a manner as to ensure that when any bucket or other means of conveyance is approaching or passing through the stage, or the covering provided in accordance with the requirements of this regulation , it does so slowly and safely and that the crosshead is picked up or released, as the case may be, without shock.

8.13.57 The bucket or other means of conveyance shall not be lowered directly to the bottom of the **shaft** if men are present but shall be stopped by the winding-engine driver at least five metres above the bottom and shall not be lowered further until the signal has been given by one of the sinkers thereat.

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8.13.58.1 In a vertical **shaft** where sets are used to support the guides, guides shall extend down to the lowest set which shall not be more than 15 metres from the bottom, and when winding is being done to the bottom the crosshead shall travel to the lowest set but one. In a vertical **shaft** where the guides are not supported by sets, the guides for conveyances shall extend down to 30 metres or less from the bottom, and when winding is being done to the bottom the crosshead shall travel to as near the end of the guides as is practicable.

8.13.58.2 Every vertical **shaft** or **winze** where a crosshead is used to guide the bucket or other means of conveyance, shall be equipped with:

(a) an effective device so arranged as to prevent the bucket or other means of conveyance from being lowered below the shaft bank if it is unaccompanied by the crosshead; and

(b) an effective device which will prevent the bucket or other means of conveyance and the crosshead from separating unintentionally anywhere in the **shaft** or **winze**, or which will automatically warn the **winding engine driver** should such separation take place.

8.13.58.3 No person shall work or be caused or permitted to work at the bottom of the **shaft** unless protected by an adequate covering extending over the whole area of such **shaft**, sufficient space only being left therein for the passage of any bucket, skip or other means of conveyance. In a vertical **shaft** such covering shall be situated not more than 25 metres from the bottom. In an inclined **shaft** such covering shall be situated not more than 30 metres from the bottom.

8.13.58.4 In a **shaft** or **winze** being sunk or equipped, clutching may be performed with a sinking platform winder with such persons on the sinking platform necessary to ensure that the operations are carried out safely.

Construction requirements of winding plant conveyances

8.13.59 Every cage used for the regular conveyance of persons shall be of substantial construction and shall be provided with a proper roof or cover and doors. The cage shall be enclosed in such a manner as to prevent any portion of the body of a person therein from accidentally coming into contact with the timbering or other equipment in the **shaft** or **winze** or the sides of the **shaft** or **winze**. The doors shall be securely attached to the cage and so arranged that they cannot be opened outwards or accidentally. Provision shall be made for adequate ventilation through the cage.

8.13.60 Every skip or kibble, used for the regular conveyance of persons in a vertical or steeply inclined **shaft** or **winze** shall be provided with a substantial roof or cover that will safeguard the occupants.

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8.13.61 Every conveyance used for examining, repairing or doing other work in a vertical or steeply inclined **shaft** or **winze** shall be provided with a substantial roof or cover and shall be sufficiently enclosed to protect any person from accidentally falling out.

8.13.62 Where the roof or cover of a cage, skip or other means of conveyance is used as a platform for persons engaged in examining, repairing or doing other work in a vertical or steeply inclined **shaft** or **winze**, the persons so engaged shall be protected by a hood or cover immediately above them. Such hood or cover shall be removed as soon as this work is completed.

8.13.63 No trailer:

(a) shall be used in a **shaft** or **winze** where persons are regularly conveyed;

(b) shall be attached to a conveyance when such conveyance is used for transportation of persons; and

(c) shall be used for the regular conveyance of persons, unless it is allowed by the permit issued in terms of these regulations: Provided that for the purpose of this regulation, **'trailer'** shall mean any conveyance operated by a winding engine and which is attached to but not forming an integral part of the permanent conveyance, and of which the lateral movement is restrained by means of guide shoes or wheels running on or in guides or tracks.

Connection to winding plant conveyances

8.13.64 No rope, bar, link, chain or other connection shall be used for winding purposes unless it is of good quality and manufacture, free from any visible defect and of adequate calculated strength.

8.13.65 The connection between:

(a) any winding rope and the cage, skip, bucket, kibble, or other means of conveyance or counterpoise;

(b) any balance rope or tail rope and the conveyance or counterpoise; and

(c) any connecting rope and the conveyance, any trailer or other attached conveyance;

shall be such that no accidental disconnection can take place.

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8.13.66 At intervals of not more than six months the connections between:

(a) any winding rope and the conveyance or counterpoise;

(b) the conveyance and any trailer or other attached conveyance; and

(c) any balance rope or tail rope and the conveyance or counterpoise,

shall be annealed or given proper heat treatment or shall be discarded and replaced. With connections of a class of steel approved by the Chief Inspector of Mines, the interval for heat treatment may be extended with the written permission of the Chief Inspector of Mines.

8.13.67 A proper record shall be kept by the responsible engineer of the non-destructive testing, refurbishment and working life of any part connecting the conveyance to the winding rope. All such connections and their component parts shall be marked clearly for the purpose of identification.

Winding plant signalling arrangements.

8.13.68 The following standard code of signals shall be used and strictly observed where a **winding plant** is operated at a **shaft** or **winze**:

Knocks or rings-	
1.....	Raise when engine at rest.
1.....	Stop when engine in motion.
2.....	Lower.
3.....	Persons about to travel.
3.....	In reply: persons may continue to travel or may enter the cage or other conveyance for the purpose of travelling.
3.....	From engine driver when cage or other conveyance containing persons is brought to rest at a station: persons may leave the cage or other conveyance.
2 pause 2.....	From driver (clear signal requested): driver wishes to start the winding engine at his discretion.
	[Code of signal substituted by GN R2703 of 11 December 1981]
2 pause 2.....	To driver (clear signal): driver may start the winding engine at his discretion.

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Knocks or rings-	
	[Code of signal substituted by GN R2703 of 11 December 1981]
2 pause 2 pause 2	From driver: persons must leave the conveyance.
2 pause 2 pause 2	In reply: no persons in conveyance.
2 pause 2 pause 2 pause 2	Cancel or repeat signal.
3 pause 3 pause 3	Person giving signal is about to travel.
3 pause 3 pause 3	In reply: acknowledgement by driver that person signalling is about to travel.
4 pause 1.....	Raise slowly.
4 pause 2.....	Lower slowly.
4 pause 4.....	To driver: 'mark' signal.
4 pause 4.....	In reply: acknowledgement by driver of 'mark' signal.
4 pause 4 pause 4	To driver: clutching signal.
4 pause 4 pause 4	In reply: clutching operations completed.
5 pause 5.....	To driver: **explosives** about to be placed in the conveyance.
5 pause 5.....	In reply: **explosives** may be placed in the conveyance.
5 pause 5.....	From driver when conveyance containing **explosives** is brought to rest at a station: **explosives** may be removed from the conveyance.
5 pause 5 pause 5	To driver: no **explosives** in the conveyance.
5 pause 5 pause 5	In reply: acknowledgement by driver that there are no **explosives** in the conveyance.
6 pause 6.....	To driver: winding compartments served by engine locked.
6 pause 6.....	In reply: acknowledgement by driver of 'compartments locked' signal.
6 pause 6 followed by station signal	To driver: winding compartments served by engine locked below station designated.
6 pause 6 followed by station signal	In reply: acknowledgement by driver of 'compartments locked below station designated' signal.

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Knocks or rings-	
6 pause 6 pause 6	To driver: compartments served by engine reopened.
6 pause 6 pause 6	In reply: acknowledgement by driver of 'compartments served by engine reopened' signal.
6 pause 6 pause 6 pause 6	To driver: **shaft** examination and repairs about to take place.
6 pause 6 pause 6 pause 6	In reply: acknowledgement by driver of '**shaft** examination and repairs' signal.
7.....	To driver: persons about to have access to the conveyance for a purpose other than travelling or the loading or unloading of minerals in trucks or of **material**.
7.....	In reply: persons may have access to conveyance for a purpose other than travelling or the loading or unloading of minerals in trucks or of **material**.
7 pause 7.....	To driver: conveyance is clear of all persons who have had access to it for a purpose other than travelling or the loading or unloading of minerals in trucks or of **material**.
7 pause 7.....	In reply: acknowledgement by driver of 'persons clear' signal.
15.....	Electrician is testing bells.
15.....	In reply: acknowledgement of 'bell testing' signal.
15 pause 2 pause 2	Electrician has completed test.
10 followed by station signal	Accident to person: station where conveyance is required.
1 long ring.....	Accident to **shaft**: winding operations to be suspended immediately in all compartments of the **shaft**.
In any purely mechanical signalling system 'continued ringing' shall replace 'one long ring' for the 'accident to **shaft**' signal. When raising or lowering mineral in trucks or **material** other than **explosives**:	
8.....	To driver: raising or lowering of minerals in trucks or of **material** about to commence.

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Knocks or rings-	
8.....	In reply: acknowledgement by driver that raising or lowering of minerals in trucks or of **material** is about to commence.
1.....	From driver: persons may have access to conveyance for the purpose of loading or unloading minerals in trucks or **material**.
8 pause 8.....	To driver: raising or lowering of minerals in trucks or of **material** completed.
8 pause 8.....	In reply: acknowledgement by driver that raising or lowering of minerals in trucks or of **material** is completed.

8.13.69 In addition to the standard code of signals, other signals may be used provided that they have been approved in writing by the Principal Inspector of Mines.

8.13.70 Any person acting in conflict with the standard code of signals or of any of the other signals approved in writing by the Principal Inspector of Mines and used on a mine shall be guilty of an offence.

8.13.71 No person shall enter or have access to or be permitted to enter or have access to a cage or other conveyance for any purpose whatsoever or shall continue to travel in a cage or other conveyance or shall leave or be permitted to leave a cage or other conveyance unless and until the appropriate signals have been exchanged, or, if a signal cannot be given on the bell system, some other appropriate and distinct signal has been received from the **winding engine driver**.

8.13.72 Every **shaft** in which winding is carried out, other than a **shaft** in the course of being sunk, shall be provided with some efficient signalling arrangements in respect of each **winding plant** for interchanging distinct and definite signals between:

(a) the **winding engine driver** and the bank; and

(b) the **winding engine driver** and every established point below the bank from which winding is carried out.

8.13.73 Every **shaft** where persons travel on or in the conveyance while carrying out any examination, repair or other work shall be provided with some efficient means, approved by the Principal Inspector of Mines whereby the persons doing such examination or work can signal effectively from any depth in the **shaft** to the **winding engine driver**.

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8.13.74 Every inclined/declined **shaft** in the course of being sunk shall be provided with some efficient signalling arrangement in respect of each **winding plant** for interchanging distinct and definite signals between:

(a) the **winding engine driver** and the bank;

(b) the **winding engine driver** and every established intermediate landing station below the bank; and

(c) the **winding engine driver** and a point not more than 40 metres from the bottom of the **shaft**. When this point is more than 15 metres from the bottom of the **shaft**, some efficient signalling arrangements shall also be provided and used for signalling from the bottom of the **shaft** to this point.

8.13.75 Every vertical **shaft** in the course of being sunk shall be provided with two separate means for each **winding plant** whereby persons employed in the sinking process can signal effectively from the bottom of the **shaft** and from any depth in the **shaft** to the **winding engine driver** and there shall also be provided in respect of each **winding plant** an efficient signalling arrangement for interchanging distinct and definite signals between the **winding engine driver** and the bank and between the **winding engine driver** and every established intermediate landing station below the bank.

8.13.76 At every **shaft** and **winze**, other than a **shaft** or **winze** in the course of being sunk, where persons are regularly conveyed and where the signalling arrangements are operated by electricity, the following provisions, except as provided for in other signals approved in writing by the Principal Inspector of Mines, shall be observed in respect of each **winding plant** used for the raising or lowering of persons.

8.13.76.1 There shall be provided and maintained in good working order, two separate, independent, and efficient signalling arrangements, hereinafter referred to as the locked-bell system and the call-bell system, which shall be used for transmitting signals.

8.13.76.2 The locked-bell system shall be for the interchange of signals between:

(a) the **winding engine driver** and the bank; and

(b) the **winding engine driver** and every established point below the bank from which winding is normally carried on, but it shall not enable the **banksman** to signal on this system to anyone but the **winding engine driver**.

8.13.76.3 The system shall be arranged so that the **winding engine driver** can easily distinguish between signals received from the bank and signals from below the bank and such a system has been approved by the responsible engineer.

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8.13.76.4 The system shall further be arranged and maintained so as to prevent as far as possible, signals being given by unauthorized persons. The signal operating mechanism at the bank and at all points below the bank shall be securely enclosed in a metal casing of substantial construction and shall be kept locked when not in actual use. The key shall be removable and when not required shall be removed and retained by the **banksman**, **onsetter** or an authorised person. Without the key inserted, the bell system will be inoperable. Other locking arrangements may be used if approved by the Principal Inspector of Mines.

8.13.76.5 There shall be in use a device which automatically prevents the conveyance or conveyances being raised or lowered after the **winding engine driver** has given a signal on the circuit of the locked-bell system provided for interchanging signals with the bank or on the circuit of the locked-bell system provided for interchanging signals with the established points below the bank from which winding is normally conducted, until he has received a signal on each of the circuits on which he gave a signal.

8.13.76.6 The call-bell system shall enable signals to be transmitted:

(a) to the **winding engine driver** from the bank; and

(b) to the **winding engine driver** from every established point below the bank from which winding is normally conducted and shall also enable signals to be interchanged between the bank and every established point below the bank from which winding is normally conducted, but it shall not enable the **winding engine driver** to transmit signals on this system.

8.13.76.7 The signal operating mechanism of the call-bell system shall be accessible to any person to transmit the signal '10 followed by station signal' and 'one long ring' referred to in the standard code of signals, but it shall not be used for any other purpose, provided that the **banksman** or **onsetter** or any person duly authorised by the manager may use the system to indicate the station at which the conveyance is required and subject to the approval of the Principal Inspector of Mines to transmit special signals.

8.13.76.8 The tone of the bells of the call-bell system shall be such as to be easily distinguishable from that of the bells of the locked-bell system.

8.13.76.9 In a **shaft** or **winze** where efficient telephonic intercommunication is provided between the bank and every established landing station for persons below the bank, it shall be necessary to provide only one call-bell system in respect of all the winding plants serving such **shaft** or **winze**.

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8.13.77.1 The standard code of signals or an abridged form thereof approved by the Principal Inspector of Mines, as well as any other approved signals that may be in use on a mine, shall be displayed suitably in the form of distinctly legible notices in letters and figures not less than 10 millimetres in height. The decision whether such notices are suitably displayed and distinctly legible shall rest with the Principal Inspector of Mines.

8.13.77.2 Such notices shall be posted up in the winding-engine room, at the bank and at all **shaft** or **winze** stations for the time being in use and easily readable by the operator of the signals.

8.13.78 The employer must take reasonably practicable measures to ensure that a winder used for the conveyance of persons is equipped with a device that will continuously record the signals exchanged between the **winding engine driver** and **banksman** and the **winding engine driver** and **onsetter**, and that the information recorded is kept readily available at the mine for a period of at least 30 days.

8.13.79 Any person acting in conflict with the code of signals referred to in these regulations or of any special signals used on a mine shall be guilty of an offence.

Requirements at shafts and winzes

8.13.80 Every vertical **shaft** and every vertical **winze** exceeding 30 metres in depth and used for winding purposes shall be provided with guides for skips, cages or other conveyances unless exempted in writing by the Principal Inspector of Mines.

8.13.81 At any place in a **shaft** or **winze** where it is necessary for workmen to pass from one side to the other, provision shall be made for them to do so without entering or crossing a compartment in which winding is taking place; such passage shall be securely fenced off from moving parts of machinery and from any conveyance.

8.13.82 No person shall enter or cross a compartment of a **shaft**, **winze** or of a headgear in which winding is taking place, except for the purpose of entering, leaving or having access to a cage, skip or other conveyance or for the purpose of conducting an examination, effecting repairs or doing other necessary work in such compartment.

8.13.83 No winding operations shall be conducted in a **shaft**, **winze** or headgear while persons are engaged in effecting repairs, conducting an examination or doing other work in such **shaft**, **winze** or headgear except:

8.13.83.1 where such winding operations are necessary for the purpose of effecting the repairs, conducting the examination or doing other work; or

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8.13.83.2 where persons engaged in effecting the repairs, conducting the examination or doing other work are adequately protected from the conveyances and other winding equipment used in such winding operations as well as from falling stones and falling **material**.

8.13.83.3 any such repairs or maintenance or inspections contemplated in these regulations shall be recorded in the applicable Winder Engine Driver's Logbook affected by such activities, and such Winder Engine Driver's Logbooks are kept for a period of at least 12 months and readily available.

8.13.84 No person shall effect repairs, conduct an examination or do other work in a **shaft**, **winze** or a headgear while winding operations are being conducted in such **shaft** or headgear, except:

8.13.84.1 where such a person is adequately protected from the conveyances and from other winding equipment as well as from falling stones and falling **material**; or

8.13.84.2 where the winding operations are necessary for such person to effect the repairs, conduct the examination or to do other work.

8.13.85 The person in immediate charge of any inspection, repair, examination, maintenance or work in a winding compartment of a **shaft**, **winze** or a headgear or in immediate charge of any work in connection with maintenance or installation of equipment in a winding compartment of a **shaft**, **winze** or a headgear shall:

a) make an entry into the Winding Engine Driver's Logbook and such entry must be countersigned by the **winding engine driver** on duty. Such entry must be cleared by the person that made such entry and must be countersigned by the same person on duty, immediately after completion of such activities.

b) where it is not practicable for the person in charge to make an entry during an inspection, repair, examination, maintenance or work into the Winding Engine Driver's Logbook, the **winding engine driver** may make such an entry on behalf of the person in charge of such inspection, repair, examination, maintenance or work. Such entry must be cleared by the person in charge thereof and must be countersigned by the **winding engine driver** on duty, immediately after completion of such activities.

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c) where it is not practicable for the person in charge to clear an entry after an inspection, repair, examination, maintenance, or work made into the Winding Engine Driver's Logbook, the engineer or person appointed by the manager may clear such an entry on behalf of the person that made the entry if they are satisfied that it is safe to do so. If the engineer or a person appointed by the manager cannot clear the entry in person, the engineer or the person appointed by the manager in question may give permission for it to be done; and

d) where it is not practicable for the person in charge to make and clear an entry before and after an inspection, repair, examination, maintenance, or work made into Winding Engine Driver's Logbook, the person in charge must notify the **winding engine driver** to make an entry in the logbook for him/her before and after the inspection, repair, examination, maintenance, or work conducted. Such entry must be cleared by the person in charge of such activities immediately after completion of such activities and must be countersigned by the **winding engine driver** on duty.

8.13.86 Where winding is conducted in a **shaft** or **winze** there shall be fitted above the bank spring keeps or jack catches or some other effective contrivance to support any conveyance detached from the winding rope because of an overwind: Provided that this requirement does not apply to a vertical **shaft** or **winze** in the course of being sunk.

8.13.87 For a winding system in a vertical **shaft** or **winze** where the end of the winding rope is fastened to the drum of the winding engine, there shall be fitted detaching hooks to detach from the winding rope any conveyance overwound in the headgear and to support it. Such detaching hooks shall be additional to the devices required in a **shaft** or **winze**, provided that detaching hooks need not be fitted to the ropes of any **winding plant** in a vertical **shaft** or **winze** in the course of being sunk.

8.13.88 For a winding system in a vertical **shaft** or **winze** where the winding rope is not fastened to the drum or sheave of the winding engine:

8.13.88.1 The over-run space in the headgear above the highest established stopping place shall be provided with rigid guides or other appliances arranged so that an overwound conveyance is retarded to minimise the risk of the conveyance coming into contact with the rope sheave or the buffer stops in the headgear; and

8.13.88.2 The over-run space at the bottom of the **shaft** or **winze** below the lowest established stopping place shall be provided with rigid guides or other appliances arranged so that an overwound conveyance is retarded and arrested before it can come into contact with any fixed obstacle.

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8.13.89 The headgear shall be carried sufficiently high to allow a clearance space that must be equal to or greater than the combined height of the conveyance in use, in which the conveyance can travel above or beyond the highest landing place for persons before it comes into contact with any fixed obstacle excluding any retarding appliance. This regulation will not apply to skips used for rock winding.

8.13.90 The **shaft** or **winze** shall be carried sufficiently deep to allow an over-run space that must be equal to or greater than the combined height of the conveyance in use, in which the conveyance can travel below or beyond the lowest landing for persons before it comes into contact with any fixed obstacle excluding any retarding appliance, provided that such over-run space need not be provided in a **shaft** or **winze** in the course of being sunk.

8.13.91.1 The employer must, for every **station level**:

(a) identify and clearly demarcate an area surrounding the **shaft** as the **shaft station**;
(b) show the **shaft station**, including the location of all safety devices on the **shaft station**, on a plan; and
(c) prominently and conspicuously display a copy of such plan at every **shaft station**.

8.13.91.2 The employer must install a device or combination of devices that prevent inadvertent access of vehicles to the **shaft** as close as practicable to all entrances to the **shaft**.

8.13.91.3 The device or combination of devices must be:

(a) fail-safe or lockable.
(b) equipped with mechanisms that prevent their unauthorised operation;
(c) operated only under the direct supervision of a competent person appointed by the engineer or by the person appointed by the manager;
(d) operated only if a conveyance is being used for the loading or unloading of equipment, **material**, minerals or **explosives** at that entrance to the **shaft**; and
(e) operated only in closed positions if a conveyance is being used for the loading or unloading of persons at that entrance to the **shaft**.

8.13.91.4 The employer must install a station stop block device or combination of devices which ensure that any self-propelled mobile machine or combination of vehicles entering the **shaft** inadvertently.

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8.13.91.5 The employer must ensure that procedures are in place, or that the device or combination of devices are equipped with mechanisms that prevent the unauthorised operation or removal of such device or combination of devices.

8.13.91.6 The engineer or person appointed by the manager must approve any access configuration and must with regard to the device or combination of devices used for the purposes of these regulations:

(a) approve the design of every such device; and

(b) ensure that every such device is installed and maintained in good working order.

8.13.92 No self-propelled mobile machine may be parked in the **shaft station**.

8.13.93 A self-propelled mobile machine may only enter the **shaft station** under power if it is under the direct supervision of a competent person appointed by the engineer or the person appointed by the manager.

Requirements for loading of winding plant conveyances

8.13.94 No person shall travel in a conveyance operated by a winding engine if such conveyance is loaded or partially loaded with minerals, and no person shall travel in a conveyance operated by a winding engine that is being used simultaneously for the winding of minerals, provided that, if authorised by the manager or a person appointed by the manager , persons engaged in sinking operations in a vertical **shaft** or **winze** may descend such **shaft** or **winze** in a conveyance operated by a winding engine that is being used simultaneously for the raising of mineral.

8.13.95 No person shall travel-

a) with **material** or **explosives** in a conveyance operated by a winding engine; and

b) in a conveyance operated by a winding engine that is being used simultaneously for the winding of **material** or **explosives**.

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8.13.96 Subject to the provisions of the regulation dealing with authorization for persons to travel with **material** in the conveyance:

(a) the manager, engineer or a person appointed by the manager may grant permission in writing for persons to travel with **material** if such **material** is not likely to endanger persons travelling in the conveyance; and

(b) the manager shall:

(i). cause a list to be kept of the **material** which is regularly conveyed in the **shaft** or **winze** for which permission has been granted in terms of paragraph (a);

(ii). ensure that all persons authorised to give signals for the raising and lowering of persons are conversant with the **material** mentioned in the list;

(iii). make a copy of the list readily available to all persons concerned; and

(iv). ensure that all persons authorized to carry such **material** must carry such suitable bag or enclosure to be approved by the engineer in charge.

8.13.97 The manager, engineer or a person appointed by the manager may authorise the following persons to travel in a **shaft** or **winze** with **material** or **explosives** prohibited in terms of these regulations if such travelling is necessary for the efficient carrying out of their duties:

8.13.97.1 Onsetters and their gangs;

8.13.97.2 Persons engaged in sinking operations or in conducting an examination, effecting repairs or doing other work in the **shaft** or **winze**; and

8.13.97.3 Persons required to ensure the safe passage through the **shaft** or **winze** of **material** which cannot be conveyed inside a conveyance.

8.13.98 No person shall place **explosives** in or remove them from a conveyance operated by a winding engine except under the immediate supervision of the **banksman**, **onsetter** or a competent person authorised thereto by the manager, or a person appointed by the manager.

8.13.99 No person shall ride in any **shaft** or **winze** on the roof, top, side, bow, rim, bridle or frame of or in any position outside a conveyance operated by a winding engine, except for persons engaged in examining or repairing the **shaft** or **winze** or doing other work in the **shaft** or **winze** may ride on the roof of such conveyance or on a special platform if authorised to do so by the manager or mine overseer and if such riding on the roof of such conveyance or on the special platform is necessary for the efficient carrying out of such examination, repairs or other work.

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8.13.100 Persons shall not be raised or lowered in a conveyance attached to the normal conveyance except when permitted in writing by the Principal Inspector of Mines.

8.13.101 No bucket or other means of conveyance that can sway shall be allowed to leave the top or bottom of the **shaft** or **winze** unless the workman in charge thereof has steadied it or caused it to be steadied.

8.13.102 No bucket or other means of conveyance shall be filled with loose rock or ground above the level of the brim.

8.13.103 Tools or other **material** which project above the top of the cage, skip, bucket, kibble or other means of conveyance, and which are raised or lowered in a **shaft** or **winze** shall be fastened securely in such a manner that the operation of any arresting device or detaching hook is not affected.

Notices required at winding plants

8.13.104 Where a **winding plant** is used the following shall be kept posted up:

8.13.104.1 At each winding engine:

a) a copy of the **prescribed permit** issued in terms of **the Act**;

b) the code of signals and any special signals;

c) a copy of a notice shall be placed regarding persons not to speak to or distract the attention of the person operating a winding engine while it is in motion; and

d) a copy of a notice shall be placed regarding a person operating a winding engine while it is in motion not to be involved in distracting or be distracted by any person.

8.13.104.2 At each bank, station or landing platform:

(a) a notice showing clearly the maximum number of persons permitted to ride in each conveyance, or a notice prohibiting the conveyance of persons where it is not allowed in terms of the **prescribed permit** issued under **the Act**;

(b) the code of signals and any special signals;

(c) a notice showing clearly the use of full body safety harness to be used when working near open shafts gates; and

(d) a notice showing items that are prohibited to be carried or taken into the underground workings.

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Requirements for Winding-engine drivers

8.13.105 Nobody shall **drive** or be caused to **drive** or permitted to **drive** a **winding plant**, for which a **prescribed permit** has been issued unless he is a certificated **winding engine driver**, provided that a learner **winding engine driver** may drive such a **winding plant** under the direct supervision of a certificated **winding engine driver** while no persons are being conveyed.

8.13.106 Upon engaging a **winding engine driver**, who is required in terms of this regulation to be the holder of a certificate, the manager shall record or cause to be recorded the number and type of such certificate, provided that if such **winding engine driver** has not driven a winding engine for the preceding two years or more, the manager shall not engage him, but shall require such winding-engine driver to undergo a medical examination with a full psychometric evaluation , refresher training and re-examined in accordance with these regulations.

8.13.107 No person shall speak to or, in any way, distract the attention of the person operating a winding engine while it is in motion, except an authorised person required to conduct such activities in the winding engine.

8.13.108 The driver of a winding engine:

8.13.108.1 shall not start his engine before he has received a distinct and proper signal to do so, unless he has been instructed in writing to do so by the manager, or by a person appointed by the manager , as the case may be, or unless he has received the 'clear signal' 2 pause 2, or unless he has sole control of the cage, skip or other means of conveyance;

8.13.108.2 shall not act on any signal if he has been unable to do so within one minute after receiving it but shall request a repeat signal: by ringing 2 pause 2 pause 2 pause 2, provided that after having received the 'clear signal' he may move at his discretion, but when a period of more than five minutes has lapsed after he has received such 'clear signal' he shall move the conveyance slowly;

8.13.108.3 shall not run such engine at a greater speed than that fixed by the Principal Inspector of Mines;

8.13.108.4 shall, except in the case of emergency, avoid shocks in starting, in running and in stopping the said engine;

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8.13.108.5 shall apply correctly every device and means at his or her disposal to prevent the conveyance over-running:

(a) the signalled destination; or

(b) when the destination is not signalled, the highest or lowest landing place when persons are being conveyed and the highest or lowest established stopping place when persons are not being conveyed to an extent which may endanger the safety of persons or may cause damage to the winding equipment.

8.13.108.6 shall apply correctly every device and means at his disposal to prevent the conveyance moving in a direction opposite to that signalled;

8.13.108.7 shall not start the engine until the expiry of at least 10 seconds after receiving a signal to raise or lower persons, provided that this requirement shall not apply when blasting is about to take place in a **shaft** or **winze** in the course of being sunk;

8.13.108.8 shall not act in response to any signal on the call-bell system other than the one long ring referred to in these regulations.

8.13.108.9 shall not unclutch a drum of the engine until the driver has assured themselves immediately beforehand by testing the brake of the drum against sufficient holding power of the engine, that the brake is in proper condition to hold the load suspended from said drum;

8.13.108.10 shall when such engine is fitted with a friction clutch, test the holding power of the clutch after engaging the clutch and before releasing the brake of the corresponding drum. For a steam engine or an air engine the test shall be made against the full power of the engine, and for an electric engine against the normal starting current, while the brake of the other drum is kept off;

8.13.108.11 shall not perform clutching operations whilst persons are in either of the conveyances operated by his or her engine, provided;

a) clutching may be performed on a sinking platform while the minimum number of persons are on the platform to ensure that the clutching operations are correctly conducted; and

b) clutching may be performed on an equipped **shaft** in case of emergency under the instructions of an engineer after said engineer has satisfied themselves that it is safe to do so.

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8.13.108.12 shall not, unless he intends operating the winding engine on single drum during shaft examination, shaft repairs or shaft sinking operations, give the signal that clutching operations are completed until he has engaged the clutch and has securely locked it and where applicable has carried out the test prescribed in these regulations.

8.13.108.13 shall not work or be permitted to work a shift on the winding engine longer than 10 hours, except where permission has been obtained from the Principal Inspector of Mines and under such conditions directed by the Principal Inspector of Mines;

8.13.108.14 shall take all reasonable measures to safeguard persons being conveyed and to avoid any unnecessary delays in conveying such persons.

8.13.108.15 shall take a 20 minute drivers break as near in the middle of the shift as possible. Provided where a Principal Inspector of Mines has granted permission for working longer than the prescribed 10 hours shift, the driver's break interval shall be increased by 10 minutes for each additional hour permitted.

8.13.108.16 shall take breaks at intervals specified in the mine operating shaft schedule.

Banksmen and Onsetters

8.13.109 No unauthorised person shall give any signal other than an accident signal or shall in any manner whatsoever interfere with the signalling arrangement provided for winding operations.

8.13.110 No person shall be permitted to carry out the duties of a **banksman** or **onsetter** unless he is the holder of an onsetter's certificate issued in accordance with these regulations. Every appointment of a **banksman** or **onsetter** shall be made in writing by the manager.

8.13.111 If upon engaging a **bankman** or an **onsetter**, who is required in terms of this regulation to be the holder of a certificate and such a **bankman** or **onsetter** has not performed such appointed duties for the preceding two years or more, the manager shall not engage such **banksman** or **onsetter**, but shall require such **banksman** or **onsetter** to undergo a medical examination, refresher training and a proficiency examination conducted by an appointed engineer or his delegate.

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8.13.112.1 No person, other than the **banksman** or **onsetter** on duty, shall give or shall be caused or permitted to give any signals for the raising or lowering of persons provided that:

(a) when the **banksman** or **onsetter** is not available, a competent person to whom the manager has given written permission to do so may give signals for the conveyance of himself and of any person travelling with them;

(b) the ganger or miner in charge at the bottom of a **shaft** or **winze** in the course of being sunk or a person acting under their immediate supervision may give a signal to raise persons; and

(c) any person duly authorised in writing by the manager or mine overseer may give signal for the conveyance of persons between the main mineral loading station at the bottom of a vertical or inclined **shaft** and the lowest landing station for persons.

The Principal Inspector of Mines shall be furnished on demand with a list of the persons to whom permission has been granted in terms of paragraph (a) above and may order its revision.

8.13.112.2 No person other than the **banksman** or **onsetter** on duty shall give any signal for the raising or lowering of **material** or mineral unless duly authorised by the manager or mine overseer or engineer. Where the **winding plant** is also used for the conveyance of persons, such authorisation shall be in writing.

8.13.113 No person shall be appointed as a **banksman** or **onsetter**, nor shall any person be authorised to give signals, unless such person has sufficient knowledge of the shaft operations and of the signals to be given in connection with such operations.

8.13.114 The **banksman**, **onsetter** or other person authorised to give signals for winding operations:

8.13.114.1 shall not, after the **winding engine driver** has signalled that persons may enter the conveyance for the purpose of travelling or that persons in the conveyance may continue to travel, give any signal on the signalling arrangements for that winding compartment until all persons are properly placed in the conveyance and the doors or gates of the conveyance and the gates or barriers at the bank, station or landing platform are properly shut, provided that when the **banksman**, **onsetter** or other person authorised to give signals intends to travel, such doors, gates or barriers as will prevent his entrance to the conveyance may be left open until he or she has given the signal to raise or lower and has entered the conveyance;

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8.13.114.2 shall not, when the conveyance containing persons is brought to rest in the proper position at the bank, station or landing platform and the **winding engine driver** has signalled that persons may leave the conveyance, give any signal on the signalling arrangements for that winding compartment until all persons who are to leave the conveyance are out and clear of it, Provided that in the event of an accident to **shaft** or person the 1 long ring and signal (10) is allowed to be given.

8.13.114.3 shall ensure that the roof, cover or hood, required to be provided in terms of these regulations, is properly in position before persons are raised or lowered in or on such conveyance.

8.13.114.4 shall take all reasonable measures to prevent persons from having unauthorised access to the conveyance and to the winding compartments;

8.13.114.5 shall not allow any person to travel in a conveyance operated by a winding engine if such conveyance contains minerals and, except as provided for in these regulations, shall not allow any person to travel in a conveyance operated by a winding engine that is being used simultaneously for the winding of minerals;

8.13.114.6 shall not, except as provided for in these regulations, allow any person to travel in a conveyance operated by a winding engine that is being used simultaneously for the winding of **material**;

8.13.114.7 shall not, except as provided for in these regulations, allow any person to ride on the roof, top, side, bow, rim, bridle or frame of or in any position outside a conveyance operated by a winding engine;

8.13.114.8 shall acquaint himself with the maximum number of persons authorised by the Principal Inspector of Mines to travel at any one time in the cage and on each deck of the cage, or in the skip or other means of conveyance and shall not allow such maximum to be exceeded;

8.13.114.9 shall not allow any unauthorised person to give signals on the signalling arrangements used in connection with winding operations;

8.13.114.10 shall not give the 'clear signal' 2 pause 2 or any signal to raise or lower the conveyance unless all persons at the bank, station, landing platform, loading box or other place where he is in charge, are in a position in which they will not be endangered by the movement of such conveyance or any other conveyance operated by the same winding engine;

8.13.114.11 shall not give a signal to clutch unless all persons are out of and clear of the conveyance or conveyances operated by the winding engine;

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8.13.114.12 shall not cause or permit any person to enter or to have access to the conveyance or conveyances until he or she has received a signal from the **winding engine driver** that clutching operations are completed; and

8.13.114.13 shall take all reasonable measures to safeguard against accidents to all persons at the place where he is in charge, whether such persons are under his direct supervision or not.

Winding plant record and Logbooks

8.13.115 The manager must take reasonably practicable measures to ensure that a **recoverable recordable system** is established and maintained at the mine for the winding system and shaft system and in which the following information is captured:

8.13.115.1 details of all maintenance, repairs, testing, inspections and examinations of the winding system and shaft system and of the findings, which must be captured by the competent person who undertook the maintenance, repairs, inspections or examinations within 24 hours from completion of such maintenance, repairs, inspections or examinations;

8.13.115.2 all rope manufacturing and modification details, as well as dates of installation, modifications and removal for each winding rope, which must be captured by the competent person within 24 hours after installation, and which information must include at least the following:

(a) Name of manufacturer;
(b) Date of manufacture;
(c) Coil number;
(d) Length in metres;
(e) Mass per metre in kilograms;
(f) Diameter in millimetres, Width and thickness in millimetres;
(g) Construction of rope:
  (i). type and length of lay;
  (ii). number of strands;
  (iii). class of heart;
  (iv). type of lubricant;
(h) Construction of strands:
  (i). number of wires;
  (ii). diameter of wires in millimetres;

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(iii). Class of core;

(iv). Class of steel in wires (galvanised or not);

(v). Tensile strength of steel in Megapascals;

(vi). Breaking force in kilo Newtons;

(vii). Rope test certificate number and place of test;

(i) whether used for winding or balance purposes:

(i). Name and type of **shaft**;

(ii). Name of compartment;

(iii). Winding plant licence (certificate) number.

8.13.115.3 All dates of installation, modification and removal of the winding rope **attachments**, which must be captured by the competent person within 24 hours after installation, modification or removal, as the case may be;

8.13.115.4 The current condition of the winder and signalling arrangements, which must be captured by the competent person (**winding engine driver**) before commencing their shift or before taking over from another **winding engine driver**; and

8.13.115.5 Any unsafe conditions or events that occur during the full period of control of a winder, which must be captured by the competent person (**winding engine driver**) upon occurrence of such event.

8.13.116 The manager must take reasonably practicable measures to ensure that the persons appointed:

8.13.116.1 scrutinise all entries made in the **recoverable recordable system** within 7 days of entry;

8.13.116.2 determine any required measures to be taken;

8.13.116.3 ensure that such measures are implemented;

8.13.116.4 record all the activities required by this regulation in the **recoverable recordable system**; and

8.13.116.5 if the system is electronic, it must be approved by the Principal Inspector of Mines, before it is put to use.

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8.13.123 No person shall ride in any **shaft** or **winze** on the roof, top, side, bow, rim, bridle or frame of or in any position outside a conveyance operated by a winding engine, nevertheless persons engaged in examining or repairing the **shaft** or **winze** or doing other work in the **shaft** or **winze** may ride on the roof of such conveyance or on a special platform if authorised to do so by the manager or mine overseer and if such riding on the roof of such conveyance or on the special platform is necessary for the efficient carrying out of such examination, repairs or other work.

8.13.124 Persons shall not, except when permitted in writing by the Principal Inspector of Mines, be raised or lowered in a conveyance attached to the normal conveyance.

8.13.125 No bucket or other means of conveyance that can sway shall be allowed to leave the top or bottom of the **shaft** or **winze** unless the workman in charge thereof has steadied it or caused it to be steadied.

8.13.126 No bucket or other means of conveyance shall be filled with loose rock or ground above the level of the brim.

8.13.127 Tools or other **material** which project above the top of the cage, skip, bucket, kibble or other means of conveyance, and which are raised or lowered in a **shaft** or **winze** shall be fastened securely in such a manner that the operation of any arresting device is not affected.

Care must be exercised in cases where a detaching hook is attached to the end of the winding rope that the **material** does not project above the detaching hook or interfere with it in any way whatsoever.

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Trial run of winding plant

8.13.128 When winding in any compartment or compartments of a **shaft**, **winze** or headgear has been stopped for repairs or blasting operations or when it has been stopped for any other purpose for a period exceeding one hour in duration or when a conveyance has been changed, the winding engine serving such compartment or compartments shall not be used for the raising or lowering of persons until the cage, skip or other means of conveyance has been run at least one complete trip up and down such compartment or compartments, provided that this regulation shall not apply to the use of the winding engine for the raising or lowering of persons conducting an examination or effecting repairs; and provided further that where such stoppage is confined to a portion of any compartment or compartments, the requirements of this regulation shall only apply to such portion.

Requirements for the examination of winding plant and shaft

8.13.129 The manager or subordinate manager and an appointed engineer or appointed competent person, as the case may be shall, in respect of his area of responsibility, appoint in writing competent persons whose duty it shall be to examine carefully, to an extent to be clearly defined in their respective letters of appointment, at least once in each week, at intervals not exceeding 10 days, the guides or rails and the shaft compartments and equipment, including the doors, gates and barriers and ancillary equipment at stations, loading platforms and loading boxes.

8.13.130 An appointed engineer or appointed competent person, shall appoint in writing, competent person or persons whose duty it shall be to examine carefully:

8.13.130.1 at least once in each day the winding ropes, the balance ropes or tail ropes, the connection of the winding ropes to the drum, the connections referred to in these, the conveyances and the main members by which they are suspended and any safety catches attached thereto, the pulley wheels or sheaves, the brakes, the depth indicators, the safety devices and all external parts of the winding equipment upon the proper working of which the safety of persons depends, provided that these examinations will not be necessary on any day mentioned in section 9(1) of the Mines and Works Act if the **winding plant** makes less than 50 **winding cycles** during such day;

8.13.130.2 at least once in each day during the changeover of loading activities, conduct a thorough examination of the safety devices, dolly wheels and the **attachments** thereto for a **winding plant** or conveyance that is responsible for the conveyance of persons and minerals;

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8.13.130.3 at least once in each day after a daily examination, artisans responsible for such winder examinations, to do a full trip trial run, inside the conveyances to verify and record that the winding conveyance is in a good state of use by other persons; and

8.13.130.4 at least once in each week the signalling arrangements and the safety devices used in connection therewith.

8.13.131 An appointed engineer or an appointed competent person, shall examine carefully:

8.13.131.1 at least once in each week, and at intervals not exceeding 10 days, the overspeed and overwind prevention devices and the external parts of the winding engine;

8.13.131.2 at least once in each week, and at intervals not exceeding 14 days, the integral structures joining the shaft infrastructure and the conveyor belt installations;

8.13.131.3 at least once in each year the winding engine as to the condition of the internal mechanical parts and, as far as reasonably practicable, the internal electrical parts;

8.13.131.4 at least once in each calendar month at intervals not exceeding 45 days, the structure of the winding rope and the balance rope or tail rope, with the aim ascertaining the amount of deterioration thereof. For the purpose of this examination the rope shall be cleaned at a place selected by the person making the examination who shall note any reduction in the circumference of the rope, any variation in the length of the rope, the superficial condition of the wires as to wear, corrosion, fractures and brittleness, and all other data necessary for ascertaining the amount, extent, and distribution of the deterioration of the rope. If the examination discloses features such as undue or rapid wear or fractures of the wires, which, although not constituting sufficient reason for condemning the rope, call for more than usual attention, the examination required under this paragraph shall be made more frequently;

8.13.131.5 at least once in each calendar month at intervals not exceeding 45 days the connections between the winding rope and the drum, the connections referred to in these regulations and the sheave wheel or wheels;

8.13.131.6 after every accident or occurrence referred to in a chapter of the regulations and before winding operations are resumed, all portions of the winding equipment affected by such accident or occurrence on which the safety of persons depends; and

8.13.131.7 by dynamically testing the automatic overwind and overspeed prevention devices at least once in every six months, at intervals not exceeding 200 days.

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8.13.132 In the case of connections referred to in these regulations being of a class of steel approved by the Chief Inspector of Mines, such connections and their component parts shall be dismantled, cleaned and then examined by an appointed engineer or an appointed competent person, at intervals not exceeding 12 months.

8.13.133 If on any examination required in terms of these regulations there is discovered any weakness or defect which may endanger the safety of persons, and such weakness or defect cannot be remedied immediately, the person making the discovery shall report such weakness or defect to the manager without delay. Until such weakness or defect is remedied, the **winding plant** shall not be used except in so far as may be necessary to remedy such weakness or defect.

Access to conveyance

8.13.134 No person shall enter the conveyance at the bottom of the **shaft** until the conveyance has been raised and lowered or until some other distinct signal has been received from the **winding engine driver**.

8.13.135 The **banksman** or **onsetter** shall not allow any person to enter the conveyance decking platform at any level until the conveyance is stationary and secured at that level or until some distinct signal has been received from the **winding engine driver** by the **onsetter** or **banksman** to indicate that it is safe to do so.

8.13.136 The person in charge of blasting operations shall notify the **winding engine driver** by a special signal, namely five knocks or rings, when blasting is about to take place, and, except in the case of firing by electricity, the driver shall reply by raising or lowering the conveyance approximately two metres.

Small winding plants

8.13.137 The **prescribed permit** shall not be required for a **winding plant** that is driven by an engine or motor developing not more than 250 kilowatts, provided that such **winding plant**:

a) is not used for the raising or lowering of persons other than persons engaged in repairing or examining a **shaft**; and

b) does not operate in any portion of a **shaft** or **winze** in any manner likely to interfere with the conveyance operated in that **shaft** served by a **winding plant** for which a **prescribed permit** has been granted.

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8.13.138.1 A small **winding plant**, referred to in these regulations, shall not be subject to the provisions of the other winding regulations: Provided that the manager, or the appointed subordinate manager shall appoint in writing any competent person to carry out the duties and examinations prescribed in these regulations and provided further that the engineer, or the appointed subordinate engineer shall appoint in writing any competent person to examine at least once each week the item specified in these regulations.

8.13.138.2 Notwithstanding the provisions of these regulations, a record book or card index system may be provided in place of the machinery record book.

8.13.138.3 Notwithstanding the provisions of these regulations, a winding rope may not be used for a **winding plant** contemplated in these regulations unless:

a) its breaking strength, determined by a test on a representative sample as prescribed in these regulations, is at least 10 times the **attached load**; and
b) that part of the winding rope attached to the conveyance or counterweight is cut off and re-terminated at intervals not exceeding six months.

8.13.139 The engineer or appointed subordinate engineer shall satisfy himself that any person who is not a certificated **winding engine driver**, and who shall drive a small winding engine not permitted for the conveyance of persons is competent to do so.

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NATIONAL TREASURY

NO. 6055 **28 March 2025**

PUBLIC FINANCE MANAGEMENT ACT, 1999: LISTING, DELISTING AND CHANGE OF NAMES OF PUBLIC ENTITIES LISTED IN SCHEDULE 3

I, Enoch Godongwana, Minister of Finance, in terms of section 47, read with section 48, of the Public Finance Management Act, 1999 (Act No. 1 of 1999 – "the Act"), hereby amend—

(a) Part A of Schedule 3 to the Act, with effect from 1 April 2025, by including after Thubelisha Homes, Transport Economic Regulator;

(b) Part B of Schedule 3 to the Act, with effect from the date of publication of this notice, by—
  (i) deleting Mhlathuze Water; and
  (ii) replacing Umgeni Water with uMngeni-uThukela Water;

(c) Part C of Schedule 3 to the Act, with effect from the date of publication of this notice, by—
  (i) replacing, under the province of Limpopo, Limpopo Tourism and Parks Board with Limpopo Tourism Agency; and
  (ii) deleting under—
    (aa) the province of KwaZulu-Natal, KwaZulu-Natal Growth Fund Agency; and
    (bb) the province of Northern Cape—
      (AA) Kalahari Kid Corporation; and
      (BB) Northern Cape Tourism Authority; and

(d) Part D of Schedule 3 to the Act, with effect from the date of publication of this notice, by listing under the province of KwaZulu-Natal, KwaZulu-Natal Growth Fund Agency.



ENOCH GODONGWANA
MINISTER OF FINANCE

DEPARTMENT OF SPORTS, ARTS AND CULTURE

NO. 6056 **28 March 2025**

BUREAU OF HERALDRY

APPLICATION FOR REGISTRATION OF HERALDIC REPRESENTATIONS AND OBJECTIONS THERETO SECTIONS 7, 7A AND 7B OF THE HERALDRY ACT, 1962 (ACT NO. 18 OF 1962)

The under-mentioned bodies and persons have applied in terms of section 7 of the Heraldry Act, 1962 (Act No. 18 of 1962), for the registration of their heraldic representations. Anyone wishing to object to the registration of these heraldic representations on the grounds that such registrations will encroach upon rights to which he or she is legally entitled should do so within one month of the date of publication of this notice upon a form obtainable from the State Herald, Private Bag X236, Pretoria, 0001.

1. APPLICANT: **Titus Lebohang Nare** (H4/3/4/1066)

ARMS: Tierced per fess, in fess the underside enarched, Tenné, a sorghum head slipped on a staff and a spear in saltire proper, debruised by an African drum proper; in chief dexter, barry wavy of seven Argent and Azure, and in chief sinister, barry dancetty of seven Or and Sable, overall an inverted isosceles triangle throughout Vert, charged with a pickaxe erect proper; in base Or, a buffalo's head caboshed proper, beneath it a dove close proper.
CREST: Issuant from a zebra-skin traditional head-ring, a baobab tree proper.
WREATH AND MANTLING: Vert and Or
MOTTO: AHEE BABIRWA WEE

2. APPLICANT: **Freddie Vermeulen** (H4/3/4/1068)

ARMS: Argent, on a chevron Azure, to dexter a tiger passant guardant proper, and to sinister a lion passant guardant Or, in chief to dexter a windmill Or, its sails Gules, to sinister five four-pointed mullets Gules, four smaller and one larger, in base an olive tree proper.
CREST: Within a laurel wreath Or, a sun Gules.
WREATH AND MANTLING: Azure and Argent.
MOTTO: OMNIS HONOR DEO

3. APPLICANT: **Leon Visagie Louw** (H4/3/4/1069)

ARMS: Tierced per fess: in chief Gules, a chevron inverted embowed Argent, thereon a Protea flower Gules, slipped and leaved Vert; the fess Sable, masoned Argent, its underside enarched; in base Argent, a Laurel tree proper.
CREST: A lion rampant Or, holding between its paws a compass rose Argent and Sable.
WREATH AND MANTLING: Gules and Argent.
MOTTO: PER CONSTANTIAM AD PROSPERITATEM

4. APPLICANT: **Mkhululi Duncan Stubbs** (H4/3/4/1070)

ARMS: Gules, a saltire Vert, fimbriated Or. Behind the shield, a spear erect proper, atop it a balance Or, its weighing plates Azure. The shield is flanked on either side by a laurel wreath Vert.

MOTTO: NUNQUAM VICTUS

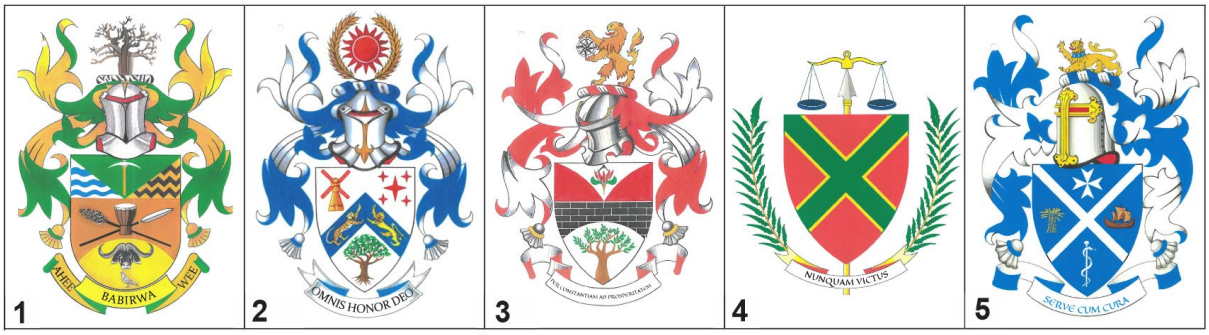
5. APPLICANT **James Michael Moodie** (H4/3/4/1071)

ARMS: Azure, a saltire Argent, in chief a Maltese cross Argent, in base a rod of Asclepius of the second, in dexter a garb Or, and in sinister a three-masted barque proper.

CREST: A lion passant Or, langued Gules, collared Azure fimbriated Or, charged on the collar with three Maltese crosses Argent.

WREATH AND MANTLING: Azure and Argent.

MOTTO: SERVE CUM CURA



DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 6057 **28 March 2025**

competitioncommission
south africa

PUBLICATION OF THE FINAL GUIDELINES IN TERMS OF SECTION 21A OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED)

28 March 2025

1. BACKGROUND

Notice is hereby given that the Competition Commission ("the Commission") has published the final Price-cost Margin Calculations Guidelines on its website and is gazetted in terms of section 21A (3) of the Competition Act, 89 of 1998, as amended ("the Act").

The guidelines seek to provide guidance on how the Commission intends to undertake the calculations of the price-cost margin test, where the price-cost test is used to assess excessive pricing allegations as enjoined by section 8(3)(a) of the Act. According to section 8(3)(a) of the Act, the Commission is required to determine whether that price is higher than a competitive price and whether such difference is reasonable by taking into account all relevant factors which may include the respondent's price-cost margin, internal rate of return, return on capital invested or profit history. The price-cost margin is one of the factors that the Commission may consider in assessing whether a price is excessive. The draft guidelines consider aspects related to the computation of the price-cost margin test but do not discuss the reasonableness of the price-cost margin.

With the Commission having reviewed the comments from various stakeholders, the final Price-cost Margin Calculations guideline is available at www.compcom.co.za.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 6058 **28 March 2025**

COMPETITION COMMISSION

NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

HAVEN HEALTH HOLDINGS PROPRIETARY LIMITED

AND

LONG4LIFE HEALTH PROPRIETARY LIMITED

CASE NO: 2024SEP0052

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:

Parties and Activities

1. The primary acquiring firm, Haven Health Holdings Proprietary Limited ("Haven Health"), intends to acquire sole control over Long4Life Health Proprietary Limited ("Long4Life").

2. Haven Health is wholly controlled by the Riel du Toit Family Trust. Haven Health controls NCG Holdings Proprietary Limited ("NCG") [CONFIDENTIAL] The remaining [CONFIDENTIAL] is held by RH Opco Proprietary Limited ("RH Opco"). NCG holds [CONFIDENTIAL] of the shares in Nurture Healthcare Proprietary Limited ("Nurture Health"). The ultimate holding entity for RH Opco is the National Empowerment Fund.

3. Haven Health does not have any shareholding held by historically disadvantaged persons ("HDPs"). Nurture Health is estimated to have [CONFIDENTIAL] shareholding by HDPs.

4. Haven Health, through its subsidiaries, operates several sub-acute and physical rehabilitation facilities in South Africa, including in Gauteng, Western Cape, KwaZulu-Natal, Eastern Cape, and the Free State. Through its Nurture Care facilities, the Acquiring Group supports patients who are transitioning from acute medical care to full recovery through the provision of a comprehensive suite of specialised services, including occupational therapy, physiotherapy, speech therapy, social work, mental healthcare and dietetics.

5. The primary target firm is Long4Life, a South African firm. Long4Life is wholly controlled by CareTec Technology Monitoring Proprietary Limited ("CareTec"), a special purpose investment company. CareTec is wholly controlled by T Cubed Capital Proprietary Limited ("T Cubed"). [CONFIDENTIAL].

6. Long4Life holds 100% of the shares in ClaytonCare Group Proprietary Limited ("ClaytonCare").

7. Long4Life operates two sub-acute facilities in Gauteng under the 'Clayton Care' brand, Clayton House and Care@Midstream, as well as a frail care facility, Care in Midstream. Its sub-acute services provide in-patient and out-patient healthcare which entails the provision of medically complex care and rehabilitation by a multi-disciplinary team of healthcare professionals which are able, for example, to provide general care, orthopaedic care, wound management, neurological rehabilitation, polytrauma care and ventilation services.

Competition Assessment

8. The Commission considered the activities of the merging parties and found that they overlap horizontally in the provision of sub-acute services.

National estimated market shares

9. The Commission found that the merging parties will have national market share that is less than 25%, with an accretion that is less than 3%, in the provision of sub-acute services in South Africa based on number of beds in the sub-acute facility. The Commission is of the view that the accretion is relatively low, and the merging parties will continue to be constrained by other competitors such as Life Healthcare, Mediclinic and Netcare. There are also various other independent facilities in the national market.

Regional estimated market shares

10. The Commission also considered the regional market of Gauteng since the target firm operates from Centurion, Gauteng. The Commission found that the merging parties will have a regional market share of less than 20%, with an accretion that is less than 10%, in the provision of private sub-acute services in Gauteng. The merging parties will continue to be constrained by other competitors who are active in Gauteng, such as Life Healthcare, Mediclinic and Netcare. There are also various other independent facilities in the market.

Price effects assessment

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11. The Commission assessed the potential effects of the proposed transaction on tariffs for the provision of private sub-acute services. This assessment involves 3 separate tariffs: (i) National Hospital Network ("NHN") negotiated tariffs (the "NHN Tariffs"), (ii) tariffs which the merging parties themselves negotiate directly with healthcare funders (the "Non-NHN Tariffs"), and (iii) tariffs billed to uninsured patients (i.e., the "Self-Pay Tariffs").

NHN Tariffs

12. The proposed merger is unlikely to have any price effects on the NHN Tariffs.

Non-NHN Tariffs

13. In respect of these Non-NHN Tariffs, the Commission takes the view the merged entity's pricing will continue to be constrained by the presence of numerous independent sub-acute and physical rehabilitation service providers operating within the market, including the three large national hospital groups. In addition, the healthcare funders have countervailing power such that the merged entity is unlikely to unilaterally increase tariffs for non-NHN patients post-merger.

Self-Pay Tariffs

14. [CONFIDENTIAL] To address potential anticompetitive price effects for uninsured sub-acute patients, the merging parties have provided a commitment that they will continue to charge their existing individual Self-Pay Tariffs for non-insured patients post-merger for a period of five years. This means that the Acquiring Group will not apply its higher tariffs to uninsured patients at the target facilities for a period of 5 years. The conditions are attached as **Annexure A.**

Public interest considerations

15. Haven Health does not have any shareholding held by HDPs.

16. The target firm has [CONFIDENTIAL] HDP shareholding. As such, the proposed transaction results in an HDP dilution of [CONFIDENTIAL] percentage points.

17. In order to address this dilution, the merging parties have offered the following commitments:

    17.1. [CONFIDENTIAL], Nurture Healthcare will implement an Employee Share Ownership Plan (ESOP) and/or introduce new HDP shareholders, such that [CONFIDENTIAL] of the merged entity will be held by HDPs. [CONFIDENTIAL].

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17.2. [CONFIDENTIAL]

18. The proposed transaction does not raise any other public interest concerns.

Conclusion

19. The Commission approves this transaction with the conditions attached in **Annexure A**.

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ANNEXURE "A"

HAVEN HEALTH HOLDINGS PROPRIETARY LIMITED

AND

LONG4LIFE HEALTH PROPRIETARY LIMITED

CASE NO: 2024SEP0052

CONDITIONS

1. DEFINITIONS

In this document, the expressions used will have the appropriate meanings assigned to them below and related expressions will bear the following meanings: -

1.1. "**Acquiring Firm**" means Haven Health Holdings Proprietary Limited;

1.2. "**Acquiring Group**" means the group of which the Acquiring Firm forms part, including the firms exercising control over the Acquiring Firm and the firms over which the Acquiring Firm exercises control;

1.3. "**Act**" means the Competition Act, No. 89 of 1998, as amended;

1.4. **"Approval Date"** means the date on which the Merger is approved in terms of the Act;

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

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

1.7. "**Conditions**" means the merger conditions included in this Annexure A;

1.8. **"Day"** means any day that is not a Saturday, Sunday or public holiday in South Africa;

1.9. "**ESOP**" means the employee share ownership programme as contemplated in these Conditions;

1.10. "**HDP**" means historically disadvantaged person, as contemplated in section 3(2) of the Act;

1.11. "**HDP Procurement Spend**" means the total amount spent by the Acquiring Group on acquiring goods and services from HDPs in the Republic of South Africa in its financial year ended 29 February 2024;

1.12. "**Implementation Date**" means the date on which the Merger is implemented by the Merger Parties;

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1.13. **"Merged Entity"** means the combination of the Acquiring Firm and the Target Firm, subject to the control of the Acquiring Firm;

1.14. "**Merger**" means the proposed acquisition by the Acquiring Firm of the Target Firm as notified to the Commission under Case No. 2024Sep0052;

1.15. **"Merger Parties"** means, collectively, the Acquiring Firm and the Target Firm;

1.16. "**NCG Holdings**" means NCG Holdings Proprietary Limited;

1.17. "**Nurture Care Group**" means Nurture Care Group Proprietary Limited;

1.18. "**Nurture Healthcare**" means Nurture Healthcare Proprietary Limited;

1.19. **"Pro Deo Chairman Fund"** means the fund that provides subsidised healthcare services to patients who are unable to afford the care they need;

1.20. "**Qualifying Workers**" means Workers employed at the Merged Entity who meet the criteria at Annexure B;

1.21. "**Self-Pay Patients**" means patients treated at the Acquiring Group and Target Firm's sub-acute and physical rehabilitation facilities that are not beneficiaries of any medical scheme or medical insurance in South Africa;

1.22. "**Self-Pay Tariffs**" means the tariffs applicable to Self-Pay Patients at the Acquiring Group and Target Firm's sub-acute and physical rehabilitation facilities as at the Implementation Date;

1.23. "**Skills Development Spend**" means the total amount spent by the Acquiring Group on skills development and training initiatives in its financial year ended 29 February 2024, [CONFIDENTIAL];

1.24. **"South Africa"** means the Republic of South Africa;

1.25. "**Target Firm**" means Long4Life Health Proprietary Limited;

1.26. "**Tribunal**" means the Competition Tribunal of South Africa; and

1.27. "**Worker**" means an employee as defined in the Labour Relations Act, No. 66 of 1995, as amended, and, in the context of ownership, refers to ownership by a broad base of Workers.

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2. ESTABLISHMENT OF AN ESOP AND/OR IMPLEMENTATION OF AN HDP TRANSACTION

2.1. Within [CONFIDENTIAL] months from the Approval Date, the Acquiring Group shall obtain verification from an independent accredited verification agency that the level of HDP shareholding in NCG Holdings is no less than [CONFIDENTIAL]. Failing such verification, the Acquiring Group shall either (i) implement an ESOP in accordance with the design principles set out in Annexure B, and/or (ii) implement a transaction in terms of which one or more HDPs and/or a trust intended for the benefit of HDPs will subscribe for, or will acquire, shares in either Nurture Care Group or Nurture Healthcare, the cumulative effect of which shall be that there will be a minimum of [CONFIDENTIAL] shareholding held by the ESOP and/or HDP shareholder(s) in either Nurture Care Group or Nurture Healthcare. This [CONFIDENTIAL] shareholding will represent a minimum value of [CONFIDENTIAL].

2.2. Should the Acquiring Group elect to give effect, in whole or in part, to the undertaking at paragraph 2.1 above by establishing an ESOP, that ESOP will be implemented through an employee trust in terms of which Qualifying Workers shall be beneficiaries.

2.3. Should the Acquiring Group elect to give effect, in whole or in part, to the undertaking at paragraph 2.1 above by implementing an HDP transaction, the Acquiring Group shall, prior to the implementation of the HDP transaction, provide the Commission with details of the transaction in writing. These details shall include (i) the identity of the HDP shareholder(s), (ii) evidence that the HDP shareholder(s) are appropriately classified as HDPs, (iii) the shareholding acquired by the HDP shareholder(s), and (iv) confirmation of whether the transaction constitutes a notifiable merger for purposes of the Act.

2.4. Within 30 (thirty) Days of receipt of the details of the HDP transaction described in paragraph 2.3, the Commission shall review such details and provide the Acquiring Group's representatives with any comments or queries in relation to the HDP transaction, in writing.

2.5. For the avoidance of doubt, an HDP transaction contemplated in paragraph 2.1 may not be implemented prior to the Commission's written approval, which approval shall not be unreasonably withheld or delayed in circumstances where the HDP transaction substantially complies with the standards set out in respect thereof at paragraph 2.1.

2.6. For the avoidance of further doubt, to the extent that an HDP transaction contemplated in paragraph 2.1 also constitutes a merger as defined in the Act and the thresholds for mandatory notification are met, the HDP transaction may only be implemented once it has been notified to the Commission as a merger and approved with or without conditions.

2.7. [CONFIDENTIAL]

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3. HDP PROCUREMENT

3.1. For each of the Acquiring Group's first 2 (two) full financial years after the Approval Date commencing 1 March 2025, the Acquiring Group shall at least maintain its current [CONFIDENTIAL] annual HDP Procurement Spend.

4. SKILLS DEVELOPMENT AND TRAINING

4.1. For each of the Acquiring Group's first 2 (two) full financial years after the Approval Date commencing 1 March 2025, the Acquiring Group shall at least maintain its current [CONFIDENTIAL] annual Skills Development Spend.

5. PRO DEO CHAIRMAN FUND

5.1. For each of the Acquiring Group's first 2 (two) full financial years after the Approval Date commencing 1 March 2025, the Acquiring Group shall contribute ZAR 1,100,000 (one million one hundred thousand rands) to the Pro Deo Chairman Fund.

6. TARIFFS FOR SELF-PAY PATIENTS

6.1. The Acquiring Group will ensure, for 5 (five) years from the Implementation Date, that it will maintain the Self-Pay Tariffs for Self-Pay Patients. These Self-Pay Tariffs shall be subject to annual increase, on the anniversary of the Implementation Date, by an amount that may not exceed the change in Consumer Price Index.

7. MONITORING

7.1. Within 10 (ten) Days of the Implementation Date, the Merger Parties shall circulate a non-confidential copy of the Conditions to its employees, their employee representatives and trade unions.

7.2. As proof of compliance herewith, the Acquiring Group shall within 5 (five) Days of circulating the Conditions, submit to the Commission an affidavit by a senior official of the Acquiring Group attesting to such compliance.

7.3. The Merger Parties shall inform the Commission in writing of the Implementation Date within 5 (five) Days of the Implementation Date.

7.4. Should the Acquiring Group elect to give effect, in whole or part, to the undertaking at paragraph 2.1 above by implementing an ESOP, the Acquiring Group shall within 30 (thirty) Days after the establishment of the ESOP submit a compliance report (including a trust deed for the registration of the ESOP) to the Commission. The report shall address the

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compliance of the ESOP with the Conditions and shall be accompanied by an affidavit from a senior official of the Acquiring Group attesting to the correctness of the report.

7.5. Should the Acquiring Group elect to give effect, in whole or in part, to the undertaking at paragraph 2.1 above by implementing an HDP transaction, the Acquiring Group shall, within 30 (thirty) days of the implementation of the HDP transaction, submit a compliance report to the Commission. The report shall address the compliance of the HDP transaction with the Conditions and shall be accompanied by an affidavit from a senior official of the Acquiring Group, attesting to the correctness of the report.

7.6. The Acquiring Group shall, within 1 (one) month of the first anniversary of the Implementation Date and for a period of 4 (four) years thereafter, provide the Commission with a report confirming its compliance with the Conditions. The compliance report shall be accompanied by an affidavit from a senior official of the Acquiring Group attesting to the correctness of the report.

7.7. The Commission may request any 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.

8. APPARENT BREACH

8.1. Should the Commission receive a complaint in relation to an apparent breach by the Merger Parties of the Conditions or otherwise determine that there has been an apparent breach by the Merger Parties of these Conditions, the apparent breach shall be dealt with in terms of Rule 39 of the Commission Rules.

9. VARIATION

9.1. 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.

10. GENERAL

10.1. All correspondence in relation to the Conditions must be submitted to the following e-mail addresses: mergerconditions@compcom.co.za and ministry@thedtic.gov.za.

10.2. Enquiries in this regard may be addressed to the Manager: Mergers and Acquisitions Division at Private Bag X23, Lynnwood Ridge, 0040. Telephone: (012) 394 3200

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ANNEXURE B - CONFIDENTIAL

Design Principle	Applicable Criteria
Structure	○ Will be a unitised structure whereby a trust will be established, and Qualifying Workers will receive units.
Cost to Qualifying Workers	○ No cost to workers: Qualifying Workers must not be required to pay to participate in the ESOP. ○ The ESOP will be funded from sources not derived from Workers. The notional vendor funding will provide for a fixed trickle dividend in terms of which at least 35% of declared dividends will be paid to the beneficiaries with the remaining 65% used to service the vendor-financed loan until such time as it is extinguished. ○ Once the loan has been extinguished, 100% of the declared dividends due to the ESOP will be distributed to the beneficiaries of the ESOP. ○ The Merger Parties must make provision and cover the reasonable costs for independent legal and financial experts to act on behalf of workers in ESOP establishment negotiations. For the avoidance of doubt, this shall be at no cost to Workers and must not impact any dividend flows due to Qualifying Workers. ○ Any disputes between the Merger Parties and any independent legal and financial experts as regards the reasonableness of fees / costs must be resolved by arbitration or any other mutually agreed dispute resolution mechanism.
Governance	○ Qualifying Workers will be represented on the board of trustees of the ESOP.
Duration	○ Perpetual / Evergreen
Participants	○ All Workers with a minimum of 1 (one) year of continuous employment at the Acquiring Group or Target Firm, excluding all Workers who hold senior management or executive positions.
Participation benefits	○ All Qualifying Workers will be entitled to dividends when dividends are declared and payable. ○ Qualifying Workers will cease to participate for bad leaver events: resignations and dismissals.

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DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 6059 **28 March 2025**

COMPETITION COMMISSION

NOTIFICATION TO APPROVE WITH CONDITIONS THE TRANSACTION INVOLVING:

AMBER HILL VENTURES PROPRIETARY LIMITED

AND

CIDER HOUSE INVESTMENTS PROPRIETARY LIMITED

CASE NUMBER: 2024SEP0008

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 03 September 2024, the Competition Commission was notified of a small merger wherein Amber Hill Ventures (Pty) Ltd ("Amber Hill") intends to acquire **[Confidential]** of the ordinary shares in Cider House Investments (Pty) Ltd ("CHI") from Livor Investments (Pty) Ltd ("Livor"). On completion of the proposed transaction, Amber Hill will have joint control of CHI.

Parties to the transaction

2. The primary acquiring firm is Amber Hill. Amber Hill is ultimately **[Confidential]** and the firms **[Confidential]** controls will collectively be referred to as the Acquiring Group.

3. **[Confidential]**. The Acquiring Group's shareholding is 100% held by an HDP.

4. The primary target firm is Cider House Investments (Pty) Ltd ("CHI"). CHI is jointly controlled by **[Confidential].**

5. Livor is **[Confidential]** owned and controlled by **[Confidential].**

6. The Acquiring Group is active in retail gaming. It operates limited payout machines and a sports betting and entertainment company. **[Confidential]**.

7. CHI's only significant asset is the Strongbow license. **[Confidential]**.

8. The SHPH Group is active in the production, packaging, distribution and marketing of beer and flavoured alcoholic beverages in South Africa.

Competition analysis

9. The Commission considered the activities of the merging parties and found that the proposed transaction does not result in any overlaps.

10. Considering the above, the Commission is of the view that the proposed transaction is unlikely to substantially prevent or lessen competition in the relevant market.

Public Interest analysis

11. The Commission notes that the merger between ***Cider House Investments (Pty) Ltd and The license for the sale and distribution of the Strongbow brand merger ("CHI Transaction")***, was approved subject to the various conditions related to promoting the greater spread of ownership, Capital Expenditure, Local Procurement, SMME AND HDP Support and Skills Transfer as contained in Annexure B. Given that the proposed transaction introduces a new shareholder in CHI, the Commission requested the merging parties in the instant merger to ensure that the CHI Transaction conditions are fully complied with as previously imposed in Annexure B. This has been imposed as a condition in Annexure A.

Conclusion and recommendations

12. The Commission approves the proposed transaction subject to conditions attached in **Annexure A** and **Annexure B.**

ANNEXURE A

AMBER HILL VENTURES PROPRIETARY LIMITED
AND
CIDER HOUSE INVESTMENTS PROPRIETARY LIMITED

CASE NUMBER: 2024SEP0008

MERGER CONDITIONS

---

1. DEFINITIONS

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

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

1.2 "**Acquiring Firm**" means Amber Hill Ventures Proprietary Limited;

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

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

1.5 "**Conditions**" means these conditions;

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

1.7 "**Implementation Date**" means the date on which the Merger is implemented by the Merger Parties;

1.8 "**Merger**" means the proposed transaction which will result in the Acquiring Firm holding **[Confidential]** of ordinary shares in the Target Firm.

1.9 "**Merger Parties**" means the Acquiring Firm and the Target Firm;

1.10 "**Strongbow Conditions**" means the merger conditions pursuant to the Commission's conditional approval of the intermediate merger under CC Case No.

2023MAY0020, involving the Target Firm's acquisition of the license for the sale and distribution of the Strongbow brand (attached hereto as Annexure B for ease of reference);

1.11 "**Target Firm**" means Cider House Investments Proprietary Limited; and

1.12 "**Tribunal**" means the Competition Tribunal of South Africa, a statutory body established in terms of section 26 of the Competition Act.

2. CONDITIONS

2.1 Pursuant to the implementation of the Merger, the Merger Parties shall be bound by and shall continue to implement the Strongbow Conditions in Annexure B.

2.2 The Merger Parties shall inform the Commission in writing of the Implementation Date within 5 (five) Days of its occurrence.

2.3 The Commission may request any additional information from the Merging Parties, which the Commission may, from time to time, deem necessary for purposes of monitoring the extent of compliance with these Conditions.

3. APPARENT BREACH

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 by the Merger Parties of these Conditions, the breach shall be dealt with in terms of Rule 39 of the Commission Rules.

4. VARIATION OF CONDITIONS

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.

5. GENERAL

All correspondence concerning these Conditions must be submitted to the following email address: mergerconditions@compcom.co.za and ministry@thedtic.gov.za.

ANNEXURE B

CIDER HOUSE INVESTMENTS (PTY) LTD

AND

THE LICENSE FOR THE SALE AND DISTRIBUTION OF THE STRONGBOW BRAND

CASE NUMBER:2023MAY0020

---

1. DEFINITIONS

In this document, the expressions used above will have the appropriate meanings assigned to them and the following and related expressions will bear the following meanings:

1.1 **"Acquiring Group"** means CHI, Livor, SHPH and SHP;

1.2 "**Act**" means the Competition Act No. 89 of 1998, as amended;

1.3 "**Approval Date**" means the date on which the Proposed Transaction is approved in terms of the Act;

1.4 **"CHI"** means Cider House Investments (Pty) Ltd, a joint venture between Livor and SHP;

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

1.6 **"Commission Rules"** means rules for the conduct of proceedings in the Competition Commission;

1.7 "**Competitively Sensitive Information**" includes, but is not limited to, information relating to:

1.7.1 pricing – including but not limited to pricing of specific products, prices/discounts offered to specific clients and planned price reductions or increases;

1.7.2 margin information by product or client;

1.7.3 cost information for particular products;

1.7.4 information on specific clients and client strategy, including information with respect to the sales volumes of clients; and

1.7.5 budgets, business plans and marketing strategies;

1.8 "**Conditions**" means the merger conditions included in this Annexure A;

1.9 "**Days**" means any day that is not a Saturday, Sunday, or public holiday in South Africa;

1.10 **"ESOP"** means Employee Share Ownership Programme;

1.11 **"FABs"** means Flavoured Alcoholic Beverages;

1.12 "**HDPs**" means historically disadvantaged persons as contemplated in section 3(2) of the Act;

1.13 **"Heineken"** means Heineken group of companies (comprising Heineken N.V. and all its subsidiaries), the licensor of the Strongbow License;

1.14 "**Implementation Date**" means the date on which the merger is implemented by the Acquiring Group and the Target Business;

1.15 **"Livor"** means Livor Investments (Pty) Ltd;

1.16 **"LRA"** means the Labour Relations Act, No. 66 of 1995, as amended;

1.17 "**Merger**" means the proposed acquisition by the Acquiring Group of the Target Business as notified to the Commission under Case No. 2023May0020;

1.18 "**Merged Entity**" means the combination of the Acquiring Group and the Target Business pursuant to the Merger;

1.19 "**Merging Parties**" means the Acquiring Group and the Target Business;

1.20 **"SHP"** means Signal Hill Products (Pty) Ltd, a subsidiary of SHPH;

1.21 **"SHPH"** means Signal Hill Products Holdings (Pty) Ltd;

1.22 **"SMME"** means small business or a medium-sized business, as defined in the Competition Act;

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

1.24 **"Strongbow License"** means the perpetual and royalty free license contemplated in the Sunside / NBL Conditions;

1.25 **"Strongbow Licensee"** means CHI or its successors in title as the direct holder of the Strongbow License;

1.26 **"Sunside / NBL Conditions"** means the conditions pursuant to the Tribunal's decision in LM136Dec21, issued on 8 March 2023;

1.27 **"Target Business"** means the Strongbow License;

1.28 "**Transitional Services**" means the transitional services as defined in the Sunside/NBL Conditions, that may be provided to the Licensee in respect of the Strongbow Business (to the extent required) which, include but not limited to:

1.28.1 cider production and packaging services;

1.28.2 warehousing and logistics (primary and secondary logistics) services;

1.28.3 sales and marketing support services, including access to fridges within the distribution network; and

1.28.4 other transitional services (including services such as returnable bottle tracking, cash collection, IT and knowledge transfer);

1.29 "**Tribunal**" means the Competition Tribunal of South Africa;

1.30 "**Worker**" means an employee as defined in the Labour Relations Act 66 of 1995 (as amended) and, in the context of ownership, refers to ownership by a broad base of Workers.

2. STRONGBOW LICENSEE

2.1 The Strongbow Licensee is required to always maintain at least 50% + 1 direct ownership by an HDP/s for the duration of the Strongbow License (i.e., in perpetuity).

2.2 For the avoidance of doubt, the Merging Parties may not engage in any transaction that results in the Strongbow Licensee having less than 50% plus 1 direct HDP ownership.

3. EMPLOYMENT

3.1 The Acquiring Group commits that it shall employ at least 219 new additional permanent employees at the Merged Entity, within 2 years from the Implementation Date.

3.2 No fewer than 175 of the 219 new permanent employees at the Merged Entity will be HDPs.

4. ESTABLISHMENT OF AN ESOP

4.1 The Acquiring Group shall establish an evergreen/perpetual ESOP that will hold a fully voting shareholding of at least 5% in CHI, for the benefit of all Workers in the Merged Entity (the majority of whom shall be HDPs), within 3 years of Implementation Date. The ESOP will be created in accordance with the design principles set out in **Annexure B** hereto.

5. CAPITAL EXPENDITURE

5.1 The Acquiring Group commits to new capital expenditure of at least R1 450 000 000 (one billion, four hundred and fifty million) over a 5 (five) year period, in relation to the Target Business. This expenditure shall be as follows:

5.1.1 an aggregate amount of at least R600 000 000 (six hundred million) within 2 years post the Implementation Date, to establish a new and fully operational brewery facility in Gauteng with a production capacity of 1 500 000 Hectolitres (expandable to 3 000 000 Hectolitres) that will be used for the production of the Strongbow brand.

5.1.2 an aggregate amount of at least R150 000 000 (one hundred and fifty million) within 2 years post the Implementation Date to expand the Acquiring Group's existing brewery facility in Cape Town to its full production capacity of 450 000 Hectolitres.

5.1.3 an amount of R50 000 000 (fifty million Rands) each year, for 5 (five) years post the Implementation Date (i.e., aggregate of R200 000 000 (two hundred million)) in fridges and draught machines.

5.1.4 an amount of R50 million (fifty million Rands) in 2023 and R100 million (one hundred million) each year thereafter up to an including 2027 (i.e., aggregate of

R450 million (four hundred and fifty million)), to expand the productive capacity of returnable glass and crate replenishment.

6. LOCAL PROCUREMENT, SMME AND HDP SUPPORT

6.1 The Acquiring Group shall procure Apple Juice Concentrate from SMME and/or HDP suppliers to the aggregate value of R1 500 000 000 over a period of 5 (five) years (subject to a minimum of R200 million per year) from the Implementation Date. This commitment is subject to Apple Juice Concentrate being available from SMME and/or HDP suppliers at the appropriate quality standards and on reasonably competitive commercial terms.

6.2 For the avoidance of doubt, the Acquiring Group shall ensure that any Apple Juice Concentrate procured on its behalf pursuant to any transitional services arrangements contemplated in the Sunside / NBL Conditions, adheres to the requirements in clause 6.1 above.

7. COMPETITIVELY SENSITIVE INFORMATION

7.1 The Acquiring Group will implement a Competition Act Compliance Programme within 60 (sixty) Days from the Implementation Date for all its employees involved in procuring any transitional services from Heineken, as contemplated by the Sunside / NBL Conditions. This is to ensure that any such Acquiring Group employees are aware of and understand the provisions of the Act that are relevant to the exchange of Competitively Sensitive Information between competitors, including section 4 of the Act in particular.

8. SKILLS TRANSFER

8.1. For as long as Livor is a shareholder in CHI and SHPH, Mr Litha Yaya (an HDP) and another HDP director, will be appointed to all SHPH Group operating boards which enjoy oversight over SHPH's South African operations within 3 (three) months post the Implementation Date.

9. MONITORING

9.1. Within 10 (ten) Days of the Implementation Date, the Acquiring Group shall circulate a non-confidential version of the Conditions to its employees, their employee representatives and trade unions. As proof of compliance herewith, the Target Business shall within 5 (five) Days of circulating the Conditions, submit to the Commission an affidavit by a senior official, attesting to such compliance.

9.2. Within 5 (five) days after the Implementation Date, the Merged Entity shall notify the Commission in writing of the Implementation Date.

9.3. The Acquiring Group shall submit a compliance report (including a trust deed for the registration of the ESOP) within 5 (five) Days after the establishment of the ESOP. The report shall be accompanied by an affidavit from a director of the Acquiring Group confirming the ESOP's adherence to the principles set out in Annexure B, hereto.

9.4. Within 30 (thirty) Days of each anniversary of the Implementation Date, the Acquiring Group shall submit a compliance report detailing the Acquiring Group's compliance with the Conditions. The report shall be accompanied by an affidavit from a director of the Acquiring Group confirming compliance confirming the accuracy of the information contained in the report and attesting to compliance with the Conditions.

9.5. The Commission may request any additional information from the Merging Parties, which the Commission may, from time to time, deem necessary for purposes of monitoring the extent of compliance with these Conditions.

10. APPARENT BREACH

10.1. Should the Commission receive any complaint in relation to non-compliance with the above Conditions, or otherwise determines that there has been an apparent breach by the Merging Parties of these Conditions, the breach shall be dealt with in terms of Rule 39 of the Commission Rules.

11. VARIATION

11.1. The Merging Parties may at any time, on good cause shown, apply to the Commission for the Conditions to be lifted, revised, or amended. Should a dispute arise in relation to the variation of the Conditions, the Merging Parties shall apply to the Tribunal, on good cause shown, for the Conditions to be lifted, revised, or amended.

12. GENERAL

12.1. All correspondence in relation to the Conditions must be submitted to the following e-mail 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 3200.

ANNEXURE B

Design Principle	Applicable Criteria
Structure	o ESOP - unitised structure whereby a trust will be established, and all Workers in the Merged Entity will receive units
Cost to Workers and participating HDPs	o ESOP – there will be no upfront contribution required from Workers to participate in the ESOP. All Workers will be treated equally in terms of voting and economic participation with no differentiation across employee grades. o The ESOP will be funded through a notional vendor funding (NVF) mechanism, with the funding rate being no more than what CHI is able to obtain from third party lenders for the NVF to establish the ESOP. o A trickle dividend of no less than 35% of the actual dividend declared shall be paid to the ESOP with the remainder used to repay the NVF. o The costs of establishing and administering the ESOP and implementing the acquisition of the CHI shareholding shall not be borne by the ESOP but shall be borne by CHI or the Acquiring Group. The costs of expert advisors and representatives of Workers in relation to establishing and administering the ESOP will be borne by CHI or the Acquiring Group.
Governance	o ESOP – The ESOP will be entitled to appoint 1 person to the board of directors of CHI. o The trustees of the ESOP shall be selected by the Workers of CHI, except for one trustee who shall be appointed by the board of directors of CHI.
Duration	o ESOP- evergreen/perpetual
Participants	o ESOP – All Workers of the Merged Entity
Participation Benefits	o ESOP – All Workers will be entitled to dividends

CONTINUES ON PAGE 130 OF BOOK 2

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DEPARTMENT OF TRANSPORT

NO. 6060 **28 March 2025**

SOUTH AFRICAN CIVIL AVIATION AUTHORITY

NOTICE MADE BY THE SOUTH AFRICAN CIVIL AVIATION AUTHORITY IN TERMS OF SOUTH AFRICAN CIVIL AVIATION AUTHORITY LEVIES ACT, 1998 (ACT NO. 41 OF 1998) ON THE SALE OF AVIATION FUEL

The South African Civil Aviation Authority, in terms of the provisions of section 2 (1) of the South African Civil Aviation Authority Levies Act, 1998 (Act No. 41 of 1998) ("Levies Act"), hereby publishes a Notice regarding fuel levy.

This Notice is not intended to exempt or exclude any participant or person who is obligated to pay fuel levy in terms of the Levies Act, or any existing arrangement made between the South African Civil Aviation Authority and such participant or person.

This Notice shall replace Government Notice GN 1229 of 2013 published under Government Gazette No. 3718 and shall come into operation 30 days from the date of publication.

Poppy Khoza
Director of Civil Aviation
Date: 10/01/2025

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SCHEDULE

1. **Particulars of participants and wholesale distributors**

1.1 The particulars of participants and persons, including wholesale distributors who are obliged to pay aviation fuel levy to the South African Civil Aviation Authority, is specifically recorded in a list contained in **Annexure "1"**, hereto.

1.2 The South African Civil Aviation Authority shall regularly update and publish the list of participants, wholesale distributors, including wholesale distributors deemed by the South African Civil Aviation Authority to be exempted from the payment of a fuel levy on the South African Civil Aviation Authority's website.

2. Levy imposed in terms of section 2 of the Levies Act

2.1 Subject to section 2 of the South African Civil Aviation Authority Levies Act, 1998 (Levies Act) —

(a) A levy of **twenty-two point eighty-six cents (R0.2286) per litre** is payable by a consumer, including a wholesale distributor, on all aviation fuel which is manufactured, distributed, distilled, imported, sold or consumed in the Republic of South Africa, and

(b) Value Added Tax is not payable on the levy referred to in subparagraph (a).

2.2 A levy on aviation fuel on specific supply, shall only be payable once for that supply.

2.3 A levy on aviation fuel is not payable —

(a) in circumstances where a wholesale distributor sells aviation fuel to another wholesale distributor and both wholesale distributors are in good standing with the South African Civil Aviation Authority, however only one wholesale distributor will be responsible to pay over the fuel levy;

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(b) in respect of scheduled public air transport operators or part of a flight listed in **Annexure "2"**, in terms of which the Passenger Safety Charge as specified in Regulation 187.02.1 of the Civil Aviation Regulations, 2011, is payable;

(c) on fuel exports to a foreign country, or

(d) when sold to a foreign air service operator and payment of such levy is exempted in terms of a bilateral air services agreement between the Republic and a State of such operator.

2.4 A wholesale distributor is said to be in good standing if due returns have been submitted on time, due payment of aviation fuel is up to date and audits have been conducted and such wholesale distributor entity details are listed in **Annexure "1"** of this Notice as updated from time to time by the South African Civil Aviation Authority.

3. <u>Specification of time in terms of section 2 of the Levies Act</u>

3.1 Payment of a fuel levy shall be made to the South African Civil Aviation Authority by completing a return in the form provided in **Annexure "3"**, not later than the 21st day of the following month on all products invoiced by a wholesale distributor or any participant, up to the end of a wholesale distributor's or participant's accounting month.

3.2 The monthly payment of a fuel levy referred to in paragraph 3.1 above, shall be paid into the bank account of the South African Civil Aviation Authority, using the following bank details:

(a) Standard Bank South Africa, Branch: Brooklyn, South Africa, Branch code: 011245, Current Account Number: 0000013007971; and

(b) referencing the payment by way of the customer identification number allocated by the South African Civil Aviation Authority.

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3.3 The record of amounts to be paid by a wholesale distributor or participant in terms of paragraphs 3.1 and 3.2, shall be submitted by attaching the said records via an e-mail to the South African Civil Aviation Authority in the form provided in **Annexure "3"** at the time of the payment.

4. **Penalty imposed by the South African Civil Aviation Authority in terms of Section 2 (b) of the Levies Act**

4.1 Interest at a rate of 2% above prime lending rate per annum, compounded monthly, is payable in respect of any outstanding balance of the fuel levy after the due date.

4.2 In addition to the interest charged in terms of paragraph 4.1 above, the South African Civil Aviation Authority may impose a 10% penalty of the value of the amount owed in circumstances where a wholesale distributor or participant fails to pay over monies to the South African Civil Aviation Authority within 21 days from the end of the month, during which, such monies become due and payable.

4.3 Returns and payments of a wholesale distributor or participant must be audited by a reputable external auditor appointed by the South African Civil Aviation Authority. The cost of the audit will be borne by the Authority, except in terms of paragraph 4.6 below.

4.4 The audits in terms of paragraph 4.3 above, shall be conducted for periods commencing from 1 January to 30 June, and 1 July to 31 December of each calendar year.

4.5 When an auditor appointed by the South African Civil Aviation Authority requests any information from a wholesale distributor or participant, such information shall be provided without delay and before the deadline provided by the auditor.

4.6 If a wholesale distributor or participant causes a delay in the audit contemplated in paragraph 4.3, any additional cost for a delay attributed to a specific wholesale distributor or participant may be recovered from such audited wholesale distributor or participant.

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ANNEXURE 1

LIST OF WHOLESALE DISTRIBUTORS AND PARTICIPANTS WHO ARE UP TO DATE WITH PAYMENTS IN RESPECT OF THE SOUTH AFRICAN CIVIL AVIATION AUTHORITY FUEL LEVY

NO.	WHOLESALER DISTRIBUTOR DETAILS
1	ASTRON ENERGY (PTY) LTD
2	BAS ENERGY (PTY) LTD
3	CEMAIR (PTY) SOUTH AFRICA
4	ENGEN PETROLEUM (PTY) LTD
5	ESSENTIAL FUELS (PTY) LTD
6	FEDERAL AIRLINES (PTY) LTD
7	GULFSTREAM ENERGY (PTY) LTD
8	LANSERIA INTERNATIONAL AIRPORT (PTY) LTD
9	NAMERC CONSULTING (PTY) LTD
10	PETROSA (SOC) LTD
11	PUMA ENERGY SOUTH AFRICA (PTY) LTD
12	SOUTH AFRICAN AIRWAYS
13	SANDRIVIER MINING SUPPLIES (PTY) LTD
14	SASOL OIL (PTY) LTD
15	SHELL DOWNSTREAM SOUTH AFRICA (PTY) LTD
16	SKEERPOORT VERSPREIDERS (PTY) LTD
17	TOTAL S.A. (PTY) LTD
18	VERSATILE COMMODITY TRADERS (PTY) LTD

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ANNEXURE 2

PLEASE NOTE:	(i) ***LISTING OF AIRLINES OPERATING SCHEDULED PASSENGER FLIGHTS WHICH ATTRACT THE PASSENGER SAFETY CHARGE PER PASSENGER.*** *THE SOUTH AFRICAN CIVIL AVIATION AUTHORITY fuel levy is not to be collected on the fuel for these flights. however, if the same airlines operate dedicated cargo flights the fuel levy should be charged on the fuel for these flights.* (ii) *This listing will be confirmed monthly.*
DECEMBER 2024:	
1	AIR AUSTRAL
2	AIR BOTSWANA
3	AIR CHINA
4	AIR COTE D'IVOIRE
5	AIR FRANCE
6	AIR MAURITIUS
7	AIR PEACE
8	AIR SEYCHELLES
9	AIR TANZANIA
10	AIR ZIMBABWE
11	AIRLINK
12	ASKY AIRLINES
13	BRITISH AIRWAYS
14	CATHAY PACIFIC
15	CEMAIR
16	CONDOR AIRLINES
17	DELTA AIR LINES
18	EDELWEISS AIR
19	EGYPTAIR
20	EMIRATES
21	ESWATINI AIR (RENAC)
22	ETHIOPIAN AIRLINES
23	ETIHAD AIRWAYS
24	FASTJET AIRLINE
25	FLYSAFAIR

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26	LIFT AIRLINES (GLOBAL OPERATIONS)
27	KENYA AIRWAYS
28	KLM ROYAL DUTCH AIRLINES
29	LAM MOZAMBIQUE AIRLINES
30	LUFTHANSA
31	MALAWI AIRLINES
32	NORSE ATLANTIC UK
33	PROFLIGHT ZAMBIA
34	QANTAS
35	QATAR AIRWAYS
36	RWANDAIR
36	SINGAPORE AIRLINES
37	SOUTH AFRICAN AIRWAYS
38	SWISS INTERNATIONAL AIR LINES
39	LATAM AIRLINES BRASIL
40	TAAG ANGOLA AIRLINES
41	TURKISH AIRLINES
42	UGANDA AIRLINES
43	UNITED AIRLINES
44	VIRGIN ATLANTIC
45	ZAMBIA AIRWAYS

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ANNEXURE 3

RETURN FOR PAYMENT: CIVIL AVIATION AUTHORITY FUEL LEVY

WHOLESALE DISTRIBUTOR/ AGENT / SUB-AGENT

"(A)	(B)	(C)	(D)	(E) ADJUSTMENTS			(F)	(G)
Product Local Sales	**Levy No VAT c/l**	**Volume Litres**	**Amount Paid (R)**	**Volume Litres**	**Amount (R)**	**Month**	**Adjusted Volumes Litres**	**Payable Adjusted amount (R)**
Jet A1								
Avgas								
SUB TOTAL								
Adjustments per month (L)								
Amount of payment								

Product Foreign Sales	**Levy No VAT c/l**	**Volume Litres**	**Amount Paid (R)**	**Volume Litres**	**Amount (R)**	**Month**	**Adjusted Volumes Litres**	**Payable Adjusted amount (R)**
Jet A1								
Avgas								
SUB TOTAL								
Adjustments per month (L)								
Amount of payment								

TOTAL FOR THE MONTH (LOCAL AND FOREIGN SALES)						
(A)	**(B)**	**(C)**	**(D)**	**(E)**	**(F)**	**(G)"**

"NOTE: Volumes must be adjusted for	COMPANY SIGNATURE	
own use prior to inclusion in column	CAPACITY	
(C) and in column (A)	DATE	

E-mail to: Fuellevy@caa.co.za"

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DEPARTMENT OF TRANSPORT

NO. 6061 **28 March 2025**

CIVIL AVIATION ACT, 2009 (ACT NO. 13 of 2009)

THIRTY FIRST AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2025

(The English Text is the official text of the Regulations)

I, Barbara Dallas Creecy, Minister of Transport, hereby, in terms of section 155(1) of the Civil Aviation Act, 2009 (Act No. 13 of 2009), make the Regulations set out in the Schedule hereunder.

Ms. BD Creecy, MP
Minister of Transport
Date: 17/3/25

SCHEDULE

CIVIL AVIATION ACT, 2009 (ACT NO. 13 OF 2009)

THIRTY FIRST AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2025

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing regulations.

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

Definition

In this Schedule "the Regulations" means the Civil Aviation Regulations, 2011 published by Government Notice No. R. 425 dated 1 June 2012, as amended. The regulations were initially promulgated on 1 June 2012 and came into effect on 1 August 2012. The regulations have since been amended by the Minister of Transport as follows:

(a) 30 July 2013 (First, Second, Third and Fourth Amendments);
(b) 7 March 2014 (Fifth Amendment);
(c) 1 October 2014 (Sixth Amendment);
(d) 22 December 2014 (Seventh Amendment);
(e) 27 May 2015 (Eighth Amendment);
(f) 1 September 2015 (Ninth Amendment);
(g) 30 October 2015 (Tenth Amendment);
(h) 30 December 2015 (Eleventh Amendment);
(i) 24 December 2015 (Twelfth Amendment);
(j) 12 February 2016 (Thirteenth Amendment);
(k) 28 October 2016 (Fourteenth Amendment);
(l) 5 May 2017 (Fifteenth Amendment);
(m) 19 May 2017 (Sixteenth Amendment);

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(n) 29 May 2017 (Seventeenth Amendment);
(o) 12 January 2018 (Eighteenth Amendment);
(p) 21 October 2018 (Nineteenth Amendment),
(q) 1 May 2019 (Twentieth Amendment);
(r) 1 April 2020 (Twenty-Second Amendment);
(s) 30 September 2021 (Twenty-Third Amendment);
(t) 15 November 2021 (Twenty-First Amendment);
(u) 10 May 2022 (Twenty-Fourth Amendment);
(v) 17 March 2023 (Twenty-Fifth Amendment and Twenty-Sixth Amendment);
(w) 13 April 2023 (Twenty-Seventh Amendment);
(x) 20 October 2023 (Twenty-Eighth Amendment);
(y) 28 June 2024 (Twenty-Ninth Amendment);
(z) 23 August 2024 (Thirtieth Amendment); and
(aa) Thirty-Second Amendment – submitted to the Minister for approval for promulgation.

Amendment of Part 1 of the Regulations

1. Regulation 1.01.1 of the regulations is hereby amended by—

(a) the insertion after the definition of "accident" of the following definition:

"'**accident data reporting'** means a set of definitions and descriptions used during the gathering and reporting of aircraft accident data to ICAO;";

(b) the insertion after the definition of "anticipated operating conditions" of the following definition:

"'**Appeal Committee Secretariat'** means officials of the Department designated to perform the administrative and secretarial services for the Appeal Committee;";

(c) the insertion after the definition of "incident" of the following definition:

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"'incident data reporting' means a set of definitions and descriptions used during the gathering and reporting of aircraft incident data to ICAO;";

(d) the insertion after the definition of "de-icing fluid" of the following definition:

"'deliver' means to file, serve, or deliver either by hand or electronic mail, and "delivery", "delivered" and "delivering" shall have the same corresponding meanings;";

(e) the insertion after the definition of "non-type certificated aircraft" of the following definition:

"'notice' means notice in writing;";

(f) the insertion after the definition of "serviceable" of the following definition:

"'sheriff' means a sheriff as defined in the Sheriffs Act, 1986 (Act No. 90 of 1986);".

2. Regulation 1.01.2 of the regulations is hereby amended by—

(a) the insertion after the abbreviation of "ADIZ" of the following abbreviation:

"'ADREP' means the accident data reporting;";

(b) the insertion after the abbreviation of "APV" of the following abbreviation:

"'ASIB' means the Aviation Safety Investigation Board;";

(c) the insertion after the abbreviation of "IFR" of the following abbreviation:

"'IIC' means an investigator-in-charge;".

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Amendment for Part 11 of the Regulations

3. Part 11 of the regulations is hereby amended by:

(a) the substitution for Subpart 2 of the following Subpart:

"SUBPART 2 CIVIL AVIATION REGULATIONS COMMITTEE

11.02.1 Institution of Committee

11.02.2 Meetings of Committee

11.02.3 Subcommittees of Committee

11.02.4 Remuneration of Members

11.02.5 Administration

SUBPART 2 CIVIL AVIATION REGULATIONS COMMITTEE

Institution of Committee

11.02.1 (1) The Commissioner shall institute a Civil Aviation Regulations Committee to make recommendations on proposals with regard to—

(a) the introduction of any regulation to be made by the Minister under section 155;

(b) the amendment or withdrawal of any regulation made by the Minister under section 155;

(c) the introduction of any technical standard to be issued by the Commissioner under section 163;

(d) the amendment or withdrawal of any technical standard issued by the Commissioner under section 163;

(e) any matter relating to civil aviation, including any such matter referred to it by the Commissioner.

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(2) The members of the Committee instituted in terms of subregulation (1) shall consist of—

(a) a person designated by the Commissioner as the Chairperson;

(b) officials of the Authority appointed to oversee—

(i) aviation safety operations;

(ii) aviation security;

(iii) aviation safety standard and assurance;

(iv) aviation safety infrastructure;

(v) aviation medical and general procedures;

(c) such other persons appointed by those stakeholders and recognised by the Commissioner which shall include representatives from—

(i) the general aviation, recreational aviation, and commercial aviation industry;

(ii) the Air Traffic and Navigation Services Company Limited contemplated in terms of section 2 of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);

(iii) the South African Police Service;

(iv) the South African National Defence Force;

(v) the Airports Company South Africa SOC Limited contemplated in section 2 of the Airports Company Act, 1993 (Act No. 44 of 1993);

(vi) the Department;

(vii) the Chairperson of the Fees Committee;

(viii) the Border Management Authority contemplated in section 4 of the Border Management Authority Act, 2020 (Act No. 2 of 2020); and

(ix) any other stakeholder as determined by the Commissioner.

(3) Subject to the provisions of this Subpart, the Committee shall—

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(a) in consultation with the Commissioner, determine the procedures to be followed in the performance of its functions; and

(b) submit, for consideration to the Commissioner, recommendations made by the Committee on proposals for promulgation by the Minister in terms of this Subpart.

Meetings of Committee

11.02.2 (1) The Committee shall hold meetings at least 6 times a year at such times and places as may from time to time be determined by the Chairperson.

(2) The Chairperson shall—

(a) on exceptional circumstances, call an extraordinary meeting; and

(b) preside at every meeting of the Committee.

(3) If the Chairperson is absent from a meeting of the Committee, the members present shall from among their number elect a person to preside at that meeting.

(4) The Committee shall cause minutes of every meeting to be kept and such minutes shall be stored at the office of the Commissioner.

Subcommittees of Committee

11.02.3 (1) The Committee may, after consultation with the Commissioner, establish such Subcommittees as it may deem necessary for the performance of its functions.

(2) The membership of each Subcommittee established in terms of subregulation (1) shall be unlimited.

(3) The Chairperson of the Committee shall appoint a Chairperson of each Subcommittee established in terms of this regulation.

(4) Subject to the provisions of this Subpart, a Subcommittee shall, after consultation with the Chairperson of the Committee, determine the procedures to be followed by such Subcommittee in the performance of its functions.

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Remuneration of members

11.02.4 A member of the Committee or any of its Subcommittees referred to in this Part shall not receive any remuneration or allowance in respect of the performance of functions of the Committee or its Subcommittees.

Administration

11.02.5 Administrative work including secretarial work, in connection with the performance of the functions of the Committee and any Subcommittee established in terms of this Part, shall be carried out by employees of the Authority.".

(b) the substitution for regulation 11.04.1 of the following regulation:

"11.04.1 (1) Subject to the provisions of subregulation (2), the Minister may, only in exceptional circumstances, grant an exemption from any requirement prescribed in the regulations, if—

(a) a prescribed requirement cannot be complied with, either fully or partially; or

(b) a prescribed requirement is inappropriate, or events have occurred which make such requirement unnecessary in a particular case.

(2) An exemption referred in subregulation (1) may only be granted if—

(a) an acceptable level of safety has been taken which is as effective or more effective than the prescribed requirement; or

(b) the granting of an exemption will not cause serious risk to aviation safety, security, and environment.".

(c) the substitution for regulation 11.04.2 of the following regulation:

"11.04.2 (1) An application for an exemption shall be made to the **[Director]** Minister in the appropriate form and shall—

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(a) state the name and address of **[the]** an applicant;

(b) state the requirement from which exemption is requested;

(c) explain the interests of **[the]** an applicant in the exemption requested, including the nature and extent of the exemption requested and a description of each person or thing to be covered by the exemption;

(d) contain any information, including information on the exceptional circumstances, views, or arguments supporting **[the]** such application;

(e) any other information an applicant believes is necessary to support an application as well as the extent on which an exemption, if granted, may affect aviation safety, security, and environment; and

(f) include a summary of the application which **[summary]** shall contain a reference to **[the]** a requirement from which exemption is requested, and a brief description of the general nature of the exemption requested.

(2) An application for an exemption referred to in **[sub-regulation 1]** subregulation (1), shall be accompanied by the appropriate fee **[prescribed in]** as prescribed in Part 187 and shall be—

(a) submitted at least **[30]** 60 days, or such shorter period as the **[Director]** Minister may allow on good cause shown, before the proposed effective date of **[the]** an exemption**[.]**; and

(b) processed within **[15]** 30 working days from the date of submission thereof **[provided]**, unless the circumstance of **[the]** an exemption dictates otherwise.

(3) In case where an application for exemption cannot be processed within the periods referred to in **[sub-regulation 2]** subregulation (2) the **[Director]** Minister shall notify the applicant **[and]** and, in the case of an urgent **[exemptions]** exemption, adjust the applicable fee.".

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(d) the substitution for regulation 11.04.3 of the following regulation:

"11.04.3 The Minister may grant or refuse an application for exemption, after—

(a) consideration of the recommendation of the Commissioner;

(b) affording an applicant an opportunity to make representations in writing.".

(e) the substitution for regulation 11.04.4 of the following regulation:

"11.04.4 (1) The Minister may grant an exemption under such conditions and for such period which the Minister may determine, which period may not exceed 180 days.

(2) A decision not to approve an application for exemption shall be accompanied by written reasons.

(3) The **[Director]** Commissioner shall, **[shall]** within 3 working days from the date **[from which any exemption of a non-administrative nature, such nature decided upon by the Director]** an exemption has been granted, publish the **[full]** particulars **[thereof]** of such exemption on the Authority website.".

(f) the substitution for regulation 11.04.5 of the following regulation**:**

"11.04.5 (1) The Minister may grant an extension of an exemption upon application for such extension in a similar manner as prescribed in regulation 11.04.2.

(2) The **[Director]** Minister may grant an extension to an exemption under such conditions and for such period which the **[Director]** Minister may determine, which period may not exceed 180 days.

(3) An application for [the] extension of an exemption shall be accompanied by the fees prescribed in Part 187.

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(4) The provisions of regulations 11.04.2 to 11.04.4 apply with the necessary changes in relation to the consideration of an application for extension of an exemption **[mentioned in sub-regulation (1)]**.".

(g) by the insertion after Subpart 6 of the following Subpart:

"SUBPART 7: FEES COMMITTEE

11.07.1 Institution of Fees Committee

11.07.2 Composition of Fees Committee

11.07.3 Designation of Chairperson of Fees Committee

11.07.4 Meetings of Fees Committee

11.07.5 Fees Subcommittee

11.07.6 Remuneration of members

11.07.7 Administration

11.07.8 Recommendations to Minister

SUBPART 7 FEES COMMITTEE

Institution of Fees Committee

11.07.1 (1) The Commissioner shall institute a Fees Committee to—

(a) advise on charges, fees and levies to be charged by the Authority; and

(b) make recommendations to the Minister on proposals relating to—

(i) introduction of any regulation in relation to charges, fees and levies;

(ii) amendment or withdrawal of any regulation relating to charges, fees and levies; and

(iii) any other fees that may be levied or charged by the Authority relating to civil aviation operation or activity.

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Composition of Fees Committee

11.07.2 (1) The members of the Fees Committee shall comprise of—

(a) a person designated by the Commissioner as the Chairperson of the Fees Committee;

(b) the Chairperson of the Civil Aviation Regulations Committee;

(c) the Chairperson of each Subcommittee established by the Civil Aviation Regulations Committee in terms of Part 11 of the regulations; and

(d) such other persons appointed by those stakeholders and recognised by the Commissioner, which shall include representation from—

(i) the general aviation, recreational aviation, and commercial aviation industry;

(ii) the Air Traffic and Navigation Services Company Limited contemplated in section 2 of the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);

(iii) the South African Police Service;

(iv) the South African National Defence Force;

(v) the Airports Company South Africa SOC Ltd as established in terms of the Airports Company Act, 1993 (Act No. 44 of 1993) as amended;

(vi) the Department;

(vii) the South African Weather Service;

(viii) Department of Finance;

(xi) the Border Management Authority contemplated in section 4 of the Border Management Authority Act, 2020 (Act No. 2 of 2020); and

(x) any other stakeholder as determined by the Commissioner.

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(2) Subject to the provisions in this Subpart, the Fees Committee shall, in the performance of its functions, comply with the procedures as prescribed in Document SA-CATS 11.

Designation of Chairperson of Fees Committee

11.07.3 (1) The Commissioner shall designate a person as a Chairperson of the Fees Committee for a term determined by the Commissioner.

Meetings of Fees Committee

11.07.4 (1) The Fees Committee shall hold its meetings on an *ad-hoc* basis and at such times and places as may from time to time be determined by the Chairperson of the Fees Committee.

(2) The Chairperson of the Fees Committee, and in his or her absence, a member selected from the members present, shall preside over a meeting of the Fees Committee.

(3) The procedures to be followed at meetings of the Fees Committee are prescribed in Document SA-CATS 11.

(4) The Fees Committee shall cause minutes of every meeting to be kept and such minutes shall be stored at the offices of the Commissioner.

(5) Notwithstanding the provisions of subregulation (1), the Chairperson of the Fees Committee may at any time call an extraordinary meeting in circumstances which he or she deems necessary or in the public interest.

Fees Subcommittee

11.07.5 (1) The Fees Committee may establish a Fees Subcommittee for efficient performance of its functions.

(2) The membership of the Fees Subcommittee established in terms of subregulation (1) shall be unlimited.

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(3) The Chairperson of the Fees Committee shall appoint a Chairperson of the Fees Subcommittee.

(4) Subject to the provisions of this Subpart, the Fees Subcommittee shall comply with procedures determined by the Fees Committee in the performance of its functions.

Remuneration of members

11.07.6 A member of the Fees Committee or its Subcommittee referred to in this Subpart shall not receive any remuneration or allowance from the Authority or any government institution in respect of the functions performed as a member of the Fees Committee or its Subcommittee.

Administration

11.07.7 Administrative work and secretarial work, in connection with the performance of the functions of the Fees Committee and its Subcommittee shall be carried out by employees of the Authority designated for that purpose.

Recommendations to Minister

11.07.8 (1) A proposal adopted by the Fees Committee shall be submitted, in consultation with the Commissioner, to the Minister for approval.".

Amendment of Part 12 of the Regulations

4. Part 12 of the regulations is hereby substituted by the following Part:

"PART 12: ACCIDENT AND INCIDENT INVESTIGATION

ARRANGEMENT OF REGULATIONS

SUBPART 1: GENERAL

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12.01.1 Applicability

12.01.2 Instituting investigation

12.01.3 Instituting accident or serious incident investigation in territory of non-Contracting State or outside territory of State

12.01.4 Independence of accident and incident investigation

SUBPART 2: DELEGATION, DESIGNATION AND APPOINTMENT

12.02.1 Delegation of body or institution

12.02.2 Designation of investigator-in-charge

12.02.3 Designation of investigator

12.02.4 Designation of *pro-tem* investigator

12.02.5 Designation and acceptance of accredited representative

12.02.6 Appointment of advisor

12.02.7 Appointment of experts

12.02.8 Powers of investigator

SUBPART 3: AIRCRAFT ACCIDENT AND INCIDENT NOTIFICATION PROCEDURES

12.03.1 Notification of aircraft accident and incident in Republic

12.03.2 Notification of aircraft accident and incident outside Republic

12.03.3 Notification by ASIB to other States

12.03.4 Particulars of notification

12.03.5 Types and determination of serious incident

12.03.6 Guidance for determination of aircraft damage

12.03.7 Receipt of notification

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SUBPART 4: INVESTIGATION OF AIRCRAFT ACCIDENT OR INCIDENT

12.04.1 Objective

12.04.2 Accident or incident investigation procedures

12.04.3 Effective use of flight recorder and ground-based recorders

12.04.4 Coordination - Judicial authorities

12.04.5 Informing law enforcement authorities

12.04.6 Autopsy examination

12.04.7 Medical examination

12.04.8 Protection of accident and incident investigation records

12.04.9 Disclosure or use of information in criminal, civil, administrative or disciplinary proceedings

12.04.10 Guidelines for flight recorder read-out and analysis

12.04.11 Cooperation with other States

12.04.12 IIC reporting

SUBPART 5: SCENE OF ACCIDENT

12.05.1 Guarding of aircraft involved in accident

12.05.2 Access to scene of accident

12.05.3 Control of evidence

12.05.4 Interference with objects and marks at scene of accident

12.05.5 Removal of damaged or disabled aircraft

12.05.6 Retention of objects for purposes of investigation or inquiry

SUBPART 6: REPORTING AND REOPENING OF INVESTIGATION

12.06.1 Preliminary Report

12.06.2 Draft Final Report

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12.06.3 Report On Findings

12.06.4 Final Report

12.06.5 Reopening of investigation

12.06.6 Submission of new and significant evidence on closed investigation

SUBPART 7: ACCIDENT PREVENTION MEASURES

12.07.1 Establishment of confidential aviation hazard reporting system

12.07.2 Notification of hazard

12.07.3 Database and preventive actions

12.07.4 Safety recommendations

12.07.5 Action on safety recommendations

SUBPART 1: GENERAL

Applicability

12.01.1 (1) This Part applies—

(a) in respect of aircraft accident and incident within and over—

(i) the Republic;

(ii) any place that is under the Republic's air traffic service and management; and

(iii) any other place, where—

(aa) the Republic is requested to investigate an aircraft accident or incident in terms of the Convention; or

(bb) an aircraft accident and incident involves an aircraft in respect of which, or that is operated by a person to whom, a South African aviation authorisation, aviation certificate, or any aviation approval document has been issued;

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(b) in respect of aircraft accident or incident referred to in section 12 (4) of the Act;

(c) in respect of *a*ny other aviation related accident or incident investigation as may be sanctioned by the ASIB;

(d) in respect of procedure relating to the reporting and investigation of an aircraft accident and incident involving an aircraft.

(2) The application of this Part in respect of aircraft accident and incident referred to in section 12(4) of the Act, is subject to restrictions in the interests of national security as provided for in the Defence Act, 2002 (Act No. 42 of 2002).

(3) In this Part, the specifications concerning a State of an Operator apply only when—

(a) an aircraft is leased, chartered, or interchanged and when that State is not a State of Registry; and

(b) a State of Operator discharges, in respect of this Part, in part or in whole, the functions and obligations of a State of Registry.

Instituting investigation

12.01.2 (1) The ASIB shall institute and conduct an investigation into circumstances of an accident or a serious incident involving an aircraft with a MCM of greater than 2,250 kg.

(2) The ASIB shall institute an investigation into an accident of an aircraft with a MCM of 2,250 kg.

(3) The ASIB may institute an investigation into an accident of an aircraft less than 2,250kg, unless it is in the interest of national safety or when it has identified airworthiness issues.

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(4) Notwithstanding the provision of subregulation (1) and (2), the ASIB may recommend to the Minister, to delegate to another State or a regional accident and incident investigation organisation, the whole or any part of an investigation.

(5) The ASIB shall, where the Minister has delegated the whole or any part of an investigation as stipulated in subregulation (3), provide the required support during the investigation process.

(6) The ASIB may request a State of Occurrence to delegate an investigation of an aircraft accident or serious incident to the Republic, where such State decides not to investigate and the Republic is a State of Registry, State of an Operator, State of Design, or State of Manufacture.

(7) If a State of Occurrence fails to respond to a request contemplated in subregulation (5) within 30 days, the ASIB shall institute an investigation using such information, as is available.

(8) When the ASIB has delegated the whole investigation to another State or a regional accident and incident investigation organisation, the delegated State shall be responsible for conducting the investigation, including the issuance of the Final Report and the ADREP reporting.

(9) When the ASIB has delegated part of an investigation to another State or a regional accident and incident investigation organisation, the ASIB shall retain the responsibility for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting.

(10) In the case of an accident or incident involving an RPAS, the ASIB may consider instituting and conducting an investigation if an aircraft —

(a) is certificated in accordance with Part 21; and

(b) conforms to the ICAO Annex 8 relating to Airworthiness of Aircraft; or

(c) is operated under an operator authorisation in accordance with Part 21.

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(11) The provisions of the Wreck and Salvage Act, 1996 (Act No. 94 of 1996) relating to wreck and salvage of life or property and to the duty to render assistance to ships in distress, shall be applicable to aircraft in distress.

(12) If the Republic is a State of Occurrence, the ASIB shall, upon request, issue an invitation letter to a State of Registry, State of an Operator, State of Design, or State of Manufacture to facilitate entry of any accredited representative, any advisor, and equipment as necessary for the purposes of participating in an aircraft accident investigation.

(13) The ASIB may, upon receipt of the notice or request from a State conducting an aircraft accident investigation, appoint an accredited representative, advisor, or expert.

(14) Where the cause and contributing factors of an aircraft accident or incident are known to the ASIB, the ASIB may elect not to institute an investigation of such an aircraft accident or serious incident.

Instituting accident or serious incident investigation in territory of non-Contracting State or outside territory of State

12.01.3 (1) The ASIB may, where the Republic is the State of Registry, State of Operator, State of Design, or State of Manufacture, and after approval of the Minister, conduct an investigation, in cooperation with a State of Occurrence, if an aircraft accident or serious incident has occurred in the territory of a non-Contracting State which does not intend to conduct an investigation.

(2) If a State of Occurrence fails to cooperate as envisaged in sub-regulation (1), the ASIB may conduct an investigation with such information, as is available.

(3) The ASIB shall, if the Republic is the State of Registry, after consultation with the Minister, institute and conduct an investigation of an aircraft accident or serious incident that occurs in a location which is not in the territory of any State.

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(4) The ASIB shall, where the scene of an aircraft accident in international waters is nearest to the Republic, after consultation with the Minister and upon request by a State of Registry, provide such assistance as the Republic is able to.

(5) The ASIB may recommend to the Minister to request a State of Registry to delegate an investigation to the Republic if—

(a) a location of an aircraft accident or serious incident cannot be established as being in a territory of any State;

(b) a State of Registry fails to institute and conduct an investigation; and

(c) the Republic is a State of Operator, State of Design, or State of Manufacture.

(6) If a State of Registry does not respond to a request referred to in sub-regulation (5) within 30 days, the ASIB shall, after consultation with the Minister, conduct the investigation with such investigation information, as is available.

(7) The ASIB shall, where the Republic is the State of Operator, State of Design, or State of Manufacture, conduct an investigation, if a State of Registry is a non-Contracting State which does not intend to investigate an aircraft accident or serious incident that occurred in a location which is not a territory of any State,

(8) The ASIB shall, when it has instituted an investigation of an accident or incident, in case where the Republic is the State of Registry, not later than 24 hours, forward an email notification, in accordance with this Part to the following:

(a) a State of Operator;

(b) a State of Design;

(c) a State of Manufacture; and

(d) ICAO, when an aircraft involved has a MCM of greater than 2,250 kg or is a turbojet-powered aeroplane.

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Independence of accident and incident investigation

12.01.4 (1) The ASIB shall have independence and unrestricted authority in conducting investigation in terms of this Part.

(2) An aircraft accident or incident investigation in terms of subregulation (1) shall include—

(a) gathering, recording, and analysing of available information on the accident or incident scene;

(b) dissemination of factual information to the public timeously and as appropriate; and

(c) issuing of a Final Report which may contain probable cause of an accident or incident, contributing factors, and where necessary, safety recommendations.

(3) The ASIB or an investigator designated by the ASIB shall be granted unrestricted access to available evidential material, without delay.

(4) The ASIB shall ensure cooperation with the judicial authorities so that an investigation is not impeded by an administrative or judicial investigation or proceeding.

(5) Where feasible, the ASIB or investigator designated by the ASIB shall—

(a) visit the scene of an accident;

(b) examine a wreckage; and

(c) take statements from witnesses.

(6) The ASIB shall, depending on the lessons for the improvement of aviation safety expected to be drawn from an aircraft accident or incident investigation, determine the extent of an investigation and the procedure to be followed in carrying out such an investigation.

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(7) The ASIB shall ensure that−

(a) an investigation conducted in accordance with the provisions of this Part is separate from any judicial or administrative proceeding intended at apportioning blame or liability; and

(b) coordination in terms of this Part is achieved between the two processes and the gathering of factual information is undertaken with due consideration.

(8) The ASIB shall develop policy and procedure detailing accident and incident investigation duties consisting of organisation, planning, investigation, and reporting of aircraft accident and incident.

SUBPART 2: DELEGATION, DESIGNATION AND APPOINTMENT

Delegation of body or institution

12.02.1 (1) The ASIB may delegate, to a body or institution, powers to—

(a) Promote aviation safety or to reduce the risk of aviation accidents and incidents;

(b) investigate an aircraft accident or incident in which such a body or institution has the expertise, skills, and knowledge to carry out an investigation which the ASIB does not investigate; and

(c) report to the ASIB facts related to how an aircraft resulted in an accident or incident.

(2) The delegation of powers referred to in subregulation (1) shall be made in writing and published by the ASIB in the Government Gazette within 30 days from the date of designation notifying the public.

(3) A body or institution delegated in terms of subregulation (1) shall—

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(a) exercise powers and duties in accordance with conditions, rules, requirements, procedures or standards as prescribed in Document SA-CATS 12; and

(b) submit to ASIB, factual information relating to an aircraft accident or incident investigated for the purpose of determining the analysis, findings, and recommendations.

Designation of investigator-in-charge

12.02.2 (1) The ASIB shall designate an IIC to investigate an aircraft accident or incident.

(2) The ASIB shall issue an IIC with a designation letter stating the full names of an IIC and a statement indicating that such IIC—

(a) has been designated in terms of subregulation (1); and

(b) is empowered to exercise any power entrusted to him or her in terms of this Part.

(3) The conditions, requirements, rules, procedures and standards connected with a designation of IIC referred to in subregulation (1), are as prescribed in Document SA-CATS 12.

(4) An IIC designated in terms of subregulation (1) shall, subject to the provisions of this Part, have authority to—

(a) gain unrestricted access to a wreckage and relevant material, including flight recorders and ATS records;

(b) unrestricted control over a wreckage for the purpose of conducting a detailed examination, without delay, by any person;

(c) in the case of RPAS, gain unrestricted access to RPAS, the required C2 link, any other component as specified in the type design, including recordings and documents;

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(d) preserve and examine an aircraft or wreckage of an aircraft which has been involved in an accident or incident, and any marks resulting from such accident or incident which may be of assistance in an investigation, including photographic means;

(e) remove an aircraft, wreck or wreckage, and any part or component of an aircraft or anything transported in such an aircraft for—

(i) the purpose of an investigation; or

(ii) an inquiry by a Commission of Inquiry appointed in terms of section 69 of the Act;

(f) compile a required report in connection with an aircraft accident or incident investigation;

(g) to access, without any restriction, documents, books, notes, photographs, recordings, and transcripts which an IIC may consider necessary for an investigation, which documents, books, notes, photographs, recordings, and transcripts shall be produced, without delay, upon request; and

(h) obtain information from any person which may be necessary for conducting an investigation.

(5) An IIC designated in terms of subregulation (1), shall not—

(i) publish or release a document or report, unless such report or document has been published or released by ASIB or a State conducting an investigation prior; and

(ii) circulate, publish, or give access to a draft report or any part thereof and any documents obtained during an investigation of an aircraft accident or incident without the express written consent of ASIB or a State which conducted such investigation.

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Designation of investigator

12.02.3 (1) The ASIB may designate an investigator for the purposes of assisting an IIC in an investigation of an aircraft accident or incident.

(2) An investigator referred to in subregulation (1) may exercise powers granted to an IIC in terms of this Part which are assigned to such investigator by an IIC.

(3) The conditions and requirements for and the rules, procedures, and standards connected with the designation referred to in subregulation (1), are as prescribed in Document SA-CATS 12.

(4) The ASIB shall issue to an investigator so designated, a designation letter which shall state the full names of an investigator and contain a statement indicating that such investigator—

(a) has been designated in terms of subregulation (1); and

(b) is empowered to exercise power entrusted to him or her in terms of this Part.

(5) An investigator designated in terms of subregulation (1), shall not—

(a) publish or release a document or report, unless such report or document has been published or released by ASIB or a State conducting an investigation;

(b) circulate, publish, or give access to a draft report or any part thereof, and any documents obtained during an investigation of an aircraft accident or incident without the express written consent of ASIB or a State which conducted such investigation,

Designation of *pro- tem* investigator

12.02.4 (1) The ASIB may designate a *pro-tem* investigator for the purposes of assisting an IIC during the initial reporting phases of an investigation of an aircraft accident or incident.

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(2) The ASIB shall issue, to a *pro-tem* investigator so designated, a designation letter which shall state the full names of a *pro-tem* investigator and contain a statement indicating that a *pro -tem* investigator—

(a) has been designated in terms of subregulation (1); and

(b) is empowered to exercise power entrusted to him or her in terms of this Part.

(3) A *pro-tem* investigator may exercise powers granted to an IIC in terms of this Part.

(4) A *pro-tem* investigator shall, as soon as practicable, after the arrival of an IIC or investigator on the scene of an aircraft accident or incident, report on his or her initial investigation to such IIC or investigator.

(5) The conditions, requirements, rules, procedures and standards connected with a designation referred to in subregulation (1), are as prescribed in Document SA-CATS 12.

(6) A *pro-tem* investigator designated in terms of subregulation (1), shall not—

(a) publish or release a document or report, unless such report or document has been published or released by ASIB or a State conducting an investigation;

(b) circulate, publish, or give access to a draft report or any part thereof and any document obtained during an investigation of an aircraft accident or incident, without the express written consent of ASIB or a State which conducted such investigation,

Designation and acceptance of accredited representative

12.02.5 (1) The ASIB may—

(a) designate an accredited representative, for the purposes of assisting another State in an investigation of an aircraft accident or incident involving a South African registered aircraft, a person issued with a South African aviation

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certificate, approval, or licence, or a South African citizen, which has occurred in a territory of another State;

(b) accept accreditation of a representative of a State of Registry, State of Operator, State of Design, State of Manufacture or a State which provides information, facilities, or experts to an investigation for the purposes of participating in investigating an aircraft accident or incident in the territory of the Republic; and

(c) request any of the following States to appoint an accredited representative to participate in an aircraft accident or incident investigation conducted in the Republic:

(i) a State which provides an operational base for field investigation,

(ii) a State which is involved in search and rescue;

(iii) a State which was involved in wreckage recovery operations, or

(iv) a State which was involved as a State of a code-share or alliance partner of an air service operator.

(2) The conditions, requirements, rules, procedures and standards connected with a designation or acceptance of designation referred to in this Subpart are as prescribed in Document SA-CATS 12.

(3) An accredited representative designated in terms of subregulation (1), may participate in an investigation of an aircraft accident or incident under the control of an IIC designated in terms of this Part.

(4) An accredited representative designated in terms of subregulation (1) may, under the control of an IIC—

(a) visit an accident scene;

(b) examine a wreckage;

(c) obtain witness information and suggest areas of questioning;

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(d) have access to relevant evidence;

(e) receive copies of relevant documents, books, notes, photographs, recordings, and transcripts;

(f) participate in read-outs of recorded media;

(g) participate in component examinations, technical briefings, tests and simulations and other investigative activities;

(h) participate in deliberations on the analysis, findings, cause or causes, and safety recommendations; and

(i) make submissions in respect of various elements of an investigation.

(5) The ASIB shall issue, to an accredited representative, a designation letter which shall state the full names of an accredited representative and contain a statement indicating that such accredited representative—

(a) has been designated in terms of subregulation (1); and

(b) is empowered to exercise power entrusted to him or her in terms of this Part.

(6) An accredited representative designated in terms of subregulation (1), shall not—

(a) publish or release a document or report unless such report or document has been published or released by ASIB or a State conducting an investigation; and

(b) circulate, publish, or give access to a draft report or any part thereof and any document obtained during an investigation of an aircraft accident or incident, without the express written consent of ASIB or a State which conducted such investigation.

Appointment of advisor

12.02.6 (1) The ASIB may—

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(a) appoint an advisor from a manufacturer, service provider, or operator to assist an accredited representative in an investigation of an aircraft accident or incident conducted by another State; and

(b) accept an advisor from a State of Registry, State of Operator, State of Design, or State of Manufacture, for the purpose of assisting an accredited representative in an investigation of an aircraft accident or incident conducted by the ASIB.

(2) The ASIB shall issue to an advisor, an appointment letter which shall state the full name of an advisor and contain a statement indicating that an advisor—

(a) has been appointed in terms of subregulation (1); and

(b) is empowered to exercise power entrusted to him or her in terms of this Part.

(3) An advisor appointed in terms of subregulation (1) shall not—

(a) publish or release a document or report, unless such report or document has been published or released by ASIB or a State conducting an investigation; and

(b) circulate, publish, or give access to a draft report or any part thereof, and any documents obtained during an investigation of an aircraft accident or incident, without the express written consent of ASIB or a State which conducted such investigation,

(4) The conditions, requirements, rules, procedures and standards connected with a designation referred to in this Subpart and are as prescribed in Document SA-CATS 12.

Appointment of expert

12.02.7 (1) The ASIB may appoint an expert to participate in an investigation, where a citizen of the Republic is fatally injured or has suffered serious injury in an

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aircraft accident or incident involving a foreign registered aircraft in the territory of another State.

(2) The ASIB shall inform a State of Occurrence of its intention to appoint an expert to participate in an aircraft accident or incident investigation.

(3) The ASIB may accept an appointment of an expert to participate in an investigation from any State whose citizens were fatally injured or suffered serious injuries in an aircraft accident or incident that occurred in the territory of the Republic.

(4) The ASIB may designate one or more experts for the purposes of assisting an IIC in an investigation of an aircraft accident or incident.

(5) An expert referred to in subregulation (1) and (3) may, under the control of an IIC—

(a) visit an aircraft accident or incident scene;

(b) have access to relevant factual information;

(c) participate in the identification of victims of aircraft accident or incident;

(d) assist in interviewing surviving passengers who are citizens of such expert's State; and

(e) receive a copy of a final aircraft accident or incident report.

(6) An expert referred to in subregulation (4) may, under the control of an IIC—

(a) visit an aircraft accident or incident scene;

(b) examine a wreckage of an aircraft involved in an accident;

(c) obtain witness information and suggest areas of questioning;

(d) have access to relevant evidence;

(e) receive copies of relevant documents, books, notes, photographs, recordings, and transcripts;

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(f) participate in read-outs of recorded media;

(g) participate in component examination, technical briefing, test and simulation, and other investigative activities;

(h) participate in deliberations on the analysis, findings, causes, and safety recommendations; and

(i) make submission in respect of various elements of an investigation.

(7) The ASIB shall issue an appointment letter to an expert which shall state the full names of an expert and contain a statement indicating that such expert—

(a) has been appointed in terms of subregulation (1); and

(b) is empowered to exercise power entrusted to him or her in terms of this Part.

(8) An expert appointed in terms of this Subpart, shall not—

(a) publish or release a document or report unless such report or document has been published or released by ASIB or a State conducting an investigation; and

(b) circulate, publish, or give access to a draft report or any part thereof, and any documents obtained during an investigation of an aircraft accident or incident, without the express written consent of ASIB or a State which conducted such investigation.

(9) The conditions, requirements, rules, procedures, and standards connected with an appointment or acceptance of an expert referred to in this Subpart are as prescribed in Document SA-CATS 12.

Powers of investigator

12.02.8 (1) In addition to any other power granted to or duty imposed on an investigator in terms of this Part, an investigator may—

(a) enter any premises for the purpose of examining an aircraft, aircraft factory, aerodrome, civil aviation related facility, aircraft component, aircraft equipment, licence, certificate, permit, approval, authorisation, register, book,

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or document which he or she believes to be on such premises, and confiscate any such items which he or she reasonably believes will assist in an aircraft accident and incident investigation process;

(b) recommend to the Commissioner, the grounding of an aircraft which he or she reasonably believes to be unsafe, not duly registered, or not airworthy;

(c) require a pilot of an aircraft to furnish his or her name and address and any other particulars concerning his or her identity;

(d) require any person on an aerodrome or in an aircraft, aircraft factory, or civil aviation related facility to−

(i) furnish his or her name and address and any other particulars concerning his or her identity; and

(ii) furnish such information as is at his or her disposal concerning the identity of a pilot or owner of an aircraft, or an owner of an aerodrome, aircraft factory, or civil aviation related facility;

(iii) require an owner or operator of an aircraft to furnish such information as may be necessary concerning the identity of a pilot of an aircraft, at any time, or during any particular period;

(iv) inspect or investigate an aircraft, or any part, component, or equipment of such aircraft, for the purpose of ascertaining whether the provisions of the regulations or a technical standard are being complied with;

(v) ascertain the mass of an aircraft with or without load;

(vi) call upon any person required by law to be a holder of a licence, certificate, permit, approval, authorisation, or logbook to submit such for inspection or investigation within a reasonable time to be stipulated by an IIC or Investigator; and

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(vii) call upon an owner, operator, or PIC of an aircraft to produce or cause to be produced for inspection or investigation, any licence, certificate, manual, logbook, or other document relating to an aircraft or crew.

(2) An investigator may, if on reasonable grounds believes an aircraft is intended or likely to be flown under circumstances involving a contravention of the regulations, or is likely to cause danger to persons in an aircraft or to persons or property on the ground—

(a) cause a flight to be delayed; or

(b) take such action he or she deems necessary for the purpose of establishing circumstances that may cause an investigation or inspection of such aircraft.

(3) An aircraft delayed pursuant to subregulation (2) shall not be operated until the Commissioner is satisfied that—

(a) an operation will comply with the regulations; and

(b) such flight will not cause danger to any person or property.

SUBPART 3: AIRCRAFT ACCIDENT AND INCIDENT NOTIFICATION PROCEDURES

Notification of aircraft accident and incident in the Republic

12.03.1 (1) A PIC of an aircraft who is involved in an accident or incident within the Republic, shall have a primary responsibility to notify the ASIB, an ATSU or the nearest police station of such accident or incident, as soon as possible and within 24 hours from the time of an aircraft accident or incident.

(2) If the PIC of an aircraft involved in an accident or incident within the Republic is deceased or incapacitated, flight crew members shall notify the ASIB, ATSU or the police station, as soon as possible and at least within 24 hours from the time of an aircraft accident or incident.

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(3) If flight crew members of an aircraft involved in an accident or incident within the Republic are deceased or incapacitated, an air service operator or owner of such aircraft shall notify the ASIB, ATSU or the nearest police station, as soon as possible and at least within 24 hours from the time of an aircraft accident or incident.

(4) If an ATSU or police station is notified of an aircraft accident or incident in terms of this regulation, such ATSU or police station shall immediately notify the ASIB.

(5) Where the ASIB receives notification in terms of this regulation, the ASIB shall—

(a) notify the authorities of a State of an Operator; and

(b) where such an accident occurred on an aerodrome, notify an aerodrome manager.

(6) An ATS personnel who witnessed an ATS incident in the Republic, shall, as soon as possible, notify an ATSU.

(7) An ATSU notified in terms of subregulation (6), shall immediately notify the ASIB in an appropriate form.

Notification of aircraft accident and incident outside the Republic

12.03.2 (1) If an aircraft is involved in an accident or incident outside the Republic and the Republic is the State of Registry, a PIC of such an aircraft shall have primary responsibility to notify the ASIB, an ATSU, or an appropriate authority in a State of Occurrence, as soon as possible from the time of an aircraft accident or incident.

(2) If an aircraft is involved in an accident or incident outside the Republic and the Republic is the State of Registry and a PIC is deceased or incapacitated, the flight crew members shall, as soon as possible from the time of an aircraft accident or incident, notify the ASIB, an ATSU, or an appropriate authority in a State of Occurrence.

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(3) If an aircraft is involved in an accident or incident outside the Republic and the Republic is the State of Registry and the crew members are deceased or incapacitated, an air service operator or owner of an aircraft shall, as soon as possible from the time of an aircraft accident or incident, notify the ASIB, ATSU or an appropriate authority in a State of Occurrence.

Notification by ASIB to other States

12.03.3 (1) The ASIB shall notify the following States of an aircraft accident or incident within 24 hours of receiving information of such accident or incident, where ASIB intends to investigate, by the most suitable and quickest means available or by email:

(a) a State of Registry;

(b) a State of Operator;

(c) a State of Design;

(d) a State of Manufacture; and

(e) ICAO, if an accident or incident involves an aircraft of MCM of greater than 2,250 kg or is a turbojet-powered aeroplane.

(2) If the Republic is not a State of Occurrence, the ASIB shall notify a State of Design, a State of Manufacture, and a State of Occurrence of such aircraft accident or incident where—

(a) a State of Occurrence is not aware of an aircraft accident or incident; and

(b) the Republic is a State of Registry or a State of Operator.

Particulars of notification

12.03.4 (1) A notification contemplated in regulation 12.03.3 shall contain the following information as is readily available:

(a) an identifying abbreviation as follows:

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(i) ACCID for accident

(ii) SINCID for serious incident; and

(iii) INCID for incident;

(b) manufacturer, model, nationality, registration marks, and serial number of an aircraft concerned;

(c) name of owner, air service operator, or lessee of an aircraft, as applicable;

(d) qualification of a PIC;

(e) date and time, which shall be local time or UTC, of an aircraft accident or incident;

(f) last point of departure and point of intended landing of an aircraft;

(g) position of an aircraft with reference to easily defined geographical point, latitude, and longitude;

(h) number and nationality of crew members, passengers, and others killed or seriously injured on board aircraft;

(i) description of an accident or incident and the extent of damage to an aircraft so far as is known;

(j) indication of the extent to which an investigation will be conducted or is proposed to be delegated by a State of Occurrence;

(k) physical characteristics of an accident or incident area, as well as an indication of any access difficulties or special requirements to reach the site;

(l) identification of an originating authority and means to contact an IIC and an accident investigation authority of a State of Occurrence at any time; and

(m) description of any dangerous goods on board aircraft.

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(2) The release of information listed in subregulation (1) shall not be delayed due to its incompleteness.

(3) The ASIB shall, as soon as possible, release the details not included in an initial notification, together with known relevant information.

Types and determination of serious incident

12.03.5(1) A serious incident referred to in this Part shall include, but not limited to—

(a) a near collision requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate;

(b) a collision not classified as an accident;

(c) a controlled flight into terrain only marginally avoided;

(d) an aborted take-off on a closed or engaged runway, taxiway, or unassigned runway;

(e) a take-off from a closed or engaged runway, taxiway, or unassigned runway;

(f) a landing or attempted landing on a closed or engaged runway, on a taxiway, unassigned runway, or an unintended landing location such as roadway;

(g) a retraction of a landing gear leg or a wheels-up landing not classified as an accident;

(h) a dragging, during landing, of a wing tip, engine pod, or any other part of an aircraft, that is not classified as an accident;

(i) a gross failure to achieve predicted performance during take-off or initial climb;

(j) fire or smoke in a cockpit, passenger compartment, cargo compartment, or engine, even though such fire is extinguished;

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(k) an event requiring an emergency use of oxygen by flight crew members;

(l) an aircraft structural failure or engine disintegration, including uncontained turbine engine failure not classified as an accident;

(m) a multiple malfunction of one or more aircraft systems seriously affecting the operation of an aircraft;

(n) a flight crew member incapacitation in flight in the following circumstances:

(i) where an aircraft is operated by a sole pilot;

(ii) where an aircraft is controlled remotely by a sole pilot; or

(iii) in case of multi-pilot operation, where an aircraft safety was compromised due to significant increase in workload for remaining crew;

(o) a fuel quantity level or distribution situation requiring a declaration of an emergency, such as insufficient fuel, fuel exhaustion, fuel starvation, or inability to use all usable fuel on board;

(p) a runway incursion classified as severity “A”, as prescribed in Document SA-CATS 12;

(q) a take-off or landing incident such as under-shooting, overrunning, or running off the side of a runway;

(r) a system failure which includes loss of power or thrust, weather phenomena, operation outside approved flight envelope, or other occurrence which caused or could have caused difficulty in controlling an aircraft;

(s) a failure of more than one system in a redundancy system mandatory for flight guidance and navigation;

(t) an unintentional or, as an emergency measure, intentional release of a sling load or any other load carried external to an aircraft; and

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(u) an incident where upon evaluation, no credible defences have been identified in the form of barriers that would mitigate the high probability of an accident occurring.

(2) To determine which incident is a serious incident, an event risk-based analysis that takes into account the most credible scenario had the incident escalated, and the effectiveness of the remaining defences between such incident and a potential accident, is as prescribed in Document SA-CATS 12.

Guidance for determination of aircraft damage

12.03.6 The extent of damage to an aircraft shall be determined as prescribed in Documents SA-CATS 12.

Receipt of notification

12.03.7 (1) If the ASIB receives notification from a State of Occurrence, ASIB shall —

(a) acknowledge receipt of notification in writing;

(b) where the Republic is a State of Registry, State of Operator, State of Design, or State of Manufacture, provide to a State of Occurrence, as soon as possible, available relevant information regarding an aircraft and flight crew members; and

(c) notify a State of Occurrence if it intends to appoint an accredited representative, advisor, or expert to participate in an aircraft accident or incident investigation concerned.

(2) A notice referred to in subregulation (1), shall include the names, contact details and the expected date of arrival of such an accredited representative, advisor, or expert.

(3) The ASIB shall, where the Republic is the State of Registry, State of Operator, State of Design, or State of Manufacture, appoint an accredited

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representative when requested by a State conducting an investigation of an accident or incident involving an aircraft with a MCM of greater than 2,250 kg.

(4) Upon receipt of any notification of an aircraft accident or incident in terms of this Subpart, the ASIB shall, where the Republic is a State of Operator, provide details of any dangerous goods on board such aircraft to a State of Occurrence by email within 24 hours.

SUBPART 4: INVESTIGATION OF AIRCRAFT ACCIDENT OR INCIDENT

Objective

12.04.1 The sole objective of the investigation of an aircraft accident or incident is the prevention of accidents and incidents and not to apportion blame or liability.

Accident or Incident investigation procedures

12.04.2 (1) An aircraft accident or incident investigation in terms of this Part, shall be conducted by an IIC.

(2) An incident, other than a serious incident, may be investigated at the discretion of ASIB.

(3) An aircraft accident or incident investigation shall be carried out in accordance with the requirements, rules, procedures, and standards as prescribed in Document SA-CATS 12.

(4) A person required by an IIC to render assistance or to furnish information which an IIC deems necessary for an investigation of an aircraft accident or incident, shall render such assistance or furnish information, as requested by an IIC.

Effective use of flight recorder and ground-based recorders

12.04.3 (1) An IIC shall ensure the effective use of flight recorder and ground-based recordings in an investigation of an accident or incident.

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(2) The ASIB shall arrange a facility for a read-out of flight recorders, without delay.

(3) In the event that the ASIB does not have an adequate facility for read-out of flight recorder or ground-based recordings, the Executive Responsible for Aircraft Accident and Incident investigation shall make a facility available to the ASIB or to other States, giving consideration to the following:

(a) capabilities of the read-out facility;

(b) timeliness of the read-out; and

(c) location of the read-out facility.

Coordination - Judicial authorities

12.04.4 (1) Where the Republic is a State conducting an investigation, the ASIB shall—

(a) ensure coordination with judicial authorities where necessary;

(b) ensure that evidence such as the examination and identification of victims and read-outs of flight recordings are made available in accordance with the applicable laws; and

(c) enter into an agreement or a memorandum of understanding with judicial authorities in the Republic to ensure effective coordination during an aircraft accident or incident investigation.

(2) The ASIB shall retain custody of a flight recording and may allow an official of a judicial authority to carry such recording to a place of a read-out.

(3) The ASIB shall−

(a) retain custody of a wreckage;

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(b) allow an official of the judicial authority to accompany a wreckage to a place of examination; and

(c) be present at an examination when a modification of the condition of a wreckage is conducted.

Informing law enforcement authorities

12.04.5 If, during the course of an investigation, it becomes known or suspected that an act of unlawful interference is involved, an IIC shall ensure that relevant law enforcement authorities are informed by the quickest means available.

Autopsy examination

12.04.6 An IIC conducting an investigation shall, as soon as possible, arrange for a complete autopsy examination by a pathologist experienced in accident investigation in the case of a fatally on board an aircraft involved in an accident.

Medical examination

12.04.7 An IIC shall, where appropriate, as soon as possible, arrange for medical examination of persons involved in an aircraft incident by a physician experienced in accident investigation.

Protection of accident and incident investigation records

12.04.8 (1) The ASIB shall make the following records available to any competent authority, for the purposes of accident or incident investigation:

(a) cockpit voice recording and airborne image recording and any transcript from such recording: and

(b) records in the custody or control of an accident investigation authority such as—

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(i) statements taken from persons by an investigator in the course of an investigation;

(ii) communications between persons involved in an operation of an aircraft;

(iii) medical or private information regarding persons involved in an accident, serious incident or incident;

(iv) recordings and transcripts of recordings from air traffic control units;

(v) analysis of and opinions about information, including flight recorder information, made by investigators and accredited representatives, experts or advisors in relation to an aircraft accident, serious incident or incident; and

(vi) the draft Final Report of an aircraft accident, serious incident or incident investigation.

(2) The ASIB may, subject to this Part, make the documents referred to in subregulation (1) accessible—

(a) after a competent authority has made a determination through the administration of a balancing test prescribed in Document SA-CATS 12—

(b) in accordance with national laws; and

(c) after determining that the disclosure or use outweighs the likely adverse domestic and international impact on any investigation.

(3) The ASIB shall be entitled to determine whether records, other than records listed in subregulation (1) obtained or generated during an aircraft accident or incident investigation, need to be protected in the same way as records listed in subregulation (1).

(4) The ASIB shall ensure that records referred to in subregulation (1) are included in the Final Report or its appendices only when pertinent to the analysis of an aircraft accident, serious incident or incident investigation.

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(5) The ASIB shall not disclose the names of the persons involved in an aircraft accident or incident to the public.

(6) The ASIB shall—

(a) direct requests for records in its custody or control to the original source of the information;

(b) retain, where possible, copies of records obtained in the course of an investigation up to a point where the Final Report is released;

(c) take measures to ensure that audio content of cockpit voice recordings, as well as image and audio content of airborne image recordings, are not disclosed to the public; and

(d) ensure that the draft Final Report in its possession is not disclosed to the public.

Disclosure or use of information in criminal, civil, administrative, or disciplinary proceedings

12.04.9 (1) Notwithstanding the provisions of regulation 12.04.8, where the ASIB receives a request for disclosure or use of records listed in regulation 12.04.8 for the purposes of criminal, civil, administrative, or disciplinary proceedings, the ASIB may disclose or use such records after—

(a) having complied with the administration of a balancing test conducted by a competent authority as prescribed in Document SA-CATS 12; and

(b) being satisfied that the disclosure or use shall not have adverse domestic and international consequences for a person or organisation involved in aircraft accident and incident, which may cause them or others to be reluctant to cooperate with the ASIB in the future.

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(2) A competent authority conducting a balancing test contemplated in subregulation (1), shall record reasons for making a determination after administering the balancing test prescribed in Document SA-CATS 12 and such reasons may be made available and used as precedent for subsequent decisions.

(3) The ASIB may submit a determination referred to in subregulation (2) to the ICAO to be archived in a public database.

Guidelines for flight recorder read-out and analysis

12.04.10 The guidelines for flight recorder read-out and analysis shall be as prescribed in Document SA-CATS 12.

Cooperation with other States

12.04.11 (1) The ASIB shall cooperate with aircraft accident investigation authorities of other States to determine the limitations on disclosure or use of information before it is exchanged between the ASIB and such other accident investigation authority, for purposes of an aircraft accident or incident investigation.

(2) The ASIB shall, if in possession of data available from a flight recorder of an aircraft involved in an accident or incident—

(a) without delay, provide a State conducting an investigation with such data; and

(b) not divulge such data without the express consent of a State conducting an investigation.

IIC reporting

12.04.12 (1) An IIC shall, upon completion of an investigation of an aircraft accident or incident carried out in terms of this Subpart, submit a report to the ASIB.

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SUBPART 5: SCENE OF ACCIDENT

Guarding of aircraft involved in accident

12.05.1 (1) If an aircraft is involved in an accident or incident and the Republic is the State of Occurrence, a PIC of such an aircraft shall have primary responsibility to notify an on-scene commander or an aerodrome manager, within 24 hours from the time of an aircraft accident or incident.

(2) If a PIC of an aircraft involved in an accident or incident is deceased or incapacitated and the Republic is the State of Occurrence, the crew members of such an aircraft shall notify an on-scene commander or aerodrome manager within 24 hours from the time of an aircraft accident or incident.

(3) If the crew members of an aircraft involved in an accident or incident are deceased or incapacitated and the Republic is the State of Occurrence, an air service operator or owner of such an aircraft shall notify an on-scene commander or aerodrome manager within 24 hours from the time of an aircraft accident or incident.

(4) Where an aircraft is involved in an accident or incident in an aerodrome, an aerodrome manager shall, in order to prevent further damage, access by unauthorised persons, pilfering and deterioration—

(a) pending the arrival of a member of the South African Police Service, take necessary steps to prevent any interference with an aircraft, wreck or wreckage and anything transported therefrom or places where marks resulting from an accident occur, which may be of assistance in an investigation; or

(b) arrange with a member of the South African Police Service to guard an aircraft, wreck or wreckage and anything transported therefrom or places where marks resulting from an accident occur which may be of assistance in an investigation.

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Access to the scene of accident

12.05.2 (1) A person, unless otherwise determined by an IIC, these regulations, or any other law, may not have access to—

(a) an aircraft which has been involved in an accident; or

(b) a wreck or wreckage and any marks resulting from an accident which may be of assistance in an investigation.

(2) Notwithstanding the provisions of subregulation (1), the following persons shall have access to an aircraft or a wreckage of an aircraft involved in an accident:

(a) member of rescue service;

(b) a *pro-tem* investigator;

(c) an investigator;

(d) an accredited representative;

(e) an advisor;

(f) a member of the South African Police Service;

(g) on scene commander; or

(h) any other person authorised by the ASIB.

(3) Access to an aircraft which has been involved in an accident or to a wreck or wreckage as contemplated in subregulations (1) and (2), or to a place where marks resulting from an accident occur, shall be under the direction and control of an IIC until an investigation has been completed.

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Control of evidence

12.05.3 An aircraft, wreck or wreckage, anything transported therefrom, and any marks resulting from an aircraft accident which may be of assistance in an investigation, shall remain under the control of the ASIB until released by an IIC.

Interference with objects and marks at scene of accident

12.05.4 (1) Subject to the provisions of this Part, a person shall not interfere with an aircraft which has been involved in an accident, wreck or wreckage, a part or component thereof, anything transported therefrom, or any marks resulting from an accident which may be of assistance in an investigation unless—

(a) authorised to do so by an IIC; and

(b) in the case of an aircraft required to be cleared by a customs officer in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964), such clearance has been issued or permission granted by an appropriate authority.

(2) The provisions of subregulation (1) shall not prevent any action necessary for the—

(a) rescue or extrication of a person or animal from an aircraft or wreck;

(b) reasonable protection of an aircraft, wreck, or wreckage from destruction by fire or other causes;

(c) safeguarding by an owner, air service operator or South African Police Services, any precious metals, jewellery, or valuables;

(d) prevention of danger or clearing of an obstruction to an aircraft, other means of transport, or the public; and

(e) removal of an aircraft, any part or component thereof or anything transported therefrom to a safe place, when in water or otherwise endangered.

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Removal of damaged or disabled aircraft

12.05.5 Subject to conditions which the ASIB may determine, ASIB may—

(a) direct any person to move an aircraft which is damaged or disabled; or

(b) move any part of an aircraft which is damaged or disabled, cargo or anything transported therefrom, to another place, at the expense of an owner of an aircraft or an air service operator.

Retention of objects for purposes of investigation or inquiry

12.05.6 (1) Any item or wreckage of an aircraft involved in an accident or incident, or any part or component thereof, or anything transported therefrom, may be retained by an IIC until no longer required for the purpose of an investigation or an inquiry by a Commission of inquiry in terms of section 69 of the Act.

(2) An item or wreckage of an aircraft involved in an accident or incident, any part or component thereof, or anything transported therefore, which is no longer required in terms of subregulation (1), shall be discarded or destroyed, unless —

(a) at the completion of an investigation or inquiry the item component or part thereof is returned to a person with a right of possession thereof; and

(b) such a person has notified the ASIB in writing within 60 days of the date of such aircraft accident or incident of such right of possession.

(3) The ASIB shall release custody of an aircraft, contents, or any part of an aircraft as soon as they are no longer required in an investigation, to any person or persons duly designated by a State of Registry or a State of an Operator.

(4) Where the Republic is the State of Registry or State of Operator, the ASIB shall release custody of an aircraft, contents, or any part of an aircraft as soon as they are no longer required in an investigation to an air service operator or registered owner of such aircraft.

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SUBPART 6: REPORTING AND REOPENING OF INVESTIGATION

Preliminary Report

12.06.1 (1) The ASIB shall, within 30 days from the date of occurrence of an accident or incident, issue a Preliminary Report of an aircraft accident or incident investigation.

(2) A Preliminary Report, in the case of an investigation involving an aircraft with a MCM greater than 2,250 kg, shall be sent to the following States:

(a) a State of Occurrence;

(b) a State of Registry;

(c) a State of Operator;

(d) a State of Design;

(e) a State of a Manufacture;

(f) any State that provided relevant information, significant facility, or experts in such investigation; and

(h) the ICAO.

(3) The ASIB shall, where an aircraft accident or incident involves airworthiness or matters considered to be of interest to other States and an investigation involves an aircraft with a MCM of less than 2,250 kg, send a Preliminary Report to the following States:

(a) a State of Registry or a State of Occurrence, as appropriate;

(b) a State of Operator;

(c) a State of Design;

(d) a State of Manufacture; and

(e) any State that provided relevant information, significant facility, or an expert for such investigation.

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(4) A Preliminary Report shall be written in English and be sent by email as contemplated in subregulation (1), unless an Accident or Incident Data Report in relation to such accident or incident has already been sent.

(5) When a matter directly affecting safety is involved, a Preliminary Report shall be sent as soon as the information is available and by the quickest means available.

(6) The ASIB shall, for an aircraft accident or incident that draws heightened public attention, publicly release relevant factual information indicating the progress of an investigation within the early days of an investigation for the purpose of addressing public interest.

Draft Final Report

12.06.2(1) The ASIB shall send a copy of a draft Final Report of an aircraft accident or incident investigation to the following States, inviting comments on the report, as soon as possible:

(a) a State that instituted an investigation;

(b) a State of Registry;

(c) a State of an Operator;

(d) a State of Design;

(e) a State of Manufacture; and

(f) any State that participated in an investigation.

(2) The ASIB shall notify a recipient of a draft Final Report, referred to in subregulation (1), that—

(a) a report is submitted for purposes of making comments within a period of 30 days from the date of transmittal letter; and

(b) sharing a report without a written consent is prohibited.

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(3) The ASIB may extend the period referred to in subregulation (2) for a further period of 30 days, if so requested by a State invited to comment.

(4) The ASIB may send, through a State of an Operator or State of Design, a copy of the draft Final Report to an air service operator or a design organisation to enable them to submit comments on a draft Final Report within a period of 15 days of the transmittal letter.

(5) ASIB may not accept a submission from an air service operator or a design organisation which is not submitted through their State.

(6) The ASIB shall consider comments received on a draft Final Report and amend such report, as necessary.

(7) The ASIB shall, at the request of a person who submitted comments, append to the Final Report such comments that are not editorial, which have not been incorporated.

(8) If the ASIB does not receive comments within the prescribed period, the ASIB shall issue the Final Report.

Report on Findings

12.06.3(1) The ASIB shall send a copy of the draft report on its findings and any safety deficiencies identified—

(a) to other States contemplated in regulation 12.06.2; and

(b) any government department or interested person who, in the opinion of the ASIB, have direct interest in the findings of the ASIB.

(2) The ASIB shall give a State contemplated in regulation 12.06.2 and any government department or interested person referred to in subregulation (1), a reasonable opportunity to make representation to the ASIB with regard to the draft report, before issuing the Final Report.

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(3) A State which participated in an aircraft accident and incident investigation, as contemplated in regulation 12.06.2, shall have a period up to 30 days to submit representations and that period may be extended to 60 days by the ASIB following a request from any such State.

(4) A government department or interested person referred to in subregulation (1), shall have a period not exceeding 15 days from receipt of the draft report to submit representations to ASIB.

(5) The ASIB may extend the period indicated in subregulation (1) to no more than 30 days when requested by a government department or interested person.

Final Report

12.06.4 (1) In the interest of aircraft accident and incident prevention, the ASIB shall conclude the investigation and make the Final Report publicly available within 12 months of the occurrence of aircraft accident or incident.

(2) If a report cannot be made publicly available within 12 months as contemplated in subregulation (1), the ASIB shall make an Interim Statement publicly available on each anniversary of an aircraft accident occurrence, detailing the progress of an investigation and any safety issues raised.

(3) If a State conducting an investigation does not make the Final Report or an Interim Statement publicly available within a reasonable timeframe, the ASIB shall, if it has participated in an investigation, be entitled to request in writing from a State conducting an investigation, consent to release a statement containing safety issues raised with such information available.

(4) If a State conducting an investigation gives consent or does not reply to such a request within 30 days, the ASIB shall proceed to release an Interim Statement after coordinating with other States participating in an investigation.

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(5) When the ASIB has conducted an investigation into an aircraft incident involving an aircraft with a MCM greater than 5,700kg and has released a Final Report, the ASIB shall send a copy of the Final Report to the ICAO.

(6) The ASIB shall prepare and make available to the Minister, Parliament, and the public—

(a) a report on its findings;

(b) any safety deficiencies that have been identified; and

(c) any recommendations that ASIB considers appropriate in the interests of aviation safety.

Reopening of investigation

12.06.5 (1) The ASIB shall reopen an investigation—

(a) when, after an investigation has been closed, new and significant evidence becomes available;

(b) after obtaining consent from a State which instituted an initial investigation; or

(c) when an aircraft which was considered missing following an official search, is subsequently located.

(2) The ASIB shall inform the Minister if it has decided to reopen an investigation of an aircraft accident or incident.

Submission of new and significant evidence on closed investigation

12.06.6 (1) A person who has new and significant evidence shall submit such new evidence to the ASIB from the date such information becomes available.

(2) A person referred to in subregulation (1) shall deliver the submission in writing with supporting evidence attached to the ASIB.

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(3) The ASIB shall, within 60 days from the date of the submission referred to in subregulation (1), deliver a written reply.

(4) The ASIB shall−

(a) review the submission on the basis of documents and evidence submitted to it; or

(b) order a person referred to in subregulation (1) and an IIC to appear before the ASIB, either in person or through a representative, at a time and place determined by the ASIB to give evidence.

(5) After consideration of the new evidence submitted, the ASIB may confirm, vary, or set aside a Final Report.

(6) The ASIB may keep in abeyance the review of the Final Report in terms of this regulation if the Minister informs the ASIB that the President has applied or intends to apply the provisions of section 69 of the Act.

SUBPART 7: ACCIDENT PREVENTION MEASURES

Establishment of confidential aviation hazard reporting system

12.07.1 (1) The ASIB and the body or institution referred to in regulation 12.02.1, shall each establish a confidential aviation hazard reporting system to promote aviation safety or reduce the risk of aircraft accidents or incidents.

(2) The requirements for and the procedures of a confidential aviation hazard reporting system and the manner in which such system shall be operated, shall be as prescribed in Document SA-CATS 12.

(3) A person who exercises any function in terms of a confidential aviation hazard reporting system, shall not disclose any information which is obtained in the performance of such function.

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Notification of hazard

12.07.2 (1) A person involved in an aircraft accident or incident, or observing any accident, incident, hazard, or discrepancy that may affect aviation safety, may notify the Executive Responsible for Accident and Incident investigation of such accident, incident, hazard or discrepancy.

Database and preventive actions

12.07.3 (1) The ASIB shall establish and maintain an aircraft accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies and to determine any preventive actions required.

(2) The ASIB shall ensure that authorities responsible for the implementation of the SSP have access to an aircraft accident and incident database referred to in subregulation (1) to support aviation safety responsibilities.

Safety recommendations

12.07.4 (1) The ASIB shall, at any stage of an investigation of an aircraft accident or incident, recommend in a dated transmittal correspondence to appropriate authorities including authorities in other States, any preventive action that it considers necessary to be taken immediately to enhance aviation safety.

(2) The ASIB shall maintain precedents of the issuance of safety recommendations from an aircraft accident or incident investigation which occurred in the Republic.

(3) Notwithstanding the provisions of subregulation (2), a State participating in an investigation shall, in the interest of aviation safety, be entitled to issue safety recommendations after coordinating with the ASIB.

(4) The ASIB shall, when appropriate, address any safety recommendations arising out of its investigation in a dated transmittal correspondence to—

(a) an accident investigation authority of a State concerned; and

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(b) the ICAO, where ICAO documents relevant to an investigation are involved.

(5) The ASIB shall ensure that any safety recommendation arising from aircraft accident and incident investigation—

(a) result from diverse sources, including a safety study; and

(b) if addressed to an organisation in another State, is transmitted to that State's accident investigation authority.

(6) The ASIB shall, when issuing a Final Report with safety recommendations addressed to ICAO and where ICAO documents relevant to an investigation are involved, include a letter outlining the specific action proposed.

(7) The ASIB shall, when issuing a SRGC, inform the ICAO of the issuance of that recommendation and responses received in a dated transmittal correspondence, even if the SRGC is not addressed to ICAO.

Action on safety recommendations

12.07.5 (1) The ASIB shall respond to safety recommendations issued to the Republic within 90 days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why action will not be taken.

(2) The ASIB shall, after receiving a safety recommendation, implement procedures to monitor the progress of an action taken in response to that safety recommendation.".

Amendment of Part 61 of the Regulation

5. Part 61 of the regulations is hereby amended by the substitution for regulation 61.01.10 of the following regulation:

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“**Theoretical knowledge examination**

61.01.10 (1) An applicant for entry into a theoretical knowledge examination conducted by the Authority, shall—

(a) for entry to a PPL examination, hold either a valid SPL, NPL, CPL, or ATPL;

(b) for entry to a Restricted Radiotelephony Operator Certificate examination, hold at least a valid SPL or NPL;

(c) for entry to a Night Rating examination, hold a PPL or CPL;

(d) for entry to a CPL examination, hold a PPL, CPL or ATPL;

(e) for entry to an Instrument Rating examination, hold a PPL, CPL or ATPL;

(f) for entry to a General Radiotelephony Operator Certificate examination, hold a PPL;

(g) for entry to any initial Flight Instructor rating examination, hold a valid PPL with CPL examination credits, a CPL or an ATPL;

(h) for entry to a Turbine Instructor’s endorsement examination, hold a CPL with a flight Instructor rating; and

(i) for entry to an ATPL examination, hold a CPL.

(2) An applicant for entry to a theoretical knowledge examination who holds a valid pilot licence issued by a foreign licensing authority equivalent to that specified in subregulation (1), may be accepted for a theoretical knowledge examination in terms of this Part.

(3) An applicant for entry to a theoretical knowledge examination conducted in terms of subregulation (1), shall present to the Commissioner the documents as prescribed in Document SA-CATS 61.

(4) An applicant for entry to a theoretical knowledge examination to fulfil the requirements of an integrated course approved in terms of this Part—

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(a) shall be in possession of a valid ISPL; and

(b) may only attempt an examination that forms part of a specific training course approval of an ATO providing the integrated training.

(5) Where an applicant for entry to a theoretical knowledge examination is required to write an examination to obtain a licence in a different category, such applicant shall hold a valid PPL, CPL or ATPL.

(6) A holder of a licence or rating issued in terms of this Part, whose maintenance of competency has lapsed by more than 36 months and who is required to rewrite an examination for revalidation of such licence or rating, may gain entry to the required examination or examinations by presenting to the Authority—

(a) an original licence or rating in respect of which a maintenance of competency has lapsed; or

(b) a valid SPL with proof of having held the original licence or rating.

(7) An applicant for entry to a theoretical knowledge examination that has been credited for military experience who is required to write any theoretical knowledge examination as a result shall—

(a) hold a valid SPL, CPL or ATPL; and

(b) provide written confirmation from the Commissioner that he or she has been credited for military experience.

(8) A pass mark for any theoretical knowledge examination is 75%.

(9) An applicant who qualifies to write any examination in terms of this Part shall comply with the applicable regulations and examination rules as prescribed in Document SA-CATS 61.

(10) The period within which the required examination subjects shall be completed is prescribed in Document SA-CATS 61.

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(11) The validity period of theoretical knowledge examination credits is prescribed in Document SA-CATS 61.

(12) An applicant for entry to a theoretical knowledge examination who fails the examination conducted by the Authority, which is required for the issuance, revalidation or the reissue of a licence or rating, may apply to the Commissioner for a re-mark in accordance with the requirements prescribed in Document SA-CATS 61.

(13) The Commissioner is entitled to the copyright of any examination content that an applicant may be exposed to while attempting an examination conducted by the Authority in terms of this Part.

(14) An applicant for entry to a theoretical knowledge examination who contravenes any regulation or examination rules applicable to an examination conducted by the Authority, shall be—

(a) disqualified from writing any future examinations for a period to be determined by the Commissioner; and

(b) deemed to have failed the examination during which such contravention occurred.

(15) The Commissioner shall, publish on the Authority's website, details of theoretical knowledge examination schedules, dates, venues, and maintenance day exceptions.

(16) The conditions, procedures and requirements for the administration and conduct of theoretical knowledge examinations conducted by the Authority are prescribed in Document SA-CATS 61.

(17) The Commissioner may, on application, grant an applicant for entry to a theoretical knowledge examination an additional period within which to attempt an examination or undergo the required skills test as prescribed in Document SA-CATS 61.".

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Amendment of Part 67 of the Regulations

6. Part 67 of the regulations is hereby amended by:

(a) the substitution in regulation 67.00.13 for subregulations (9) and (10) of the following subregulations:

"(9) **[The]** A holder of a medical certificate whose medical certificate is suspended in terms of **[sub-regulation]** subregulation (5) or (8) may appeal to the **[Director]** Commissioner against the suspension within **[14]** 30 days from the date of the suspension.

(10) The provisions of regulation **[185.00.6]** 185.04.3 apply, with the necessary changes, to an appeal lodged in terms of **[sub-regulation]** subregulation (9).".

(b) the substitution in regulation 67.00.14 for subregulation (5) of the following subregulation:

"(5) A person whose medical certificate is suspended in terms of **[sub-regulation]** subregulation (1) may appeal to the **[Director]** Commissioner against the suspension within **[14]** 30 days from the date of the suspension.".

Amendment of Part 92 of the Regulations

7. Part 92 of the regulations is hereby amended by:

(a) the substitution in regulation 92.01.2 for subregulation (1) of the following subregulation:

"92.01.2 (1) A person shall not offer for conveyance in **[the]**an aircraft, convey in an aircraft, or accept for conveyance in an aircraft—

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(a) dangerous goods specifically identified by name or by generic description prohibited for conveyance by air under any circumstances as prescribed in Document SA-CATS 92;

(b) dangerous goods prohibited for conveyance by air under normal circumstances as prescribed in Document SA-CATS 92, unless allowed to do so by the Commissioner in terms of regulation 92.01.3;

(*c*) **[other dangerous goods prohibited in terms of paragraph (a) and (b) but are allowed in accordance with the provisions of the Act, this Part [,] and Document SA-CATS 92;]** and

(*d*) live animals infected with contagious disease.".

(b) the substitution for regulation 92.01.3 for the following regulation:

"Commissioner's discretionary powers

92.01.3 (1) Notwithstanding the provisions of regulation 92.01.2, the Commissioner after having considered that special circumstances exist that warrants conveyance of dangerous goods, may consider a request to allow the conveyance of dangerous goods in instances—

(*a*) of extreme urgency;

(*b*) where other forms of conveyance are inappropriate; or

(c) where full compliance with the provisions of this Part may be contrary to public interest.

(2) The Commissioner shall in considering a request for the conveyance of dangerous goods as contemplated in subregulation (1), satisfy himself or herself that during such conveyance, acceptable level of safety which is equivalent to the level of safety as prescribed in Document SA-CATS 92 shall be effected under all circumstances.".

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Amendment of Part 139 of the Regulations

8. Part 139 of the Regulations is hereby amended by:

(a) the substitution in the list of regulations for Subpart 1 of the following Subpart:

SUBPART 1: GENERAL

139.01.1 Applicability

139.01.2 Use of military aerodromes and heliports

139.01.3 Restrictions

139.01.4 Publication of restrictions and deviations

139.01.5 Flights by night

139.01.6 **[Register of licences]** Aerodrome, heliport and helistop register

139.01.7 Safety and security inspections and audits

139.01.8 Storage of flammable goods

139.01.9 Safety measures against fire

139.01.10 Lights which endanger the safety of aircraft

139.01.11 Use of runways or taxiways and landing at or taking off from aerodrome

139.01.12 Points of entry to or exit from restricted area

139.01.13 Movement of aircraft or vehicles in restricted area on direction of aerodrome operator

139.01.14 Access to apron

139.01.15 Points of access to or egress from apron

139.01.16 Movement of aircraft or vehicles on apron

139.01.17 Parking of aircraft on apron

139.01.18 Movement of aircraft on apron on direction of aerodrome operator

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139.01.19 Movement of vehicles on apron on direction of aerodrome operator

139.01.20 Securing of parked aircraft

139.01.21 Embarkation or disembarkation of persons in or from aircraft

139.01.22 Loading or unloading cargo in or from aircraft

139.01.23 Supply of fuel to aircraft

139.01.23 Supply of fuel to aircraft

139.01.24 Boarding or tampering with aircraft

139.01.25 Test-running of aircraft engines

139.01.26 Regulation of vehicular or other traffic on a licensed aerodrome or heliport

139.01.2 Entering or leaving aerodrome or heliport

139.01.28 Animals in restricted area of aerodrome or heliport

139.01.29 Acts prohibited on aerodrome, heliport or in terminal building

139.01.30 Obstacle limitations and markings outside aerodrome **[or heliport]**

139.01.31 Lead in lights

139.01.32 Surface movement guidance and control system

(b) the substitution in regulation 139.01.1 for subregulation (1) of the following subregulation:

"139.01.1 (1) This Part applies to—

(a) certification of an aerodrome and heliport used for international and domestic operations;

(b) licensing of an aerodrome and heliport open to public use;

(c) approval of Type A, B and C aerodromes;

(d) approval of a helistop;

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(e) registration of an unlicensed aerodrome;

(f) aerodrome survey; and

(g) approval of an obstacle assessment organisation.".

(c) the substitution in regulation 139.01.1 for subregulation (2) of the following subregulation:

(2) **[No place in the Republic]**There shall be no aerodrome or heliport in the Republic used as a place of landing or departure by an **[aeroplane with a MCM exceeding 5 700 kilograms, used in]** aircraft, to conduct commercial air transport operations, unless **[it]** such an aerodrome or heliport has been certified, licensed or approved in terms of this Part **[the regulations in this part]**.

(d) the substitution for regulation 139.01.6 of the following regulation:

"Aerodrome, heliport and helistop register

139.01.6 The Director shall keep and maintain a register of aerodrome certificates, aerodrome licenses, aerodrome approvals, heliport certificates, heliport licenses and helistop approvals issued in terms of this Part.".

(e) the substitution for regulation 139.01.7 of the following regulation:

"**139.01.7**(1) An applicant for the issuance of **[issuing of an aerodrome or heliport licence]** an aerodrome certificate, aerodrome licence or aerodrome approval, shall permit an authorised officer, inspector or authorised person to carry out **[such]** safety **[and/]** or security inspections and audits which may be necessary to verify the validity of the application concerned.

(2) An applicant for the issuance of a heliport certificate or licence and a helistop approval shall permit an authorised officer, inspector or authorised person to carry out such safety or security inspections and audits which may be necessary to verify the validity of the application concerned.

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(3) A holder of an aerodrome certificate, licence or approval shall permit an authorised officer, inspector or authorised person to carry out such safety and security inspections and audits of an aerodrome, documents and records which may be necessary to determine compliance with the appropriate requirements provided in this Part.

(4) A holder of a heliport certificate or licence and a helistop approval shall permit an authorised officer, inspector or authorised person to carry out such safety and security inspections and audits of a holder's heliport, documents and records which may be necessary to determine compliance with the appropriate requirements provided in this Part.".

(f) the substitution in regulation 139.01.8 for subregulation (1) of the following regulation:

"139.01.8 (1) Fuel, pyrotechnic stores and all highly flammable matter shall be stored at **[on a licensed aerodrome or heliport]** a certified, licensed or approved aerodrome, a certified or licensed heliport and on an approved helistop, only in buildings or receptacles which comply with the appropriate standards prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), or any other law.";

(g) the substitution for regulation 139.01.9 of the following regulation:

"139.01.9 A person shall not, on a certified aerodrome, licensed aerodrome, approved aerodrome, or a certified or licensed heliport or on an approved helistop —

(a) smoke in, or bring an open flame into—

(i) any place where such an act is prohibited by a notice displayed; or

(ii) any place within 15 metres of an aircraft or of any vehicle used for the supply of fuel to an aircraft or a store or dump or liquid fuel or explosives;

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(b) wilfully give a false fire alarm;

(c) tamper or interfere with any fire hose reel, hydrant or any other item of equipment provided for fire-fighting purposes;

(d) keep, store, discard or discharge any flammable liquid, gas, signal flares or other like material in an aircraft except in the receptacle appropriate for the purpose or in a place on the aerodrome or heliport specifically approved by the aerodrome or heliport operator for the purpose; or

(e) store or stack any material or equipment in a manner which constitutes, or is likely to constitute, a fire hazard.".

(h) the substitution in regulation 139.01.10 for subregulation (3) of the following subregulation:

"(3) Except with the permission of the Director and subject to such conditions as he or she may impose, the firing of rockets, missiles and flares shall not take place in any other airspace than that referred to in subregulation (2)—

(a) if it exceeds a height of more than 2000 ft above surface; and

(b) if it is closer than 8 kilometres from the reference point of **[an aerodrome licensed]** a certified aerodrome, licensed aerodrome or approved aerodrome, a certified or licensed heliport or an approved helistop in terms of **[part]** Part 139."

(i) the substitution for regulation 139.01.11 of the following regulation:

"139.01.11 Save in an emergency—

(a) or on the direction of **[the]** an aerodrome operator given in terms of regulation 139.01.14, no person shall move an aircraft in the restricted area except on a runway or taxiway;

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(b) **[no]** a person shall not move an aircraft or vehicle onto a runway or a taxiway or go onto a runway or a taxiway—

(i) without the permission of **[the]**an ATSU operating at **[the]** a certified aerodrome or licensed aerodrome, if **[the]** an ATSU is manned at the time;

(ii) except according to the instructions issued by **[the]**an ATSU operating at such aerodrome, if **[the]** an ATSU is not manned at the time;

(iii) except in a manner that shall not endanger aircraft traffic, if **[the]**an ATSU is not manned at the time and no instructions have been issued by such ATSU;

(c) or with the approval of such holder, no person shall use a portion of a certified aerodrome or licensed aerodrome other than a runway for landing an aircraft or for taking off; and

(d) a person shall not land an aircraft fitted with a tailskid on a runway nor take-off from a runway using such aircraft.".

(j) the substitution in regulation 139.01.12 for subregulation (1) of the following subregulation:

"**139.01.12**(1) **[No]** A person, vehicle, or aircraft travelling on the surface of a **[licensed aerodrome or heliport]**, certified aerodrome, licensed or approved aerodrome, a certified or licensed heliport or an approved helistop shall not enter or leave the restricted area except at points established by the **[aerodrome or heliport operator]** aerodrome, heliport or helistop operator for such purpose.".

(k) the substitution in regulation 139.01.13 for subregulation (1) of the following subregulation:

"139.01.13 (1) An air service operator which is travelling on the surface of a certified aerodrome, licensed aerodrome or approved aerodrome, or a certified or

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licensed heliport and which is in the restricted area but not on a runway or a taxiway or the person in lawful charge of a vehicle which is in the restricted area shall, on being directed to do so by an aerodrome operator, move that aircraft along the surface of an aerodrome or that vehicle—

(a) to another place in the restricted area indicated by an aerodrome operator; or

(b) from the restricted area,

(2) If an air service operator or a person in lawful charge of a vehicle refuses or fails or is not present to comply with direction as contemplated in subregulation (1), an air service operator may have that aircraft or vehicle moved to comply with such direction and may recover from such operator or person the costs incurred in having that aircraft or vehicle so moved.

(3) An aerodrome operator shall not exempt such air service operator or person referred to in subregulation (1) from any legal action in respect of such refusal or failure.

(4) Any direction given by an aerodrome operator in terms of subregulation (1) shall not include authorising any person to move an aircraft or a vehicle onto a runway or a taxiway—

(*a*) without the permission of an ATSU operating at a certified aerodrome or licensed aerodrome, if an ATSU is manned at the time;

(*b*) except according to the instructions issued by an ATSU operating at such aerodrome, if an ATSU is not manned at the time; and

(c) except in a manner that shall not endanger aircraft traffic, if an ATSU is not manned at the time and no instructions have been issued by such ATSU.".

(l) the substitution in regulation 139.01.14 for subregulation (2) of the following regulation:

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"(2) Except with the approval of **[the]** an aerodrome operator, no person shall move an aircraft travelling on the surface of a **[licensed aerodrome]** certified aerodrome, licensed aerodrome or a vehicle onto the apron.".

(m) the substitution in regulation 139.01.15 for subregulation (1) of the following subregulation:

"(1) **[No]** A person, vehicle or aircraft travelling on the surface of a **[licensed aerodrome may]** certified aerodrome, licensed aerodrome or approved aerodrome, shall not enter or leave the apron except at points established by the aerodrome operator for such purpose.".

(n) the substitution for regulation 139.01.17 of the following regulation:

"**139.01.17**(1) An aerodrome operator shall ensure that—

(a) parking stands are provided and marked for suitable size and type of aircraft;

(b) where the docking system is not in place or is unserviceable, procedures to safely guide aircraft into the parking bay are provided; and

(c) a risk assessment is carried out if there is a need to allocate aircraft parking to areas other than aircraft stands or apron areas.

(2) An air service operator shall ensure that—

(a) an aircraft is guided while arriving on or departing from an aircraft stand;

(b) an aircraft is parked in the place on the apron allocated to it by an aerodrome operator; and

(c) an aircraft is parked in the place so allocated in the position required by an aerodrome operator.

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(3) Save for in the case of an emergency and with an approval of an aerodrome operator, a person shall not move an aircraft from the parking place allocated or position required by an aerodrome operator in terms of subregulation (2).".

(o) the insertion in regulation 139.01.18 after subregulation (6) of the following subregulations:

"(7) An aerodrome operator shall ensure that emergency stop procedure is in place to ensure that an aircraft can safely stop when the safety operations of an aircraft stand is compromised.

(8) An aerodrome operator shall ensure that the following parameters are considered when allocating an aircraft to an aircraft stand—

(a) parking aids;

(b) facilities serving an aircraft stand;

(c) proximity of infrastructure;

(d) the parked aircraft in the neighbouring aircraft stand;

(e) aircraft stand dependencies; and

(f) jet blasts and propeller wash related protection.

(9) An aerodrome operator shall ensure that personnel, other than a personnel required to assist the initial arrival and departure of an aircraft, shall not be allowed to approach an aircraft when anti-collision lights are turned on and engines are running.".

(p) the substitution in regulation 139.01.21 for subregulation (6) of the following subregulation:

"(6) When aircraft refuelling operations take place while passengers are embarking, on board or disembarking, ground equipment shall be positioned **[as**

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prescribed in Document SA-CATS 139] to allow a clear exit path to and from an aircraft for quick removal of fuelling equipment and persons in an emergency"**.**"

(q) the substitution in regulation 139.01.23 for subregulation (1) for the following subregulation:

"**139.01.23**(1) On a **[licenced aerodrome]** certified aerodrome, licenced aerodrome or approved aerodrome, fuel may be supplied to aircraft only at a place and in a manner approved by an aerodrome operator and in compliance with the requirements prescribed in Document SA-CATS 139, and subject to such conditions as such aerodrome operator may consider necessary to safeguard persons or property on the aerodrome"."

(r) the substitution in regulation 139.01.23 for subregulation (6) for the following subregulation:

"(6) An aerodrome operator shall ensure that **[all]** fuelling facilities are equipped with adequate and well-maintained firefighting equipment and signage"."

(s) the substitution for regulation 139.01.24 of the following regulation:

"**139.01.24** Except with the permission of **[the]** a person in lawful charge of an aircraft, no person shall**[,]** on a **[licenced aerodrome or heliport]** certified aerodrome, licensed aerodrome or approved aerodrome or on a certified or licensed heliport—

(a) board such aircraft other than doing so under the direction of the **[aircraft]** air service operator; or

(b) tamper or interfere in any way whatsoever with such aircraft or anything used in connection with such aircraft."

(t) the substitution for regulation 139.01.25 of the following regulation:

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"**139.01.25 [No]** A person shall not test-run an aircraft engine on a **[licensed aerodrome or heliport]** certified aerodrome, licensed aerodrome or approved aerodrome or on a certified or licensed heliport except at a place designated for the purpose by **[the]** an aerodrome or heliport operator.".

(u) the substitution for regulation 139.01.26 of the following regulation:

"**139.01.26** The National Road Traffic Act, 1996 (Act No. 93 of 1996), **[and]** the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and the regulations contained in this **[s]**Subpart and in **[s]**Subpart 2 shall apply to all roads on **[licensed aerodrome or heliport]** a certified aerodrome, licensed aerodrome or approved aerodrome or on a certified or licensed heliport. **[as prescribed in Document SA-CATS 139.].".**

(v) the substitution in regulation 139.01.27 for subregulation (1) of the following subregulation:

"**139.01.27**(1) **[No]** A person, other than a person entering or leaving a **[licensed aerodrome or heliport]** certified aerodrome or licensed aerodrome or certified or licensed heliport by means of an aircraft landing at or taking off from **[the]** an aerodrome or heliport, shall not enter or leave **[the]** an aerodrome or heliport otherwise than through a gate or entrance provided by **[the]** an aerodrome or heliport operator.".

(w) the substitution in regulation 139.01.28 for subregulation (1) of the following subregulation:

"**139.01.28**(1)**[No]** A person shall not cause or permit any animal to graze or feed in the restricted area of a **[licensed aerodrome or heliport]** certified or licensed aerodrome or a certified or licensed heliport, unless such animal is to be transported on a flight.".

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(x) the deletion of regulation 139.01.29.

(y) the substitution for regulation 139.01.30 of the following regulation:

"Obstacle limitations and markings outside aerodrome [or heliport]

139.01.30 (1) An aerodrome operator of a certified aerodrome or licensed aerodrome shall establish obstacle limitation surfaces.

(2) An obstacle, including an obstacle which is outside obstacle limitation surfaces that may have an impact on the safety of air operations at an aerodrome, shall be assessed.

(3) If there is an impact on the safety of aircraft from the outcome of an assessment in terms of subregulation (2), an obstacle shall be mitigated, restricted or removed.

(4) A building, a structure, or an object which projects above a slope of 1 in 20 and which is within 3 000m measured from the nearest point on the boundary of an aerodrome shall not be erected without prior approval of the Director.

(5) An obstacle limitation surfaces in terms of subregulation (2), shall be clear of any penetration of obstacles, whether temporary or permanent.

(6) An object, whether temporary or permanent, which projects above an obstacle limitation surface within a specified radius of 8 km as measured from an aerodrome reference point shall be assessed and marked as prescribed in Document SA-CATS 139.

(7) Any object which projects above an obstacle limitation surface beyond the radius of 8 km which constitutes a potential hazard to aircraft shall be marked as prescribed in Document SA-CATS 139.

(8) A building or an object which may constitute an obstruction or potential hazard to aircraft moving in the navigable airspace in the vicinity of an aerodrome, or navigation aid, or which will adversely affect the performance of the radio

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navigation or instrument landing systems, shall not be erected, or exist without the prior approval of the Director.

(9) A building or an object higher than 45m above the mean level of a landing area shall not, without the approval of the Director, be erected within 8 km measured from the nearest point on the boundary of an aerodrome.

(10) A building, structure or other object which will project above an obstacle limitation surface of an aerodrome shall not, without the prior approval of the Director, be erected or exist.

(11) In the event of a conflict of interest between land use authorities and air space users, air safety shall take priority and shall not be compromised by land development projects.".

(z) the substitution for regulation 139.01.31 subregulation (1) of the following subregulation:

"(1) In the event that the Director so requires, a holder of a certified or licensed aerodrome shall ensure that such an aerodrome has runway lead in light system which—

(a) provides visual guidance along a specific approach path;

(b) assists in the avoidance of hazardous terrain; or

(c) assists in noise abatement as prescribed in Document SA-CATS 139.".

(aa) the insertion in regulation 139.01.32 after subregulation (4) of the following subregulations:

"(5) An aerodrome operator shall ensure that surface movement radar for the manoeuvring area is provided at an aerodrome—

(a) that is intended for use in runway visual range conditions less than a value of 350m;

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(b) other than an aerodrome with runway visual range conditions less than a value of 350m and the traffic density and operating conditions are such that regularity of traffic flow cannot be maintained by alternative procedures and facilities.".

(bb) the substitution in the list of regulations for Subpart 2 of the following Subpart:

SUBPART 2: LICENSING AND OPERATION OF AERODROMES

139.02.1 Requirements for certification or licensing

139.02.2 Application for certification or licensing

139.02.3 Processing of application for aerodrome certification or aerodrome licensing

139.02.4 Adjudication of application for **[licence or amendment thereof]** aerodrome certification or aerodrome licensing

139.02.5 Issuance of aerodrome certificate or aerodrome licence

139.02.6 Period of validity

139.02.7 Transferability

139.02.8 Renewal of aerodrome certificate or aerodrome licence

139.02.9 Licence of intent

139.02.10 Aerodrome data

139.02.10A Aerodrome physical characteristics

139.02.11 Aerodrome manual

139.02.12 Quality assurance system

139.02.13 Personnel requirements

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139.02.14 Establishment of aerodrome emergency management system

139.02.15 Aerodrome rescue and firefighting

139.02.16 Aerodrome rescue and firefighting training facility

139.02.17 Aerodrome rescue and firefighting personnel training standards

139.02.18 Aerodrome rescue and firefighting deviations

139.02.19 Establishment of aerodrome environment management programme

139.02.20 Maintenance of aerodrome environment management programme

139.02.21 Notification of aerodrome data and information

139.02.22 Changes in quality assurance system

139.02.23 General duties of holder of licence

139.02.24 Works on aerodrome

139.02.25 Maintenance of aerodrome emergency management system

139.02.26 Aerodrome inspection programme

139.02.27 Demarcation of restricted area

139.02.28 Control of entry into restricted area

139.02.29 Demarcation of routes on apron

139.02.30 Safety measures against fire

139.02.31 Access of ground vehicles to aerodrome movement area

139.02.32 Protection of navigational aids

139.02.33 Aerodrome abandoned or not maintained

139.02.34 Approval of airside driving personnel training

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139.02.35 Airside driving training standards

139.02.36 Airport Design and Master Plan.

(cc) the substitution for regulation 139.02.1 of the following regulation:

"Requirements for certification or licensing

139.02.1 (1) An operator of a certified aerodrome or licensed aerodrome shall be in possession of a valid aerodrome certificate or aerodrome licence issued in terms of this Part and as prescribed in Document SA-CATS 139.

(2) An aerodrome certificate or aerodrome licence shall be issued subject to an applicant complying with the requirements in this Part.

(3) An aerodrome certificate and an aerodrome license referred to in subregulation (1), shall follow the five phases of aerodrome certification process, as prescribed in Document SA-CATS 139.".

(dd) the substitution for regulation 139.02.2 of the following regulation:

"Application for certification or licensing

139.02.2 (1) An application for an initial aerodrome certificate or aerodrome license shall be made to the Director in the appropriate form and accompanied by relevant documents, as prescribed in Document SA-CATS 139.".

(ee) the substitution in regulation 139.02.3 for subregulation (1) of the following subregulation:

"Processing of application for aerodrome certification or aerodrome licensing

139.02.3 (1) The Director shall, as soon as practicable after the receipt of an **[application for an aerodrome licence]** initial application for an aerodrome

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certificate or aerodrome licence, publish by notice in the *Government Gazette* the following particulars in respect of the application—

(*a*) full name of **[the]** an applicant;

(*b*) full particulars of the location of **[the]** an aerodrome;

(*c*) a date by which representations against or in favour of the application should be submitted to the Director; and

(*d*) any restrictions to the safe use of **[the]** an aerodrome.".

(ff) the substitution for the heading in regulation 139.02.4 of the following heading:

"Adjudication of application for [licence or amendment thereof] aerodrome certification or aerodrome licensing".

(gg) the substitution for the heading in regulation 139.02.5 of the following heading:

"Issuance of aerodrome certificate or aerodrome licence";

(hh) the substitution in regulation 139.02.5 of the following regulations:

"139.02.5 (1) An aerodrome certificate or aerodrome licence shall be issued on the appropriate prescribed form.

(2) An aerodrome certificate or aerodrome licence shall specify—

(a) a category for which an aerodrome is certified or licensed; and

(b) restrictions, if any, relating to non-compliance with, or deviations from—

(i) appropriate aerodrome design, operation or equipment standards prescribed in this Part; and

(ii) appropriate airspace classification requirements **[prescribed]** as stipulated in Part 172.".

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(ii) the substitution for regulation 139.02.6 of the following regulation:

"139.02.6 (1) An aerodrome certificate or aerodrome licence shall be valid for a period determined by the Director **[based on individual aerodrome risk assessment]**, which period shall not exceed five years calculated from the date of issuing **[or renewal].**

(2) An aerodrome certificate or aedrome licence shall remain valid until it expires or is suspended or downgraded by an authorised officer, inspector or authorised person, or cancelled by the Director.

(3) A holder of an aerodrome certificate or aerodrome licence which is suspended shall forthwith hand **[the]** a licence to the authorised officer, inspector or authorised person for appropriate endorsement.

(4) A holder of an aerodrome certificate or aedrome licence which is cancelled, shall, within 30 days from the date on which **[the]** a certificate or licence is cancelled, surrender such certificate or licence to the Director.".

(jj) the substitution for regulation 139.02.7 of the following regulation:

"139.02.7 (1) An aerodrome certificate or aerodrome licence shall not be transferable.

(2) A change in ownership of the holder of an aerodrome certificate or aerodrome licence shall be deemed to be a change of significance and requires a new certificate or licence."

(kk) the substitution for regulation 139.02.8 of the following regulation:

"Renewal of aerodrome certificate or aerodrome licence

139.02.8 (1) An application for the renewal of an aerodrome certificate or aerodrome licence shall be made to the Director in the appropriate prescribed form and accompanied by documents, as prescribed in Document SA-CATS 139.

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(2) A holder of an aerodrome certificate or licence shall, at least 60 days immediately preceding the date on which such licence expires, apply for the renewal of such certificate or licence.".

(ll) the substitution for regulation 139.02.10 of the following regulation:

"**Aerodrome data**

139.02.10 (1) An applicant for an aerodrome certificate or aerodrome licence shall ensure that during initial certification, licensing and renewal, the following information regarding aerodrome data is reported to the Director—

(a) aeronautical data;

(b) aerodrome reference point;

(c) aerodrome and runway elevations;

(d) aerodrome reference temperature;

(e) aerodrome dimension and related information;

(f) a strength of pavement;

(g) pre-flight altimeter check location;

(h) declared distances;

(i) condition of the movement area related facilities;

(j) disabled aircraft removal procedures;

(k) rescue and firefighting; and

(l) precision approach path indicator.

(2) Aerodrome-related aeronautical data as referred to in subregulation (1), shall be determined and reported in accordance with the accuracy and integrity

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classification required to meet the needs of an end-user of aeronautical data and shall be in terms of requirements contained in Part 175.

(3) Aerodrome mapping data shall be provided to aeronautical information service for an aerodrome that is deemed relevant by the Director, where safety or performance-based operations suggest possible benefits and shall be in terms of requirements stipulated in Part 175.

(4) Where made available in accordance with subregulation (3) , the selection of a aerodrome mapping data features to be collected shall be made with consideration of the intended applications.

(5) Digital data error detection techniques shall be used during the transmission and storage of aeronautical data and digital data sets.

(6) Aerodrome reference point referred to in subregulation (1), shall be established for an aerodrome and shall be as prescribed in Document SA-CATS 139.

(7) An aerodrome elevation and geoid undulation at an aerodrome elevation position referred to in subregulation (1), shall be measured to the accuracy of 1.5m and reported to the AIS and shall be as prescribed in Document SA-CATS 139.

(8) An aerodrome dimension and related information referred to in subregulation (1) for each aerodrome facility shall be measured or described, as prescribed in Document SA-CATS 139.

(9) A bearing strength of a pavement shall be reported using an aircraft classification rating -pavement classification rating method, as prescribed in Document SA-CATS 139.

(10) A pre-flight altimeter check location referred to in subregulation (1) shall be established for an aerodrome and shall be as prescribed in Document SA-CATS 139.

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(11) The following declared distances shall be calculated to the nearest metre for a runway intended for use by international commercial air transport:

(a) take-off run available;

(b) take-off distance available;

(c) accelerate-stop distance available; and

(d) landing distance available.

(12) Information on a condition of the movement area and operational status of related facilities referred to in subregulation (1), shall be provided to a responsible aerodrome aeronautical information services to enable such responsible aerodrome aeronautical information services to provide the information to arriving and departing aircraft.

(13) Information of operational significance which is similar to information referred to subregulation (11), shall be provided to ATSU to enable air traffic units to provide the necessary information to arriving and departing aircraft.

(14) Information referred to in subregulation (11) and (12) shall be kept up to date and changes in conditions shall be reported to a responsible aerodrome aeronautical information services and ATSU, without delay.

(15) Condition of the movement area and the operational status of related facilities referred to in subregulation (11) shall be monitored,

(16) If matters of operational significance affecting aircraft and aerodrome operations are identified during monitoring in terms of subregulation (14), a report shall be provided in order to take appropriate action relating to—

(a) construction or maintenance work;

(b) rough or broken surfaces on a runway, a taxiway or an apron;

(c) water, snow, slush, ice, or frost on a runway, a taxiway or an apron;

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(d) anti-icing or de-icing liquid chemicals or other contaminants on a runway, taxiway or an apron;

(e) snow banks or drifts adjacent to a runway, a taxiway or an apron;

(f) other temporary hazards, including parked aircraft;

(g) failure or irregular operation of part or of aerodrome visual aids; and

(h) failure of the normal or secondary power supply.

(17) An inspection shall be carried out each day following reporting in terms of subregulation (15) for—

(a) a movement area, at least once where an aerodrome reference code number is 1 or 2, and at least twice where an aerodrome reference code number is 3 or 4; and

(b) a runway, whenever a runway surface conditions may have changed significantly due to meteorological conditions.

(18) Personnel assessing and reporting runway surface conditions in terms of subregulation (15) shall be trained and competent to perform their duties.

(19) Information concerning a visual approach slope indicator system installation referred to in subregulation (1), shall be made available and be reported as prescribed in Document SA-CATS 139.

(20) A responsible aerodrome aeronautical information services shall, without delay and as prescribed in Document SA-CATS 139, report to the AIS for AIS to obtain information that enables the provision of up-to-date pre-flight information and meet the need for in-flight information,

(21) A responsible aerodrome aeronautical information services shall, before introducing changes to air navigation system, take due account of time needed by AIS for the preparation, production and issue of relevant material for publication of such changes.

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(23) AIS shall ensure that changes to aeronautical information that affect charts and computer-based navigation systems are notified by the AIRAC system.

(24) A responsible aerodrome aeronautical information services shall, when submitting the raw data to AIS, ensure that predetermined internationally agreed AIRAC effective dates are observed.

(25) An aerodrome coordinator of operations shall ensure that the telephone numbers of the office and information concerning capability to remove an aircraft disabled on or adjacent to the movement area are made available to an air service operator where there is a need for removal of such an aircraft.

(26) An aerodrome operator shall ensure that information concerning the level of protection provided at an aerodrome for aircraft rescue and firefighting purposes is made available.

(27) Level of protection referred to in subregulation (25) shall be expressed in terms of the category of the rescue and firefighting services in accordance with the types and amounts of extinguishing agents normally available at an aerodrome and shall be as prescribed in Document SA-CATS 139.

(28) An aerodrome operator shall notify an appropriate ATSU and AIS unit of changes in the level of protection normally available at an aerodrome for rescue and firefighting and implementation of such changes to enable those units to provide the necessary information to arriving and departing aircraft.

(29) A change referred to in subregulation (27) shall be expressed in terms of the new category of the rescue and firefighting service available at an aerodrome.

(mm) the insertion after regulation 139.02.10 of the following regulation:

Aerodrome physical characteristics

139.02.10A (1) An applicant for an aerodrome certificate or aerodrome licence shall ensure that an aerodrome is provided with physical characteristics, obstacle

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limitation surface, visual aids for navigation, visual aids for obstacles and visual aids for restricted areas, as prescribed in Document SA-CATS 139.

(2) Physical characteristics referred to in subregulation (1) shall include—

(a) runway;

(b) runway shoulders;

(c) runway turn pads;

(d) runway strips;

(e) runway end safety areas;

(f) clearways;

(h) stop ways;

(i) radio altimeter operating area;

(j) taxiways;

(k) taxiway shoulders;

(l) taxiway strips;

(m) holding bays, runway-holding positions, intermediate holding positions and road holding positions;

(n) aprons;

(o) isolated aircraft parking position; and

(p) de-icing and anti-icing facilities.

(3) Visual aids for navigation referred to in subregulation (1) shall include:

(a) indicators and signalling devices,

(b) markings, lights, signs and markers.

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(4) Visual aids for obstacles referred to in subregulation (1) shall include—

(a) objects to be marked or lighted; and

(b) marking or lighting of objects.

(5) Visual aids for restricted areas referred to in subregulation (1), shall be provided for—

(a) closed runways and taxiways or any part of closed runways and taxiways;

(b) non-load bearing surfaces;

(c) pre-threshold area; and

(d) unserviceable areas.

(6) An applicant for an aerodrome certificate or aerodrome licence shall ensure that an aerodrome is provided with—

(a) equipment and installations;

(b) an airspace classification referred to in Part 172;

(c) an appropriate level of firefighting service consistent with the characteristics of aircraft intended to be serviced;

(d) the lowest meteorological minima for each runway, and the ambient light conditions during an operation of aircraft;

(e) adequate primary power supply for the safe functioning of air navigation facilities that shall be arranged in a way that facilities are automatically connected to the secondary power supply on failure of the primary source of power; and

(f) time interval between failure of the primary source of power and the complete restoration of the services, as prescribed in Document SA-CATS 139.

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(7) Physical characteristics, obstacle limitation surfaces, visual aids, equipment and installations provided at an aerodrome shall comply with the appropriate aerodrome design standards and colour specifications, as prescribed in Document SA-CATS 139.

(8) Electrical installations and equipment other than those forming part of aerodrome ground lighting shall comply with relevant South African National Standards and the Occupational Health and Safety Act, 1993, (Act No. 85 of 1993).

(9) A holder of an aerodrome licence used for international operation shall ensure that an aerodrome has surface movement guidance and control system commensurate with the level of operation, as determined by the Director and as prescribed in Document SA-CATS 139.

(10) A holder of an aerodrome licence used for international operation shall ensure that the intensity in red light and beam spreads of stop bar lights are in accordance with the specifications as prescribed in Document SA-CATS 139, where—

(a) stop bars are specified as components of an advanced surface movement guidance and control system, and

(b) a higher intensity is required to maintain ground movements at a certain speed in very low visibilities or in bright daytime conditions.

(11) A holder of an aerodrome licence used for international operation shall ensure that taxiway centre line lights are in accordance with the specifications as prescribed in Document SA-CATS 139, where—

(a) taxiway centre line lights are specified as components of an advanced surface movement guidance and control system, and

(b) a higher intensity is required to maintain ground movements at a certain speed in very low visibilities or in bright daytime conditions.

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(12) A holder of an aerodrome licence used for international operation shall ensure that surfaces of aircraft movement area provided at an aerodrome are designed to be able to carry the weight of the heaviest aircraft allowed to move on that aerodrome.

(13) A holder of an aerodrome licence used for international operation shall ensure an aerodrome reference code, code number and letter which is selected for aerodrome planning purposes is determined in accordance with the characteristics of an aircraft for which an aerodrome facility is intended, as prescribed in Document SA-CATS 139.

(nn) the substitution in regulation 139.02.11 for subregulation (1) of the following subregulation:

139.02.11 (1) An applicant for an aerodrome licence with a Category higher than 3 or for an aerodrome where regular commercial operations are to be conducted shall, on the basis of a risk assessment, provide the Director with an aerodrome manual which shall contain—

(a) a statement by an accountable manager and compliance officer confirming that an aerodrome manual and any included manuals define the organisation of an applicant and demonstrate the procedures and methods for ensuring that the provisions of the regulations in this Part will be complied with at all times;

(b) particulars of personnel referred to in regulation 139.02.13;

(c) an organisational chart showing lines of responsibility of personnel referred to in regulation 139.02.13;

(d) restrictions on the use of an aerodrome imposed in terms of regulation 139.01.3 or any other limitation considered necessary by the Director;

(e) a description of the characteristics of and infrastructure available at an aerodrome, which, taking into consideration the restrictions or limitations

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referred to in paragraph (d), comply with aerodrome design requirements referred to in regulation 139.02.10;

(f) aerodrome emergency management system referred to in regulation 139.02.14;

(g) a description of such aerodrome's rescue and firefighting capability which, taking into consideration restrictions or limitations referred to in paragraph (d), complies with the requirements prescribed in regulation 139.02.15;

(h) aerodrome environment management programme referred to in regulation 139.02.19;

(i) procedures for the notification of aerodrome data and information referred to in regulation 139.02.21;

(j) quality assurance system referred to in regulation 139.02.12;

(k) a description of security measures taken at such aerodrome to comply with the provisions of the Act;

(l) procedures to control, **[amend and distribute]** distribute, periodically review and amend an aerodrome manual shall be as prescribed in Document SA-CATS 139;

(m) intended air traffic services and associated airspace classification;

(n) safety procedures pertaining to all apron operations that are carried out on such aerodrome; and

(o) all pertinent information on such aerodrome site, facilities, services, equipment, operating procedures, organisation and management including a safety management system."

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(oo) the insertion in regulation 139.02.14 after subregulation (3) of the following subregulation:

"(4) An assessment in terms of regulation 139.02.14 shall take into consideration approach and departure areas within 1 000m of a runway threshold to determine options available for intervention.

(5) An aerodrome operator shall establish and submit to the Director, a family assistance plan for families and victims involved in an aircraft accident and incident, as prescribed in Document SA-CATS 139.

(6) A family assistance plan referred to in subregulation (5) shall be included in the emergency management system manual and be reviewed every two years.".

(pp) the substitution in regulation 139.02.15 for subregulation (1) of the following subregulation:

"**139.02.15** (1) An applicant for, or a holder of an aerodrome **[licence with a Category higher than 2]** certificate or aerodrome licence when serving commercial air transport operations, shall ensure that an aerodrome is provided with a rescue and firefighting service capable of providing the required level of protection necessary for maintaining the minimum level of protection required for the appropriate category of the aerodrome.".

(qq) the deletion for regulation 139.02.15 of subregulation (2).

(rr) the insertion in regulation 139.02.19 after subregulation (9) of the following subregulation:

"(10) An aerodrome operator shall establish and implement a process to mitigate against an increase or potential increase in the wildlife strike hazard due to land use development likely to attract wildlife around an aerodrome, as prescribed in Document SA-CATS 139.".

(ss) the deletion for regulation 139.02.23 subregulation (3) of paragraph (g).

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(tt) the deletion for regulation 139.02.23 of subregulation (4).

(uu) the insertion in regulation 139.02.23 after subregulation (8) of the following subregulation:

(9) A holder of an aerodrome licence or aerodrome certificate shall develop a runway safety programme, as prescribed in Document SA-CATS 139 and shall include—

(a) establishment of runway safety team;

(b) identification of hazards related to runway safety;

(c) development and implementation of action plans;

(d) incident reporting, collection of data and the promulgation of safety information consisting of—

(i) classification of the severity of runway incursions;

(ii) reporting of bird and wildlife;

(e) prevention of runway incursion, excursions and confusion;

(f) suspension or closure of runway operations,

(g) air traffic control best practice during suspension or closure of runway operations;

(h) identification of hotspots;

(i) reporting of runway surface conditions; and

(j) taxiway design guidance for minimizing runway excursions.".

(vv) the substitution for regulation 139.02.36 of the following regulation:

(1) Airport plans for the development of aerodrome infrastructure shall, for aerodromes certified under this Subpart, be submitted to the Director and shall—

(a) include architectural and infrastructure-related requirements for the optimum implementation of international civil aviation security measures;

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(b) include physical planning which includes the development of facilities, as prescribed in Document SA-CATS 139;

(c) contain a schedule of priorities including a phased implementation plan; and

(d) be reviewed periodically to take into account current and future aerodrome traffic.

(2) An aerodrome operator shall consult with aerodrome affected parties, including air service operators, in order to facilitate the master planning process using a consultative and collaborative approach.".

Amendment of Part 171 of the Regulations

9. Part 171 of the regulations is hereby amended by—

(a) the substitution for regulation 171.03.13 of the following regulation:

"171.03.13 (1) Navigation equipment is subject to commissioning and periodic flight inspection as prescribed in Document SA-CATS 171.

(2) The Commissioner may on good grounds shown, waive or suspend the requirement for periodic flight inspections, as prescribed in Document SA-CATS 171 on application by an ANSP, provided that such ANSP—

(a) has previously complied with the requirement for periodic flight inspection;

(b) complies with the conditions stipulated in the approval for the period of the waiver or suspension; and

(c) remains compliant with acceptable safety levels as prescribed in Document SA-CATS 171.".

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Amendment of Part 173 of the Regulations

10. Part 173 of the regulations is hereby amended by—

(a) the substitution in regulation 173.01.7 for subregulation (10) of the following subregulation:

"(10) **[The]** A training required **[by]**in terms of subregulation (8) **[(*b*)]** shall be provided on a recurrent basis at intervals **[not exceeding the duration is]** specified in Document SA-CATS 173.".

(b) the substitution in regulation 173.02.4 for subregulation (3) of the following:

"(3) A holder of a flight procedure design approval shall, subject to regulation 173.02.4, periodically at intervals and upon the conditions prescribed in Document SA-CATS 173, maintain each flight procedure.".

Amendment of Part 185 of the Regulations

11. Part 185 of the Regulations is hereby amended by:

(a) the substitution for regulation 185.04.2 of the following regulation:

"185.04.2 (1) A person whose rights have been detrimentally affected by an administrative action taken by an inspector, authorised officer, authorised person or enforcement officer in terms of the Act or this Part, may, after payment of the fee prescribed in Part 187, appeal against such a decision.

(2) An appeal in terms of **[sub-regulation]** subregulation (1) must be lodged with the **[Director]** Commissioner within 30 days after the furnishing of reasons for the decision.

(3) The **[Director]** Commissioner must, **[must]** within **[three]** 14 days of receiving **[such]** an appeal contemplated in subregulation (1), in writing, confirm, amend or withdraw **[the]** a decision appealed against.

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(4) The **[Director]** Commissioner must within 14 days furnish written reasons to the Appellant for any decision taken in terms of **[sub-regulation]** subregulation (3).

(5) Any person aggrieved by a decision taken in terms of **[sub-regulation]** subregulation (3) may appeal against such decision within **[five]** 30 days of receipt of the reasons referred to in **[sub-regulation]** subregulation (3) to an appeal committee contemplated under section 122 of the Act.

(6) In adjudicating the appeal contemplated in **[sub-regulation]** subregulation (3) the **[Director]** Commissioner may afford **[the]**an Appellant—

(a) a reasonable opportunity to make representations;

(b) **[the]** an opportunity to present and dispute information and arguments; and

(c) **[the]** an opportunity to appear in person.

(7) The **[Director]** Commissioner may on good cause shown condone **[any]** non-compliance with the time period contemplated in **[sub-regulation]** subregulation (2).

(8) *(a)* If the **[Director]** Commissioner sets aside any decision of an authorised officer, authorised person, inspector or enforcement officer, the fee referred to in **[sub-regulation]** subregulation (1) must be refunded to **[the]** an Appellant.

(b) If the **[Director]** Commissioner varies any such decision, he or she may direct that the whole or any part of **[such]** fees paid in relation to an appeal be refunded to **[the]** an Appellant.

(9) An appeal lodged in terms of this section does not suspend **[the]** a decision of [**the]** an authorised officer, authorised person, inspector or enforcement officer.”.

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(b) the substitution for regulation 185.04.3 of the following regulation:

"**185.04.3**(1) **[Any]** A person who is directly affected by **[any of]** the following decisions may lodge an appeal with the **[Director]** Commissioner:

(a) a decision by a designated body or institution to cancel his or her medical certificate;

(b) a decision by a DAME, declaring him or her unfit or temporarily unfit; and

(c) an endorsement made by a DAME or a designated body or institution on his or her medical certificate**[; or]**.

(2) An appeal referred to in **[sub-regulation]** subregulation (1) must be lodged on the appropriate form within **[60]** 30 days from the date of receipt of the reasons for such decision and must be accompanied by **[appropriate fees]** an appropriate fee prescribed in Part 187.

(3) In considering an appeal lodged in terms of this regulation, the **[Director]** Commissioner must be assisted by at least two medical practitioners, one of whom must have experience in aviation medicine.

(4) The **[Director]** Commissioner shall consider an appeal lodged in terms of **[sub-regulation]** subregulation (2) within 60 days of receipt thereof, and may set aside or confirm a decision in respect of which an appeal was lodged, or make such other decision as the **[Director]** Commissioner may consider equitable.

(5) The **[Director]** Commissioner must within 14 days furnish written reasons to **[the]** an Appellant for any decision taken in terms of **[sub-regulation]** subregulation (4).

[(6) A person appealing in terms of sub-regulation (2) is entitled to legal representation at his or her own cost.]

(6) The Commissioner may, on good cause shown, condone non-compliance with the time period for lodging an appeal.

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(7) An appeal lodged in terms of this regulation does not suspend a decision or endorsement in respect of which such appeal is lodged.".

Insertion of Part 186 of the Regulations

12. Part 186 is hereby inserted after Part 185 of the Regulations—

"PART 186 ARRANGEMENT OF REGULATIONS: PROCEDURES RELATING TO APPEALS

SUBPART 1: GENERAL

186.01.1 Applicability

186.01.2 Lodging of appeal

186.01.3 General provisions relating to appeal

186.01.4 Timeframes relating to appeal

186.01.5 Representation of parties

SUBPART 2: HANDLING OF APPEALS

186.02.1 Service of notices and other documents

186.02.2 Filing, preparation and inspection of documents

186.02.3 Pleadings

186.02.4 Amendment of pleadings

186.02.5 Discovery of documents

186.02.6 Subpoena

SUBPART 3: HEARING, RECORDING, ADJOURNMENT, POINT *IN LIMINE* AND APPEARANCE

186.03.1 Preparation of hearing

186.03.2 Hearing

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186.03.3 Adjournment and postponement

186.03.4 Point *in limine*

186.03.5 Non-appearance of party

SUBPART 4: DECISIONS, RECORDS AND URGENT APPEALS

186.04.1 Decision

186.04.2 Record of proceedings

186.04.3 Urgent Appeals

SUBPART 1: GENERAL

Applicability

186.01.1 (1) This Part applies to an appeal against a decision of the Commissioner to —

(a) grant or refuse a request by any person appointed to perform a function in terms of the Act or the regulations, for approval to conduct aviation related business or activity, or to hold a financial interest in the aviation industry, which the Commissioner deems a conflict of interest as contemplated in section 98 of the Act;

(b) uphold the following decisions in terms of section 118(3) of the Act:

(i) approval or refusal of an application for registration, licence, certificate, approval, or authorisation;

(ii) refusal to issue registration, licence, certificate, approval, or authorisation; and

(iii) suspend, cancel, endorse, or vary a registration, licence, certificate, approval, or authorisation;

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(c) lift or refuse to lift a grounding order as contemplated in section 115 (2) of the Act.

(2) Notwithstanding the provisions of subregulation (1), this Part applies to any appeal handled by the Appeal Committee.

Lodging of appeal

186.01.2 (1) A person or entity who feels aggrieved by a decision of the Commissioner as contemplated in regulation 186.01.1may lodge an appeal to the Appeal Committee by delivering a notice of appeal to the Appeal Committee Secretariat;

(2) An appeal lodged as contemplated in subregulation (1) shall be accompanied by proof—

(a) of payment of the prescribed appeal fees to the Department, as provided for in Part 187; and

(b) that a copy of notice of appeal has been served on the Commissioner.

General provisions relating to appeal

186.01.3 (1) A party to an appeal may be represented by a legal practitioner.

(2) An appeal may be lodged by an Appellant concerned, a duly authorised employee, or a legal representative of such an Appellant.

(3) An appeal shall set forth—

(a) full names and identification or registration numbers of an Appellant;

(b) an Appellant's residential or business address;

(c) capacity in which an Appellant is lodging such appeal; and

(d) contact details of an Appellant, including telephone numbers, and where available, electronic mail communication.

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(4) Any fees required to be paid in terms of this Part shall, unless otherwise expressly provided, be paid to the banking account of the Department as provided by the Appeal Committee Secretariat.

Timeframes relating to appeal

186.01.4 (1) A notice of appeal shall be lodged with the Appeal Committee within 30 days after receipt of the reasons for a decision against which an appeal is made.

(2) The Commissioner shall, within 21 days of receipt of an appeal, file a reply and arguments with the Appeal Committee and an Appellant, together with all relevant documents relating to a decision against which an appeal is made.

(3) An Appellant may, within 14 days of receipt of the reply together with documents referred to in subregulation (2), file supplementary information with the Appeal Committee and the Commissioner.

(4) An Appellant who fails to lodge an appeal within a period contemplated in subregulation (1), may apply to the Appeal Committee for condonation for the late filing of an appeal and serve the Commissioner with such an application.

(5) An application for condonation contemplated in subregulation (4) shall contain reasons for failure to comply and a proof of lodging thereof with the Commissioner.

(6) The Commissioner may, within 10 days of receipt of a copy of an application for condonation, make submission either in support or against such condonation.

(7) The Appeal Committee shall make a determination on whether to accept or refuse an application for condonation for late filing of an appeal as contemplated in subregulation (4).

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Representation of parties

186.01.5 (1) A party may conduct his or her case in person or be represented by a legal practitioner: Provided that a juristic person may be represented by a duly authorised representative who is a legal practitioner, an employee, member or official of such a juristic person.

(2) A person appearing before the Appeal Committee in a representative capacity shall submit a power of attorney.

SUBPART 2: HANDLING OF APPEALS

Service of notices and other documents

186.02.1 (1) A party serving a notice or other document to the other party shall provide the Appeal Committee with an original or a certified copy of such notice or document and serve a copy to the other party.

(2) All notices or documents shall be served upon a person affected thereby by delivery of a copy thereof in one or other of the following manners:

(a) to such person personally or to his or her duly authorised agent;

(b) at a residential address or business address of such person or his or her duly authorised agent;

(c) a manner as agreed upon with such person;

(d) to a legal representative who is duly authorised, in writing, to accept service on behalf of such person or entity upon whom service is to be effected in any applicable manner provided for in this regulation; or

(e) by electronic mail provided for that purpose by such party.

Filing, preparation and inspection of documents

186.02.2 (1) All documents filed with the Appeal Committee, other than exhibits, shall—

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(a) be clearly and legibly printed or typewritten in permanent black or blue ink on one side only of an A4 standard size paper; and

(b) be deemed to be typewritten if it is reproduced clearly and legibly on suitable paper by duplicating, lithographic, photographic, or any other method of reproduction.

(2) Stated cases, affidavits, grounds of appeal and similar documents shall be divided into concise paragraphs which shall be consecutively numbered.

(3) Each notice filed shall bear the names of a filing party or, if such party is represented by a legal practitioner, the details of such legal practitioner.

(4) The Appeal Committee may reject any document which does not comply with the requirements of this Part.

Pleadings

186.02.3 (1) Pleadings shall be divided into paragraphs, which shall, as much as possible, each contain a distinct averment and consecutively numbered.

(2) A pleading shall contain a clear and concise statement of material facts upon which a party’s averment is based with sufficient particularity to enable the other party to reply thereto.

(3) When in any pleading, a party denies an allegation of fact, such party shall not do so evasively but shall answer the point of substance.

(4) A party who, in such a party's pleading, relies upon a document, shall ensure that a copy thereof or of a part relied on is annexed to such pleading.

(5) A party who relies on an agreement governed by legislation shall state the nature and extent of such party's compliance with the relevant provisions of such legislation.

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Amendment of pleadings

186. 02.4 (1) A party desiring to amend a pleading or document other than an affidavit, filed in connection with an appeal, shall notify all other parties of his or her intention to amend and shall furnish the parties with particulars of such amendment.

(2) The notice referred to in subregulation (1) shall state that unless a written objection to the proposed amendment is delivered within 10 days of delivery of a notice of amendment, the amendment will be effected.

(3) An objection to a proposed amendment shall clearly and concisely state the grounds upon which such objection is founded.

(4) If an objection to amendment of a pleading is delivered within 10 days, a party desiring to amend may, within 10 days, lodge, with the Appeal Committee, an application for leave to amend.

(5) Unless the Appeal Committee directs otherwise, a party permitted to amend shall effect such amendment by delivering the relevant pages in its amended form.

(6) A party affected by an amendment may, within 15 days after such amendment has been effected or within such period as the Appeal Committee may determine, make any consequential adjustment to the documents filed by him or her.

Discovery of documents

186.02.5 (1) The Appeal Committee may, during any proceeding, order the production by any party thereto of any document or recording under such party's control relating to any matter in question in such proceeding as the Appeal Committee may deem fit.

(2) A document or recording referred to in subregulation (1) shall be produced within a reasonable time and circumstances as determined by the Appeal Committee.

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Subpoena

186.02.6 (1) A party desiring the attendance of any person to give evidence at a hearing, may request the Appeal Committee to issue a subpoena calling such a person to appear before the Appeal Committee on a specified date, time, and place.

(2) A subpoena shall—

(a) stipulate how reasonable costs of attendance of a witness shall be covered by the party requiring his or her attendance;

(b) as much as possible, specify a document, instrument, or object which is required to be produced as evidence; and

(c) be served by a sheriff or a member of the South African Police Service.

(3) A party requesting attendance of a witness shall ensure that a subpoena is served as referred to in subregulation (2) and submit a proof of service to the Appeal Committee.

SUBPART 3: HEARING, RECORDING, ADJOURNMENT, POINT *IN LIMINE,* AND APPEARANCE

Preparation of hearing

186.03.1 (1) Upon closure of pleadings, an Appellant shall within the period of 10 days paginate and index the appeal papers and deliver six copies to the Appeal Committee Secretariat and a copy to the Commissioner.

(2) The Appeal Committee Secretariat shall within a period of 30 days after receipt of the files of paginated and indexed appeal papers, schedule a date for a hearing.

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Hearing

186.03.2 (1) A hearing of an appeal shall take place at a place or virtually as determined by the Appeal Committee and as arranged by the Appeal Committee Secretariat.

(2) The Appeal Committee Secretariat shall communicate a date of hearing to all the parties at least 10 days before such hearing.

(3) The Appeal Committee Secretariat shall record the proceeding of the appeal.

(4) An Appellant shall first be given an opportunity to present his or her case, call any witnesses, and produce evidence.

(5) The Commissioner or his or her representative shall be afforded an opportunity to cross examine any witness that has given evidence in support of an Appellant's case.

(6) After closure of an Appellant's case, the Commissioner or his or her representative shall be afforded an opportunity to respond, call any witness, and produce evidence.

(7) An Appellant shall be afforded an opportunity to cross-examine any witness that has given evidence in support of the Commissioner's case.

(8) The Appeal Committee may call any witness that they feel can assist them in reaching a just and fair decision.

(9) The members of the Appeal Committee may ask any of the parties and the witnesses questions to clarify any issue that they may require clarity on.

(10) Both parties shall be afforded an opportunity to make closing arguments.

(11) The Appeal Committee shall require a witness to take an oath or make an affirmation before testifying.

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(12) A witness who is not a party to the proceedings may be ordered by the Appeal Committee to leave a hearing until his or her evidence is required or after his or her evidence has been given.

(13) The Appeal Committee may order a witness to remain in attendance until such hearing is adjourned and, where necessary, to appear on a subsequent day determined by the Appeal Committee.

(14) The Appeal Committee may, before proceeding to hear evidence, require the parties to state shortly the issues of fact or questions of law which are in dispute and may record the issues so stated.

(15) If it appears to the Appeal Committee that there is a question of law or fact which may conveniently be decided either before any evidence is led or separately from any other question, the Appeal Committee may decide to dispose of such question in such a manner as it may deem fit and may order that all further proceedings be stayed until such question has been disposed of.

(16) If a question in dispute, is a question of law and the parties are agreeable upon the facts, the facts may be admitted in the hearing, either *viva voce* or by written statement, by the parties and recorded by the Appeal Committee and judgment may be given thereon without further evidence.

(17) When a question of law or of fact arises in the same case and the Appeal Committee is of the opinion that such case may be disposed of upon a question of law only, the Appeal Committee may require the parties to argue upon that question only and may give its decision thereon before taking evidence as to the issues of fact and may give final judgment without dealing with the issues of fact.

(18) In a proceeding involving a question of law or of fact, a party having a burden of proof shall first adduce his or her arguments and evidence.

(19) In a case of dispute as to the party upon whom the burden of proof rests, the Appeal Committee shall direct which party shall first adduce evidence.

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(20) Any party may, with the leave of the Appeal Committee, adduce further evidence at any time before judgment: Provided that such leave may not be granted if it appears to the Appeal Committee that such evidence was intentionally withheld.

(21) The Appeal Committee may at any time before judgment, on the application of any party or of its own motion, recall any witness for further examination.

(22) At any time during the proceedings, the Appeal Committee may request the Department to make a statement or answer any question on policy and legislative matters.

(23) The Appeal Committee may adjourn the proceedings at any time to consult amongst themselves or with any person on any matter relevant to the proceedings.

(24) The parties may request adjournment of the proceedings in order to consult with each other with the intention of streamlining the issues under consideration.

Adjournment and postponement

186.03.3 (1) A hearing of an appeal may be adjourned or postponed by agreement between the parties or by the Appeal Committee, either on its own accord, by application or request by the parties.

(2) Where an adjournment or postponement is made *sine die,* any party may request the Appeal Committee to reinstate the matter for further hearing.

Point *in limine*

186.03.4 (1) If any of the parties wants to raise a point *in limine,* such party shall comply with the provisions of this Part relating to service of documents and pleadings.

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(2) The Appeal Committee shall rule on a point *in limine* before proceeding to hearing the merits of an appeal.

(3) A party aggrieved by a decision of the Appeal Committee on a point *in limine* may challenge such decision at the final conclusion of an appeal hearing.

(4) The Appeal Committee may summarily dispose of a point *in limine* and continue hearing an appeal on the merits.

Non-appearance of a party

186.03.5 (1) If an Appellant fails to appear at the communicated time and place for a hearing of an appeal and fails to inform the Appeal Committee, in writing or in any other manner, about his or her reason for such non-appearance, such appeal may be dismissed and the appeal fee forfeited.

(2) If the Commissioner or his or her representative fails to appear at a communicated time and place for a hearing of an appeal and fails to inform the Appeal Committee, in writing or in any other manner, about his or her reason for such non-appearance, the Appeal Committee may make an appropriate order as it deems fit, including an order for the Commissioner to reimburse the appeal fee to an Appellant.

SUBPART 4: DECISION, RECORDS, AND URGENT APPEALS

Decision

186.04.1 (1) The Appeal Committee shall make its judgment within 21 days of conclusion of a hearing.

(2) The Appeal Committee may confirm, vary, or set aside any decision against which an appeal has been lodged.

(3) If the Appeal Committee decides to wholly set aside a decision of the Commissioner, the appeal fee shall be reimbursed to an Appellant by the Commissioner.

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(4) Where the Appeal Committee decides to dismiss an appeal, the appeal fee shall be forfeited by an Appellant.

(5) Where the Appeal Committee refers the matter to the Commissioner for reconsideration or reversal of his or her original decision, the appeal fee shall be reimbursed to an Appellant by the Commissioner.

(6) A decision of the Appeal Committee shall be delivered to each of the parties in writing within 7 days, after a decision has been made, using any of the prescribed methods.

Record of proceedings

186.04.2 (1) The Appeal Committee Secretariat shall keep records of–

(a) proceedings of the Appeal Committee hearings;

(b) appeal files; and

(c) judgments given by the Appeal Committee.

(2) The Appeal Committee Secretariat shall produce a transcript of an appeal hearing when so requested by any of the parties, the Appeal Committee, or any other tribunal authorised to request such transcript.

(3) A copy of a transcript of an appeal hearing shall be provided to a requesting party upon receipt of proof of payment of the prescribed fee, unless otherwise ordered by a court of law.

Urgent Appeals

186.04.3 The Appeal Committee may, if satisfied that a matter is urgent, make an order dispensing with the prescribed time frame and hear such appeal at a time and place and in accordance with such procedures as the Appeal Committee deems appropriate: Provided that such procedures shall as far as practicable be in terms of these regulations.".

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Amendment of Part 187 of the Regulations

13. Part 187 of the regulations is hereby amended by the insertion the following regulation after regulation 187.02.3:

"Opening of trust account

187.03. 1 (1) A person or organisation that collects any money, fees, charges, or levies on behalf of the Authority, shall establish a trust account where such money, fees, charges, or levies shall be kept for transferral or transmission to the Authority.

(2) A trust account established in terms of subregulation (1) shall be maintained as a separate interest-bearing account with a commercial bank that is registered in the Republic in terms of Banks Act, 1990 (Act No. 94 of 1990).

(3) A person or organisation referred to in subregulation (1) shall deposit the money, fees, charges, or levies collected on behalf of the Authority into a trust account within 10 business days of collection.

(4) The money, fees, charges, or levies collected in terms of subregulation (3), excluding the passenger safety charge, shall be paid or transmitted to the Authority within 21 days from the end of the month during which such money, fees, charges, or levies have been deposited into a trust account.

(5) In the case of a passenger safety charge, the money collected in terms of subregulation (3) shall be paid or transmitted to the Authority within 21 days from the end of the month during which a passenger has departed on a flight for which a passenger safety charge is payable.

(6) A trust account established in terms of subregulation (2) shall bear the name or description which include the words "SACAA Trust" for easy identification of a trust account.

(7) Failure to deposit the money, fees, charges, or levies in terms of subregulation (3) into a trust account or failure to pay or transmit such money, fees, charges, or levies collected to the Authority as provided in terms of this regulation, shall constitute an offence in terms of regulation 185.01.2 and the Authority may—

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(a) impose a penalty of 10% on the value of the money collected or due to the Authority after the expiry of 21 days referred to in subregulations (4) and (5); and

(b) institute civil action in a competent court to recover such money, fees, charges, or levies from such person or organization together with any further administrative penalty and action imposed as provided for in section 144 of the Act.

(8) The money, fees, charges, or levies paid to the Authority in this regulation, shall be paid free of interest and bank charges.

(9) A person or organisation referred to in subregulation (1) shall not invest or utilise any money, fees, charges, or levies collected on behalf of the Authority, for any other purpose than stipulated in this regulation.

(10) A monthly bank statement as well as a monthly reconciliation of a trust account shall be submitted to the Authority within 21 days after the last day of every month and such reconciliation shall contain, but not be limited to, the following:

(a) opening balance;

(b) receipts;

(c) refunds;

(d) interest received;

(e) bank charges;

(f) payments made to the Authority; and

(g) closing balance.

(11) A trust account opened and operated by any persons or organisation referred to subregulation (1) shall be subjected to an audit by the Authority or its nominee from time to time.".

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Substitution of certain words and expressions

14. The Regulations are hereby amended by the substitution for the word “Director” in relation to Director of Civil Aviation, wherever it occurs in the regulations, of the word “Commissioner”.

Short Title and Commencement

These Regulations are called the Thirty First Amendment of the Civil Aviation Regulations, 2025 and shall come into operation on the Proclamation by the President of the Civil Aviation Amendment Act (Act No. 22 of 2021) save for Part 139 which shall come into operation on a date of publication in the Gazette.

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VERVOER, DEPARTEMENT VAN

NO. 6061 **28 Maart 2025**

WET OP BURGERLUGVAART, 2009 (WET NR. 13 van 2009)

EEN-EN-DERTIGSTE WYSIGING VAN DIE BURGERLUGVAARTREGULASIES, 2025

(Die Engelse teks is die amptelike teks van die Regulasies)

BYLAE

WET OP BURGERLUGVAART, 2009 (WET NR. 13 VAN 2009)

EEN-EN-DERTIGSTE WYSIGING VAN DIE BURGERLUGVAARTREGULASIES, 2025

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vetdruk tussen vierkantige hakies dui weglatings van bestaande regulasies aan.

_____ Woorde wat met 'n soliede lyn onderstreep is, dui invoegings in bestaande regulasies aan.

Definisie

In hierdie Bylae beteken “die Regulasies” die Burgerlugvaartregulasies, 2011 gepubliseer deur Regeringskennisgewing Nr. R. 425 gedateer 1 Junie 2012, soos gewysig. Die regulasies is aanvanklik op 1 Junie 2012 afgekondig en het op 1 Augustus 2012 in werking getree. Die regulasies is sedertdien deur die Minister van Vervoer soos volg gewysig:

(a) 30 Julie 2013 (Eerste, Tweede, Derde en Vierde Wysigings);
(b) 7 Maart 2014 (Vyfde Wysiging);
(c) 1 Oktober 2014 (Sesde Wysiging);
(d) 22 Desember 2014 (Sewende Wysiging);
(e) 27 Mei 2015 (Agtste Wysiging);
(f) 1 September 2015 (Negende Wysiging);
(g) 30 Oktober 2015 (Tiende Wysiging);
(h) 30 Desember 2015 (Elfde Wysiging);
(i) 24 Desember 2015 (Twaalfde Wysiging);
(j) 12 Februarie 2016 (Dertiende Wysiging);
(k) 28 Oktober 2016 (Veertiende Wysiging);

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(l) 5 Mei 2017 (Vyftiende Wysiging);
(m) 19 Mei 2017 (Sestiende Wysiging);
(n) 29 Mei 2017 (Sewentiende Wysiging);
(o) 12 Januarie 2018 (Agtiende Wysiging);
(p) 21 Oktober 2018 (Negentiende Wysiging),
(q) 1 Mei 2019 (Twintigste Wysiging);
(r) 1 April 2020 (Twee-en-twintigste wysiging);
(s) 30 September 2021 (Derde-en-twintigste wysiging);
(t) 15 November 2021 (Een-en-twintigste wysiging);
(u) 10 Mei 2022 (Vier-en-twintigste Wysiging);
(v) 17 Maart 2023 (Vyf-en-twintigste Wysiging en Ses-en-twintigste Wysiging);
(w) 13 April 2023 (Sewe-en-twintigste Wysiging);
(x) 20 Oktober 2023 (Agt-en-twintigste Wysiging);
(y) 28 Junie 2024 (Nege-en-twintigste Wysiging);
(z) 23 Augustus 2024 (Dertigste Wysiging); en
(aa) Twee-en-dertisteg Wysiging – aan die Minister voorgelê vir goedkeuring vir promulgering.

Wysiging van Deel 1 van die Regulasies

1. Regulasie 1.01.1 van die regulasies word hiermee gewysig deur—

(a) die invoeging na die definisie van "ongeluk" van die volgende definisie:

" 'ongelukdataverslagdoening' 'n stel definisies en beskrywings wat gebruik word tydens die insameling en aanmelding van vliegtuigongelukdata aan ICAO;";

(b) die invoeging na die definisie van "verwagte bedryfstoestande" van die volgende definisie:

"'Appèlkomitee-sekretariaat' beteken amptenare van die Departement wat aangewys is om die administratiewe en sekretariële dienste vir die Appèlkomitee te verrig;";

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(c) die invoeging na die definisie van "voorval" van die volgende definisie:

"'voorval-data-verslagdoening' 'n stel definisies en beskrywings wat gebruik word tydens die insameling en aanmelding van vliegtuigvoorvaldata aan ICAO;";

(d) die invoeging na die definisie van "ontdooiingsvloeistof" van die volgende definisie:

"'aflewer' beteken om per hand of elektroniese pos in te dien, te beteken of af te lewer, en "aflewering", "afgelewer" en "aflewer" sal dieselfde ooreenstemmende betekenisse hê;";

(e) die invoeging na die definisie van "nie-tipe-gesertifiseerde lugvaartuig" van die volgende definisie:

"'kennisgewing' beteken skriftelike kennisgewing;";

(f) die invoeging na die definisie van "diensbaar" van die volgende definisie:

"'balju' beteken 'n balju soos omskryf in die Wet op Balju's, 1986 (Wet Nr. 90 van 1986);".

2. Regulasie 1.01.2 van die regulasies word hiermee gewysig deur—

(a) die invoeging na die afkorting van "ADIZ" van die volgende afkorting:

"'ADREP' beteken die ongeluksdataverslagdoening;";

(b) die invoeging na die afkorting van "APV" van die volgende afkorting:

"'ASIB' beteken die Lugvaartveiligheidsondersoekraad;";

(c) die invoeging na die afkorting van "IFR" van die volgende afkorting:

"'IIC' beteken 'n ondersoeker in beheer;".

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Wysiging vir Deel 11 van die Regulasies

3. Deel 11 van die regulasies word hiermee gewysig deur:

(a) die vervanging van Subdeel 2 met die volgende Subdeel:

“SUBDEEL 2 KOMITEE OP BURGERLUGVAARTREGULASIES

11.02.1 Instelling van Komitee

11.02.2 Vergaderings van die Komitee

11.02.3 Subkomitees van die Komitee

11.02.4 Vergoeding van Lede

11.02.5 Administrasie

SUBDEEL 2 KOMITEE OOR BURGERLUGVAARTREGULASIES

Instelling van Komitee

11.02.1 (1) Die Kommissaris stel 'n Komitee oor Burgerlugvaartregulasies in om aanbevelings te maak oor voorstelle met betrekking tot—

(a) die instelling van enige regulasie wat deur die Minister kragtens artikel 155 gemaak moet word;

(b) die wysiging of terugtrekking van enige regulasie gemaak deur die Minister kragtens artikel 155;

(c) die instelling van enige tegniese standaard wat deur die Kommissaris kragtens artikel 163 uitgereik moet word;

(d) die wysiging of terugtrekking van enige tegniese standaard uitgereik deur die Kommissaris kragtens artikel 163;

(e) enige aangeleentheid met betrekking tot burgerlugvaart, insluitend enige sodanige aangeleentheid wat deur die Kommissaris daarna verwys word.

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(2) Die lede van die Komitee wat ingevolge subregulasie (1) ingestel is, bestaan uit—

(a) 'n persoon aangewys deur die Kommissaris as die Voorsitter;

(b) amptenare van die Owerheid wat aangestel is om toesig te hou oor—

(i) lugvaartveiligheidbedrywighede;

(ii) lugvaartsekuriteit;

(iii) lugvaartveiligheidstandaard en versekering;

(iv) lugvaartveiligheidsinfrastruktuur;

(v) lugvaart- mediese en algemene prosedures;

(c) sodanige ander persone wat deur daardie belanghebbendes aangestel is en deur die Kommissaris erken word, wat verteenwoordigers sal insluit van—

(i) die algemene lugvaart-, ontspanningslugvaart- en kommersiële lugvaartbedryf;

(ii) die Lugverkeer- en Navigasiedienste Maatskappy Beperk beoog ingevolge artikel 2 van die Lugverkeer- en Navigasiedienste Maatskappywet, 1993 (Wet Nr. 45 van 1993);

(iii) die Suid-Afrikaanse Polisiediens;

(iv) die Suid-Afrikaanse Nasionale Weermag;

(v) die Lughawensmaatskappy Suid-Afrika SOC Beperk beoog in artikel 2 van die Lughawensmaatskappywet, 1993 (Wet Nr. 44 van 1993);

(vi) die Departement;

(vii) die Voorsitter van die Fooiekomitee;

(viii) die Grensbestuursowerheid beoog in artikel 4 van die Wet op Grensbestuursowerheid, 2020 (Wet Nr. 2 van 2020); en

(ix) enige ander belanghebbende soos deur die Kommissaris bepaal.

(3) Behoudens die bepalings van hierdie Subdeel, sal die Komitee—

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(a) in oorleg met die Kommissaris, die prosedures wat in die uitvoering van sy werksaamhede gevolg moet word, bepaal; en

(b) aanbevelings wat deur die Komitee gemaak is oor voorstelle vir promulgering deur die Minister ingevolge hierdie Subdeel vir oorweging aan die Kommissaris voorlê.

Komiteevergaderings

11.02.2 (1) Die Komitee sal minstens 6 keer per jaar vergaderings hou op die tye en plekke wat van tyd tot tyd deur die Voorsitter bepaal word.

(2) Die Voorsitter moet—

(a) in buitengewone omstandighede 'n buitengewone vergadering belê; en

(b) by elke vergadering van die komitee die voorsitterstoel inneem.

(3) Indien die Voorsitter afwesig is van 'n vergadering van die Komitee, kies die teenwoordige lede uit hul geledere 'n persoon om by daardie vergadering voor te sit.

(4) Die Komitee sal notules van elke vergadering laat hou en sodanige notules sal by die kantoor van die Kommissaris bewaar word.

Subkomitees van Komitee

11.02.3 (1) Die Komitee kan, na oorleg met die Kommissaris, sodanige Subkomitees instel wat hy nodig ag vir die uitvoering van sy werksaamhede.

(2) Die lidmaatskap van elke Subkomitee wat ingevolge subregulasie (1) ingestel is, is onbeperk.

(3) Die Voorsitter van die Komitee sal 'n Voorsitter aanstel van elke Subkomitee wat ingevolge hierdie regulasie ingestel is.

(4) Behoudens die bepalings van hierdie Subdeel, sal 'n Subkomitee, na oorleg met die Voorsitter van die Komitee, die prosedures bepaal wat deur sodanige Subkomitee in die uitvoering van sy werksaamhede gevolg moet word.

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Vergoeding van lede

11.02.4 'n Lid van die Komitee of enige van sy Subkomitees waarna in hierdie Deel verwys word, sal geen vergoeding of toelae ontvang ten opsigte van die verrigting van funksies van die Komitee of sy Subkomitees nie.

Administrasie

11.02.5 Administratiewe werk, insluitend sekretariële werk, in verband met die uitvoering van die funksies van die Komitee en enige Subkomitee wat ingevolge hierdie Deel ingestel is, sal deur werknemers van die Owerheid uitgevoer word.".

(b) die vervanging van regulasie 11.04.1 van die volgende regulasie:

"11.04.1 (1) Behoudens die bepalings van subregulasie (2), kan die Minister, slegs in buitengewone omstandighede, 'n vrystelling verleen van enige vereiste in die regulasies voorgeskryf, indien—

(a) 'n voorgeskrewe vereiste nie, hetsy ten volle of gedeeltelik, nagekom kan word nie; of

(b) 'n voorgeskrewe vereiste is onvanpas, of gebeure het plaasgevind wat sodanige vereiste in 'n spesifieke geval onnodig maak.

(2) 'n Vrystelling waarna in subregulasie (1) verwys word, kan slegs verleen word indien—

(a) 'n aanvaarbare vlak van veiligheid geneem is wat net so effektief of meer effektief is as die voorgeskrewe vereiste; of

(b) die toestaan van 'n vrystelling sal nie ernstige risiko's vir lugvaartveiligheid, sekuriteit en omgewing inhou nie.".

(c) die vervanging van regulasie 11.04.2 van die volgende regulasie:

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"11.04.2(1) 'n Aansoek om 'n vrystelling moet in die toepaslike vorm by die **[Direkteur]** Minister gerig word en sal—

(a) die naam en adres van **[die]** 'n aansoeker vermeld;

(b) die vereistes waarvan vrystelling versoek word, vermeld;

(c) die belange van **[die]** 'n aansoeker in die versoekte vrystelling verduidelik, insluitend die aard en omvang van die vrystelling wat versoek is en 'n beskrywing van elke persoon of ding wat deur die vrystelling gedek moet word;

(d) enige inligting bevat, insluitend inligting oor die buitengewone omstandighede, sienings, of argumente wat **[die]** sodanige aansoek ondersteun;

(e) enige ander inligting wat 'n aansoeker glo nodig is om 'n aansoek te ondersteun asook die mate waarin 'n vrystelling, indien toegestaan, lugvaartveiligheid, sekuriteit en omgewing kan beïnvloed; en

(f) 'n opsomming van die aansoek insluit welke **[opsomming]** 'n verwysing sal bevat na **[die]** 'n vereiste waarvan vrystelling versoek word, en 'n kort beskrywing van die algemene aard van die vrystelling wat versoek word.

(2) 'n Aansoek om 'n vrystelling waarna in **[subregulasie 1]** subregulasie (1) verwys word, moet vergesel word van die toepaslike fooi **[voorgeskryf in]** soos voorgeskryf in Deel 187 en sal—

(a) ten minste **[30]** 60 dae, of so 'n korter tydperk as wat die **[Direkteur]** Minister mag toelaat op grond van goeie redes, ingedien word voor die voorgestelde effektiewe datum van **[die]** 'n vrystelling **[.]**; en

(b) binne **[15]** 30 werksdae vanaf die datum van indiening daarvan [verstrek], verwerk word tensy die omstandighede van **[die]** 'n vrystelling anders bepaal.

(3) In die geval waar 'n aansoek om vrystelling nie verwerk kan word binne die tydperke waarna in **[subregulasie 2]** subregulasie (2) verwys word, moet die

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[Direkteur] Minister die aansoeker in kennis stel **[en]** en, in die geval van 'n dringende **[vrystellings]** vrystelling, die toepaslike fooi aanpas.".

(d) die vervanging van regulasie 11.04.3 van die volgende regulasie:

"11.04.3 Die Minister kan 'n aansoek om vrystelling toestaan of weier, na—

(a) oorweging van die aanbeveling van die Kommissaris;

(b) 'n aansoeker die geleentheid gebied is om skriftelike vertoë te rig.".

(e) die vervanging van regulasie 11.04.4 van die volgende regulasie:

"11.04.4 (1) Die Minister kan 'n vrystelling verleen onder sodanige voorwaardes en vir sodanige tydperk wat die Minister mag bepaal, welke tydperk nie 180 dae mag oorskry nie.

(2) 'n Besluit om nie 'n aansoek om vrystelling goed te keur nie, moet van skriftelike redes vergesel word.

(3) Die **[Direkteur]** Kommissaris **[sal]** binne 3 werksdae vanaf die datum **[vanaf enige vrystelling van 'n nie-administratiewe aard, sodanige aard waarop die Direkteur besluit het]** 'n vrystelling toegestaan is, die **[volledige]** besonderhede **[daarvan]** van sodanige vrystelling op die Owerheid se webwerf.".

(f) die vervanging van regulasie 11.04.5 van die volgende regulasie:

"11.04.5 (1) Die Minister kan 'n verlenging van 'n vrystelling toestaan by aansoek om sodanige verlenging op 'n soortgelyke wyse as voorgeskryf in regulasie 11.04.2.

(2) Die **[Direkteur]** Minister kan 'n verlenging van 'n vrystelling toestaan onder sodanige voorwaardes en vir sodanige tydperk wat die **[Direkteur]** Minister mag bepaal, welke tydperk **[wat]** nie 180 dae mag oorskry nie.

(3) 'n Aansoek om **[die]** verlenging van 'n vrystelling moet vergesel word van die gelde wat in Deel 187 voorgeskryf word.

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(4) Die bepalings van regulasies 11.04.2 tot 11.04.4 is van toepassing met die nodige veranderinge met betrekking tot die oorweging van 'n aansoek om verlenging van 'n vrystelling **[gemeld in subregulasie (1)]**.".

(g) deur die volgende Subdeel na Subdeel 6 in te voeg:

"SUBDEEL 7: FOOIEKOMITEE

11.07.1 Instelling van Fooiekomitee

11.07.2 Samestelling van Fooiekomitee

11.07.3 Aanwysing van Voorsitter van Fooiekomitee

11.07.4 Vergaderings van Fooiekomitee

11.07.5 Fooie-subkomitee

11.07.6 Vergoeding van lede

11.07.7 Administrasie

11.07.8 Aanbevelings aan Minister

SUBDEEL 7 FOOIEKOMITEE

Instelling van Fooiekomitee

11.07.1(1) Die Kommissaris stel 'n Fooiekomitee in om—

(a) oor heffings, fooie en heffings wat deur die Owerheid gehef moet word, te adviseer; en

(b) aanbevelings aan die Minister te maak oor voorstelle met betrekking tot—

(i) instelling van enige regulasie met betrekking tot tariewe, fooie en heffings;

(ii) wysiging of terugtrekking van enige regulasie met betrekking tot tariewe, fooie en heffings; en

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(iii) enige ander fooie wat deur die Owerheid gehef of gehef mag word met betrekking tot burgerlugvaartbedryf of -aktiwiteit.

Samestelling van Fooiekomitee

11.07.2 (1) Die lede van die Fooiekomitee sal bestaan uit—

(a) 'n persoon aangewys deur die Kommissaris as die Voorsitter van die Fooiekomitee;

(b) die Voorsitter van die Komitee oor Burgerlugvaartregulasies;

(c) die Voorsitter van elke Subkomitee ingestel deur die Komitee vir Burgerlugvaartregulasies ingevolge Deel 11 van die regulasies; en

(d) sodanige ander persone deur daardie belanghebbendes aangestel en deur die Kommissaris erken word, wat verteenwoordiging van die volgende sal insluit—

(i) die algemene lugvaart-, ontspanningslugvaart- en kommersiële lugvaartbedryf;

(ii) die Lugverkeer- en Navigasiedienste Maatskappy Beperk beoog in artikel 2 van die Wet op Lugverkeer en Navigasiedienste Maatskappye, 1993 (Wet Nr. 45 van 1993);

(iii) die Suid-Afrikaanse Polisiediens;

(iv) die Suid-Afrikaanse Nasionale Weermag;

(v) die Lughawensmaatskappy Suid-Afrika SOC Bpk soos gestig ingevolge die Lughawensmaatskappywet, 1993 (Wet Nr. 44 van 1993) soos gewysig;

(vi) die Departement;

(vii) die Suid-Afrikaanse Weerdiens;

(viii) Departement van Finansies;

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(xi) die Grensbestuursowerheid beoog in artikel 4 van die Wet op Grensbestuursowerheid, 2020 (Wet Nr. 2 van 2020); en

(x) enige ander belanghebbende soos deur die Kommissaris bepaal.

(2) Behoudens die bepalings in hierdie Subdeel, sal die Fooiekomitee, in die uitvoering van sy werksaamhede, voldoen aan die prosedures soos voorgeskryf in Dokument SA-CATS 11.

Aanwysing van Voorsitter van Fooiekomitee

11.07.3 (1) Die Kommissaris sal 'n persoon aanwys as 'n Voorsitter van die Fooiekomitee vir 'n termyn deur die Kommissaris bepaal.

Vergaderings van Fooiekomitee

11.07.4 (1) Die Fooiekomitee sal sy vergaderings op 'n ad hoc-basis hou en op sodanige tye en plekke wat van tyd tot tyd deur die Voorsitter van die Fooiekomitee bepaal word.

(2) Die Voorsitter van die Fooiekomitee, en in sy of haar afwesigheid, 'n lid wat uit die teenwoordige lede gekies is, sal 'n vergadering van die Fooiekomitee voorsit.

(3) Die prosedures wat by vergaderings van die Fooiekomitee gevolg moet word, word in Dokument SA-CATS 11 voorgeskryf.

(4) Die Fooiekomitee moet notules van elke vergadering laat hou en sodanige notules moet by die kantore van die Kommissaris gestoor word.

(5) Nieteenstaande die bepalings van subregulasie (1), kan die Voorsitter van die Fooiekomitee te eniger tyd 'n buitengewone vergadering belê in omstandighede wat hy of sy nodig ag of ag in die openbare belang te wees.

Fooie-subkomitee

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11.07.5 (1) Die Fooiekomitee kan 'n Fooie-subkomitee instel vir doeltreffende uitvoering van sy funksies.

(2) Die lidmaatskap van die Fooie-subkomitee wat ingevolge subregulasie (1) ingestel is, is onbeperk.

(3) Die Voorsitter van die Fooiekomitee sal 'n Voorsitter van die Fooie-subkomitee aanstel.

(4) Behoudens die bepalings van hierdie Subdeel, moet die Fooie-subkomitee voldoen aan prosedures wat deur die Fooiekomitee bepaal word in die uitvoering van sy werksaamhede.

Vergoeding van lede

11.07.6 'n Lid van die Fooiekomitee of sy Subkomitee waarna in hierdie Subdeel verwys word, sal geen vergoeding of toelae van die Owerheid ontvang nie of enige staatsinstelling ten opsigte van die funksies wat as lid van die Fooiekomitee of sy Subkomitee verrig word.

Administrasie

11.07.7 Administratiewe werk en sekretariële werk, in verband met die verrigting van die funksies van die Fooiekomitee en sy Subkomitee sal uitgevoer word deur werknemers van die Owerheid wat vir daardie doel aangewys is.

Aanbevelings aan Minister

11.07.8 (1) 'n Voorstel wat deur die Fooiekomitee aangeneem is, moet voorgelê word, in oorleg met die Kommissaris, aan die Minister vir goedkeuring.”.

Wysiging van Deel 12 van die Regulasies

4. Deel 12 van die regulasies word hiermee vervang deur die volgende Deel:

“DEEL 12: ONGEVAL- EN VOORVALONDERSOEK

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RANGSKIKKING VAN REGULASIES

SUBDEEL 1: ALGEMEEN

12.01.1 Toepaslikheid

12.01.2 Instel van Ondersoek

12.01.3 Instel van ondersoek na 'n ongeluk of ernstige voorval in die grondgebied van nie-kontrakterende staat of buite grondgebied van die Staat

12.01.4 Onafhanklikheid van ongeluk- en voorvalondersoek

SUBDEEL 2: OORDRAG, AANWYSING EN AANSTELLING

12.02.1 Delegering van liggaam of instelling

12.02.2 Aanwysing van ondersoeker-in-beheer

12.02.3 Aanwysing van ondersoeker

12.02.4 Aanwysing van *pro-tem*-ondersoeker

12.02.5 Aanwysing en aanvaarding van geakkrediteerde verteenwoordiger

12.02.6 Aanstelling van adviseur

12.02.7 Aanstelling van kundiges

12.02.8 Bevoegdhede van ondersoeker

SUBDEEL 3: KENNISGEWINGSPROSEDURES VAN LUGVAARTUIG-ONGELUK EN -VOORVAL

12.03.1 Kennisgewing van lugvaartuigongeluk en voorval in Republiek

12.03.2 Kennisgewing van lugvaartuigongeluk en voorval buite Republiek

12.03.3 Kennisgewing deur ASIB aan ander State

12.03.4 Besonderhede van kennisgewing

12.03.5 Tipes en bepaling van ernstige voorval

12.03.6 Riglyne vir die bepaling van lugvaartuigskade

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12.03.7 Ontvangs van kennisgewing

SUBDEEL 4: ONDERSOEK VAN LUGVAARTUIGONGELUK OF -VOORVAL

12.04.1 Doelwit

12.04.2 Ongeluk of voorval-ondersoekprosedures

12.04.3 Doeltreffende gebruik van vlugopnemer en grondgebaseerde opnemers

12.04.4 Koördinering – Geregterlike owerhede

12.04.5 Inlig van wetstoepassingsowerhede

12.04.6 Lykskouingsondersoek

12.04.7 Mediese ondersoek

12.04.8 Beskerming van ongeluk- en voorvalondersoekrekords

12.04.9 Openbaarmaking of gebruik van inligting in kriminele, siviele, administratiewe of dissiplinêre verrigtinge

12.04.10 Riglyne vir vlugopnemer-uitlees en ontleding

12.04.11 Samewerking met ander State

12.04.12 IIC-verslagdoening

SUBDEEL 5: ONGELUKSTONEEL

12.05.1 Bewaking van lugvaartuig wat in ongeluk betrokke is

12.05.2 Toegang tot ongelukstoneel

12.05.3 Beheer van bewyse

12.05.4 Inmenging met voorwerpe en merke op ongelukstoneel

12.05.5 Verwydering van beskadigde of onbruikbare lugvaartuie

12.05.6 Bewaring van voorwerpe vir doeleindes van ondersoek of ondervraging

SUBDEEL 6: RAPPORTERING EN HEROPENING VAN ONDERSOEK

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12.06.1 Voorlopige verslag

12.06.2 Konsep- Finale Verslag

12.06.3 Verslag oor Bevindinge

12.06.4 Finale Verslag

12.06.5 Heropening van ondersoek

12.06.6 Voorlegging van nuwe en beduidende bewyse oor geslote ondersoek

SUBDEEL 7: ONGELUKSVOORKOMINGSMAATREËLS

12.07.1 Vestiging van vertroulike lugvaartgevaaraanmeldingstelsel

12.07.2 Kennisgewing van gevaar

12.07.3 Databasis en voorkomende optredes

12.07.4 Veiligheidsaanbevelings

12.07.5 Optredes oor veiligheidsaanbevelings

SUBDEEL 1: ALGEMEEN

Toepaslikheid

12.01.1 (1) Hierdie Deel is van toepassing—

(a) ten opsigte van lugvaartuigongeluk en voorval binne en oor—

(i) die Republiek;

(ii) enige plek wat onder die Republiek se lugverkeerdiens en bestuur is; en

(iii) enige ander plek, waar—

(aa) die Republiek versoek word om 'n lugvaartuigongeluk of -voorval ingevolge die Konvensie te ondersoek; of

(bb) 'n lugvaartuigongeluk en -voorval 'n lugvaartuig behels ten opsigte waarvan, of wat bedryf word deur 'n persoon aan wie 'n Suid-

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Afrikaanse lugvaartmagtiging, lugvaartsertifikaat, of enige lugvaartgoedkeuringsdokument uitgereik is;

(b) ten opsigte van lugvaartuigongeluk of -voorval waarna in artikel 12 (4) van die Wet verwys word;

(c) ten opsigte van enige ander lugvaartverwante ongeluk- of voorvalondersoek soos deur die ASIB goedgekeur kan word;

(d) ten opsigte van prosedure met betrekking tot die rapportering en ondersoek van 'n lugvaartuigongeluk en voorval waarby 'n lugvaartuig betrokke is.

(2) Die toepassing van hierdie Deel ten opsigte van lugvaartuigongeluk en -voorval waarna in artikel 12(4) van die Wet verwys word, is onderhewig aan beperkings in die belang van nasionale veiligheid soos voorsien in die Verdedigingswet, 2002 (Wet Nr. 42 van 2002)).

(3) In hierdie Deel is die spesifikasies aangaande 'n Staat van 'n Operateur slegs van toepassing wanneer—

(a) 'n lugvaartuig verhuur, gehuur of omgeruil word en wanneer daardie Staat nie 'n Staat van Registrasie is nie; en

(b) 'n Staat van Operateur vervul, ten opsigte van hierdie Deel, gedeeltelik of in die geheel, die funksies en verpligtinge van 'n Staat van Registrasie.

Ondersoek instel

12.01.2 (1) Die ASIB sal 'n ondersoek instel na omstandighede van 'n ongeluk of 'n ernstige voorval waarby 'n lugvaartuig met 'n MCM van meer as 2,250 kg betrokke is.

(2) Die ASIB sal 'n ondersoek instel na 'n ongeluk van 'n lugvaartuig met 'n MCM van 2,250 kg.

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(3) Die ASIB kan 'n ondersoek instel na 'n ongeluk van 'n lugvaartuig wat minder as 2 250 kg is, tensy dit in die belang van nasionale veiligheid is of wanneer dit lugwaardigheidskwessies geïdentifiseer het.

(4) Nieteenstaande die bepaling van subregulasies (1) en (2), kan die ASIB by die Minister aanbeveel om die hele of enige deel van 'n ondersoek aan 'n ander Staat of 'n streeksongeluk- en voorvalondersoekorganisasie te delegeer.

(5) Die ASIB sal, waar die Minister die hele of enige deel van 'n ondersoek gedelegeer het, soos bepaal in subregulasie (3), die vereiste ondersteuning tydens die ondersoekproses verskaf.

(6) Die ASIB kan 'n Staat van Voorkoms versoek om 'n ondersoek van 'n lugvaartuigongeluk of ernstige voorval aan die Republiek te delegeer, waar sodanige Staat besluit om nie ondersoek in te stel nie en die Republiek 'n Staat van Registrasie, Staat van 'n Operateur, Staat van Ontwerp of Staat is van Vervaardiging.

(7) Indien 'n Staat van Voorkoms versuim om binne 30 dae te reageer op 'n versoek wat in subregulasie (5) beoog word, sal die ASIB 'n ondersoek instel deur gebruik te maak van sodanige inligting as wat beskikbaar is.

(8) Wanneer die ASIB die hele ondersoek na 'n ander Staat of 'n streeks-ongeluk- en voorvalondersoekorganisasie gedelegeer het, is die gedelegeerde Staat verantwoordelik vir die uitvoer van die ondersoek, insluitend die uitreiking van die Finale Verslag en die ADREP-verslagdoening.

(9) Wanneer die ASIB 'n deel van 'n ondersoek na 'n ander Staat of 'n streeksongeluk- en voorvalondersoekorganisasie gedelegeer het, behou die ASIB die verantwoordelikheid vir die uitvoering van die ondersoek, insluitend die uitreiking van die Finale Verslag en die ADREP-verslagdoening.

(10) In die geval van 'n ongeluk of voorval waarby 'n RPAS betrokke is, kan die ASIB dit oorweeg om 'n ondersoek in te stel en uit te voer indien 'n lugvaartuig —

(a) gesertifiseer is in ooreenstemming met Deel 21; en

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(b) voldoen aan die ICAO-bylae 8 met betrekking tot lugwaardigheid van lugvaartuie; of

(c) onder 'n operateursmagtiging bedryf word in ooreenstemming met Deel 21.

(11) Die bepalings van die Wrak- en Bergingswet, 1996 (Wet Nr. 94 van 1996) met betrekking tot wrak en redding van lewe of eiendom en met die plig om bystand aan skepe in nood te verleen, is van toepassing op lugvaartuie in nood.

(12) Indien die Republiek 'n Staat van Voorkoms is, sal die ASIB op versoek 'n uitnodigingsbrief aan 'n Staat van Registrasie, Staat van 'n Operator, Staat van Ontwerp of Vervaardiging uitreik om toegang van enige geakkrediteerde verteenwoordiger, enige adviseur, en toerusting te vergemaklik soos nodig vir die doeleindes van deelname aan 'n lugvaartuigongelukondersoek.

(13) Die ASIB kan, by ontvangs van die kennisgewing of versoek van 'n Staat wat 'n lugvaartuigongelukondersoek doen, 'n geakkrediteerde verteenwoordiger, adviseur of deskundige aanstel.

(14) Waar die oorsaak en bydraende faktore van 'n lugvaartuigongeluk of -voorval aan die ASIB bekend is, kan die ASIB kies om nie 'n ondersoek na so 'n lugvaartuigongeluk of ernstige voorval in te stel nie.

Instel van ondersoek na 'n ongeluk of ernstige voorval in die grondgebied van nie-kontrakterende Staat of buite grondgebied van die Staat

12.01.3 (1) Die ASIB kan, waar die Republiek die Staat van Registrasie, Staat van Operateur, Staat van Ontwerp, of Staat van Vervaardiging, en na goedkeuring van die Minister, 'n ondersoek in samewerking met 'n Staat van Voorkoms doen indien 'n lugvaartuigongeluk of ernstige voorval plaasgevind het in die gebied van 'n nie-kontrakterende Staat wat nie van voorneme is om 'n ondersoek te doen nie.

(2) Indien 'n Staat van Voorkoms versuim om saam te werk soos beoog in subregulasie (1), kan die ASIB 'n ondersoek doen met sodanige inligting, soos beskikbaar.

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(3) Die ASIB sal, indien die Republiek die Staat van Registrasie is, na oorleg met die Minister, 'n ondersoek instel en doen van 'n lugvaartuigongeluk of ernstige voorval wat plaasvind op 'n plek wat nie op die grondgebied van enige Staat is nie.

(4) Die ASIB sal, waar die toneel van 'n lugvaartuigongeluk in internasionale waters die naaste aan die Republiek is, na oorleg met die Minister en op versoek deur 'n Staat van Registrasie, die bystand verleen as wat die Republiek daartoe in staat is.

(5) Die ASIB kan die Minister aanbeveel om 'n Staat van Registrasie te versoek om 'n ondersoek aan die Republiek te delegeer indien—

(a) 'n ligging van 'n lugvaartuigongeluk of ernstige voorval nie vasgestel kan word as in 'n gebied van enige Staat nie;

(b) 'n Staat van Registrasie versuim om 'n ondersoek in te stel en uit te voer; en

(c) die Republiek is 'n Staat van Operateur, Staat van Ontwerp, of Staat van Vervaardiging.

(6) Indien 'n Staat van Registrasie nie binne 30 dae reageer op 'n versoek waarna in subregulasie (5) verwys word nie, moet die ASIB, na oorleg met die Minister, die ondersoek doen met sodanige ondersoekinligting, soos beskikbaar.

(7) Die ASIB sal, waar die Republiek die Staat van Operateur, Staat van Ontwerp, of Staat van Vervaardiging is, 'n ondersoek doen, indien 'n Staat van Registrasie 'n nie-kontrakterende Staat is wat nie van voorneme is om 'n lugvaartuigongeluk te ondersoek nie of ernstige voorval wat plaasgevind het op 'n plek wat nie 'n gebied van enige Staat is nie,

(8) Die ASIB sal, wanneer dit 'n ondersoek van 'n ongeluk of voorval ingestel het, in die geval waar die Republiek die Staat van Registrasie is, nie later nie as 24 uur 'n e-poskennisgewing, ooreenkomstig hierdie Deel, aanstuur na die volgende:

(a) 'n Staat van Operateur;

(b) 'n Staat van Ontwerp;

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(c) 'n Staat van Vervaardiging; en

(d) ICAO, wanneer 'n betrokke lugvaartuig 'n MCM van meer as 2 250 kg het of 'n turbojet-aangedrewe lugvaartuig is.

Onafhanklikheid van ongeluk-en-voorvalondersoek

12.01.4 (1) Die ASIB sal onafhanklikheid en onbeperkte gesag hê om ondersoek ingevolge hierdie Deel uit te voer.

(2) 'n Lugvaartuigongeluk- of voorvalondersoek ingevolge subregulasie (1) sal insluit—

(a) insameling, optekening en ontleding van beskikbare inligting oor die ongeluk of voorvaltoneel;

(b) verspreiding van feitelike inligting betyds en soos toepaslik aan die publiek; en

(c) uitreiking van 'n finale verslag wat moontlike oorsaak van 'n ongeluk of voorval, bydraende faktore, en waar nodig, veiligheidsaanbevelings kan bevat.

(3) Die ASIB of 'n ondersoeker wat deur die ASIB aangewys is, sal sonder versuim onbeperkte toegang tot beskikbare bewysmateriaal verleen word.

(4) Die ASIB sal samewerking met die geregtelike owerhede verseker sodat 'n ondersoek nie deur 'n administratiewe of geregtelike ondersoek of prosedure belemmer word nie.

(5) Waar moontlik, moet die ASIB of ondersoeker wat deur die ASIB aangewys is—

(a) die toneel van 'n ongeluk besoek;

(b) 'n wrak ondersoek; en

(c) verklarings van getuies neem .

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(6) Die ASIB sal, afhangende van die lesse vir die verbetering van lugvaartveiligheid wat na verwagting uit 'n lugvaartuigongeluk- of voorval-ondersoek verkry sal word, die omvang van 'n ondersoek en die prosedure wat gevolg moet word om so 'n ondersoek uit te voer, bepaal.

(7) Die ASIB sal verseker dat–

(a) 'n ondersoek wat ooreenkomstig die bepalings van hierdie Deel uitgevoer word, afsonderlik staan van enige geregtelike of administratiewe prosedure wat van voorneme is om skuld of aanspreeklikheid toe te deel; en

(b) koördinasie ingevolge hierdie Deel tussen die twee prosesse bewerkstellig word en die insameling van feitelike inligting met behoorlike oorweging onderneem word.

(8) Die ASIB sal beleid en prosedure ontwikkel wat ongeluk- en voorval-ondersoekpligte uiteensit wat bestaan uit organisasie, beplanning, ondersoek en verslagdoening van lugvaartuigongelukke en -voorvalle.

SUBDEEL 2: DELEGERING, AANWYSING EN AANSTELLING

Delegering van liggaam of instelling

12.02.1 (1) Die ASIB kan magte aan 'n liggaam of instelling delegeer om—

(a) lugvaartveiligheid te bevorder of om die risiko van lugvaartongelukke en -voorvalle te verminder;

(b) 'n lugvaartuigongeluk of -voorval te ondersoek waarin so 'n liggaam of instelling die kundigheid, vaardighede en kennis het om 'n ondersoek uit te voer wat die ASIB nie ondersoek nie; en

(c) aan die ASIB feite wat verband hou met hoe 'n lugvaartuig tot 'n ongeluk of voorval gelei het, te rapporteer.

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(2) Die delegering van magte waarna in subregulasie (1) verwys word, moet skriftelik gemaak word en deur die ASIB in die Staatskoerant gepubliseer word binne 30 dae vanaf die datum van aanwysing wat die publiek in kennis stel.

(3) 'n Liggaam of instelling wat ingevolge subregulasie (1) gedelegeer is, moet—

(a) bevoegdhede en pligte uitoefen in ooreenstemming met voorwaardes, reëls, vereistes, prosedures of standaarde soos voorgeskryf in Dokument SA-CATS 12; en

(b) feitelike inligting met betrekking tot 'n lugvaartuigongeluk of -voorval wat ondersoek is, aan ASIB voorlê met die doel om die ontleding, bevindinge en aanbevelings te bepaal.

Aanwysing van ondersoeker-in-beheer

12.02.2 (1) Die ASIB sal 'n IIC aanwys om 'n lugvaartuigongeluk of -voorval te ondersoek.

(2) Die ASIB sal 'n IIC uitreik met 'n aanwysingsbrief wat die volle name van 'n IIC aandui en 'n verklaring wat aandui dat sodanige IIC—

(a) ingevolge subregulasie (1) aangewys is; en

(b) by magte is om enige mag uit te oefen wat ingevolge hierdie Deel aan hom of haar toevertrou is.

(3) Die voorwaardes, vereistes, reëls, prosedures en standaarde wat verband hou met 'n aanwysing van IIC waarna in subregulasie (1) verwys word, is soos voorgeskryf in Dokument SA-CATS 12.

(4) 'n IIC aangewys ingevolge subregulasie (1) sal, behoudens die bepalings van hierdie Deel, magtiging hê—

(a) om onbeperkte toegang tot 'n wrak en relevante materiaal te verkry, insluitend vlugopnemers en ATS-rekords;

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(b) tot onbeperkte beheer oor 'n wrak met die doel om 'n gedetailleerde ondersoek, sonder versuim, deur enige persoon uit te voer;

(c) in die geval van RPAS, onbeperkte toegang te verkry tot RPAS, die vereiste C2-skakel, en enige ander komponent soos gespesifiseer in die tipe-ontwerp, insluitend opnames en dokumente;

(d) om 'n lugvaartuig of wrak van 'n lugvaartuig wat by 'n ongeluk of voorval betrokke was, te bewaar en te ondersoek, asook enige merke as gevolg van so 'n ongeluk of voorval wat van hulp kan wees in 'n ondersoek, insluitend fotografiese middele;

(e) om ’n lugvaartuig, wrak of wrak, en enige deel of komponent van ’n lugvaartuig of enigiets wat in so ’n vliegtuig vervoer word, te verwyder vir—

(i) die doel van 'n ondersoek; of

(ii) 'n ondersoek deur 'n Kommissie van Ondersoek wat ingevolge artikel 69 van die Wet aangestel is;

(f) om 'n vereiste verslag in verband met 'n lugvaartuigongeluk of voorvalondersoek saam te stel;

(g) om toegang te verkry, sonder enige beperking, tot dokumente, boeke, notas, foto's, opnames en transkripsies wat 'n IIC nodig mag ag vir 'n ondersoek, welke dokumente, boeke, notas, foto's, opnames en transkripsies, sonder versuim, op versoek verskaf sal word; en

(h) inligting van enige persoon te verkry wat nodig mag wees vir die uitvoer van 'n ondersoek.

(5) 'n IIC wat ingevolge subregulasie (1) aangewys is, sal nie—

(i) 'n dokument of verslag publiseer of vrystel, tensy sodanige verslag of dokument reeds gepubliseer of vrygestel is deur ASIB of 'n Staat wat 'n ondersoek doen; en

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(ii) 'n konsepverslag of enige deel daarvan en enige dokumente wat verkry is tydens 'n ondersoek van 'n lugvaartuigongeluk of voorval sirkuleer, publiseer, of toegang daartoe verleen nie sonder die uitdruklike skriftelike toestemming van ASIB of 'n Staat wat sodanige ondersoek gedoen het.

Aanwysing van ondersoeker

12.02.3 (1) Die ASIB kan 'n ondersoeker aanwys vir die doel om 'n IIC by te staan in 'n ondersoek van 'n lugvaartuigongeluk of -voorval.

(2) 'n Ondersoeker waarna in subregulasie (1) verwys word, kan magte uitoefen wat ingevolge hierdie Deel aan 'n IIC verleen is welke magte deur 'n IIC aan sodanige ondersoeker opgedra word.

(3) Die voorwaardes en vereistes vir en die reëls, prosedures en standaarde wat verband hou met die aanwysing waarna in subregulasie (1) verwys word, is soos voorgeskryf in Dokument SA-CATS 12.

(4) Die ASIB sal aan 'n ondersoeker wat aldus aangewys is 'n aanwysingsbrief uitreik wat die volle name van 'n ondersoeker moet vermeld en 'n verklaring bevat wat aandui dat sodanige ondersoeker—

(a) ingevolge subregulasie (1) aangewys is; en

(b) gemagtig is om mag uit te oefen wat ingevolge hierdie Deel aan hom of haar toevertrou is.

(5) 'n Ondersoeker wat ingevolge subregulasie (1) aangewys is, mag nie—

(a) 'n dokument of verslag publiseer of vrystel nie, tensy sodanige verslag of dokument reeds gepubliseer of vrygestel is deur ASIB of 'n Staat wat 'n ondersoek doen;

(b) 'n konsepverslag of enige deel daarvan, en enige dokumente wat verkry is tydens 'n ondersoek van 'n lugvaartuigongeluk of voorval sirkuleer, publiseer, of toegang daartoe verleen nie sonder die uitdruklike skriftelike toestemming van ASIB of 'n Staat wat sodanige ondersoek gedoen het,

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Aanwysing van *pro tem*-ondersoeker

12.02.4 (1) Die ASIB kan 'n *pro tem*-ondersoeker aanwys vir die doeleindes om 'n IIC by te staan tydens die aanvanklike verslagdoeningsfases van 'n ondersoek na 'n lugvaartuigongeluk of -voorval.

(2) Die ASIB sal, aan 'n *pro tem*-ondersoeker wat aldus aangewys is, 'n aanwysingsbrief uitreik wat die volle name van 'n *pro tem*-ondersoeker moet vermeld en 'n verklaring bevat wat aandui dat 'n *pro tem*-ondersoeker—

(a) ingevolge subregulasie (1) aangewys is; en

(b) gemagtig is om magte uit te oefen wat ingevolge hierdie Deel aan hom of haar toevertrou is.

(3) 'n *pro tem*-ondersoeker mag magte uitoefen wat ingevolge hierdie Deel aan 'n IIC verleen is.

(4) 'n *Pro tem*-ondersoeker moet so gou doenlik, na die aankoms van 'n IIC of ondersoeker op die toneel van 'n lugvaartuigongeluk of -voorval, verslag lewer oor sy of haar aanvanklike ondersoek aan sodanige IIC of ondersoeker.

(5) Die voorwaardes, vereistes, reëls, prosedures en standaarde wat verband hou met 'n aanwysing waarna in subregulasie (1) verwys word, is soos voorgeskryf in Dokument SA-CATS 12.

(6) 'n *Pro tem*-ondersoeker wat ingevolge subregulasie (1) aangewys is, sal nie—

(a) 'n dokument of verslag publiseer of vrystel nie, tensy sodanige verslag of dokument reeds gepubliseer of vrygestel is deur ASIB of 'n Staat wat 'n ondersoek doen;

(b) 'n konsepverslag of enige deel daarvan en enige dokument wat verkry is tydens 'n ondersoek van 'n lugvaartuigongeluk of -voorval sirkuleer, publiseer, of toegang daartoe verleen nie, sonder die uitdruklike skriftelike toestemming van ASIB of 'n staat wat sodanige ondersoek gedoen het,

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Aanwysing en aanvaarding van geakkrediteerde verteenwoordiger

12.02.5 (1) Die ASIB kan—

(a) 'n geakkrediteerde verteenwoordiger aanwys vir die doeleindes om 'n ander Staat by te staan in 'n ondersoek van 'n lugvaartuigongeluk of -voorval waarby 'n Suid-Afrikaans geregistreerde lugvaatuig betrokke is, 'n persoon uitgereik met 'n Suid-Afrikaanse lugvaartsertifikaat, -goedkeuring of -lisensie, of 'n Suid-Afrikaanse burger, wat in 'n gebied van 'n ander Staat plaasgevind het;

(b) akkreditasie aanvaar van 'n verteenwoordiger van 'n Staat van Registrasie, Staat van Operateur, Staat van Ontwerp, Staat van Vervaardiging of 'n Staat wat inligting, fasiliteite of kundiges aan 'n ondersoek verskaf met die doel om deel te neem aan die ondersoek van 'n lugvaartuigongeluk of -voorval in die grondgebied van die Republiek; en

(c) enige van die volgende State versoek om 'n geakkrediteerde verteenwoordiger aan te stel om deel te neem aan 'n lugvaartuigongeluk- of voorval-ondersoek wat in die Republiek uitgevoer word:

(i) 'n Staat wat 'n operasionele basis vir veldondersoek verskaf,

(ii) 'n Staat wat by soek en redding betrokke is;

(iii) 'n Staat wat betrokke was by wrakherwinningsbedrywighede, of

(iv) 'n Staat wat betrokke was as 'n Staat van 'n kodedeel- of alliansie-vennoot van 'n lugdiensoperateur.

(2) Die voorwaardes, vereistes, reëls, prosedures en standaarde wat verband hou met 'n aanwysing of aanvaarding van aanwysing waarna in hierdie Subdeel verwys word, is soos voorgeskryf in Dokument SA-CATS 12.

(3) 'n Geakkrediteerde verteenwoordiger aangewys ingevolge subregulasie (1), kan deelneem aan 'n ondersoek van 'n lugvaartuigongeluk of -voorval onder beheer van 'n IIC wat ingevolge hierdie Deel aangewys is.

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(4) ’n Geakkrediteerde verteenwoordiger aangewys ingevolge subregulasie (1) kan onder beheer van ’n IIC—

(a) 'n ongelukstoneel besoek;

(b) 'n wrak ondersoek;

(c) getuie-inligting bekom en areas van ondervraging voorstel;

(d) toegang tot relevante bewyse hê;

(e) afskrifte van relevante dokumente, boeke, notas, foto's, opnames en transkripsies ontvang;

(f) deelneem aan uitlees van opgeneemde media;

(g) deelneem aan ondersoeke van komponente, tegniese inligtingsessies, toetse en simulasies en ander ondersoekende aktiwiteite;

(h) deelneem aan beraadslagings oor die ontleding, bevindings, oorsaak of oorsake, en veiligheidsaanbevelings; en

(i) voorleggings maak ten opsigte van verskeie elemente van 'n ondersoek.

(5) Die ASIB sal aan 'n geakkrediteerde verteenwoordiger 'n aanwysingsbrief uitreik wat die volle name van 'n geakkrediteerde verteenwoordiger moet vermeld en 'n verklaring bevat wat aandui dat sodanige geakkrediteerde verteenwoordiger—

(a) ingevolge subregulasie (1) aangewys is; en

(b) gemagtig is om magte uit te oefen wat ingevolge hierdie Deel aan hom of haar toevertrou is.

(6) ’n Geakkrediteerde verteenwoordiger wat ingevolge subregulasie (1) aangewys is, sal nie—

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(a) 'n dokument of verslag publiseer of vrystel nie tensy sodanige verslag of dokument reeds gepubliseer of vrygestel is deur ASIB of 'n Staat wat 'n ondersoek doen; en

(b) 'n konsepverslag of enige deel daarvan en enige dokument wat verkry is tydens 'n ondersoek van 'n lugvaartuigongeluk of voorval, sirkuleer, publiseer, of toegang verleen daartoe sonder die uitdruklike skriftelike toestemming van ASIB of 'n Staat wat sodanige ondersoek gedoen het.

Aanstelling van adviseur

12.02.6 (1) Die ASIB kan—

(a) 'n adviseur van 'n vervaardiger, diensverskaffer of operateur aanstel om 'n geakkrediteerde verteenwoordiger by te staan in 'n ondersoek van 'n lugvaartuigongeluk of -voorval wat deur 'n ander Staat uitgevoer is; en

(b) 'n adviseur van 'n Staat van Registrasie, Staat van Operateur, Staat van Ontwerp, of Staat van Vervaardiging aanvaar, met die doel om 'n geakkrediteerde verteenwoordiger by te staan in 'n ondersoek van 'n lugvaartuigongeluk of -voorval wat deur die ASIB uitgevoer word.

(2) Die ASIB sal 'n aanstellingsbrief aan 'n adviseur uitreik wat die volle naam van 'n adviseur bevat en 'n verklaring bevat wat aandui dat 'n adviseur—

(a) ingevolge subregulasie (1) aangestel is; en

(b) gemagtig is om magte uit te oefen wat ingevolge hierdie Deel aan hom of haar toevertrou is.

(3) ’n Adviseur wat ingevolge subregulasie (1) aangestel is, mag nie—

(a) 'n dokument of verslag publiseer of vrystel nie, tensy sodanige verslag of dokument reeds gepubliseer of vrygestel is deur ASIB of 'n Staat wat 'n ondersoek doen; en

(b) 'n konsepverslag of enige deel daarvan, en enige dokumente wat verkry is tydens 'n ondersoek van 'n lugvaartuigongeluk of -voorval, sirkuleer,

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publiseer, of toegang daartoe verleen nie sonder die uitdruklike skriftelike toestemming van ASIB of 'n Staat wat sodanige ondersoek gedoen het,

(4) Die voorwaardes, vereistes, reëls, prosedures en standaarde wat verband hou met 'n benaming waarna in hierdie Subdeel verwys word, is soos voorgeskryf in Dokument SA-CATS 12.

Aanstelling van deskundige

12.02.7 (1) Die ASIB kan 'n deskundige aanstel om aan 'n ondersoek deel te neem waar 'n burger van die Republiek noodlottig beseer word of ernstige besering opgedoen het in 'n lugvaartuigongeluk of -voorval waarby 'n buitelandse geregistreerde lugvaartuig in die grondgebied van 'n ander Staat betrokke is.

(2) Die ASIB sal 'n Staat van Voorkoms in kennis stel van sy voorneme om 'n deskundige aan te stel om aan 'n lugvaartuigongeluk- of voorvalondersoek deel te neem.

(3) Die ASIB kan 'n aanstelling van 'n deskundige aanvaar om aan 'n ondersoek deel te neem van enige Staat wie se burgers noodlottig beseer is of ernstige beserings opgedoen het in 'n lugvaartuigongeluk of -voorval wat in die gebied van die Republiek plaasgevind het.

(4) Die ASIB kan een of meer kundiges aanwys vir die doel om 'n IIC by te staan in 'n ondersoek van 'n lugvaartuigongeluk of -voorval.

(5) ’n Deskundige waarna in subregulasie (1) en (3) verwys word, kan, onder beheer van ’n IIC—

(a) 'n lugvaartuigongeluk of voorvaltoneel besoek;

(b) toegang hê tot relevante feitelike inligting;

(c) deelneem aan die identifikasie van slagoffers van lugvaartuigongeluk of voorval;

(d) help met onderhoude met oorlewende passasiers wat burgers van sodanige deskundige se Staat is; en

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(e) 'n afskrif van 'n finale lugvaartuigongeluk- of voorvalverslag ontvang.

(6) ’n Deskundige waarna in subregulasie (4) verwys word, kan, onder beheer van ’n IIC—

(a) 'n lugvaartuigongeluk of voorvaltoneel besoek;

(b) 'n wrak van 'n lugvaartuig ondersoek wat in 'n ongeluk betrokke is;

(c) getuie-inligting bekom en areas van ondervraging voorstel;

(d) toegang tot relevante bewyse hê;

(e) afskrifte van relevante dokumente, boeke, notas, foto's, opnames en transkripsies ontvang;

(f) deelneem aan uitlees van opgeneemde media;

(g) deelneem aan ondersoeke van komponente, tegniese inligtingsessies, toets en simulasie, en ander ondersoekende aktiwiteite;

(h) deelneem aan beraadslagings oor die ontleding, bevindings, oorsake en veiligheidsaanbevelings; en

(i) voorlegging maak ten opsigte van verskeie elemente van 'n ondersoek.

(7) Die ASIB sal 'n aanstellingsbrief aan 'n deskundige uitreik wat die volle name van 'n deskundige moet vermeld en 'n verklaring bevat wat aandui dat sodanige deskundige—

(a) ingevolge subregulasie (1) aangestel is; en

(b) gemagtig is om magte uit te oefen wat ingevolge hierdie Deel aan hom of haar toevertrou is.

(8) 'n Deskundige wat ingevolge hierdie subdeel aangestel is, mag nie—

(a) 'n dokument of verslag publiseer of vrystel tensy sodanige verslag of dokument reeds gepubliseer of vrygestel is deur ASIB of 'n Staat wat 'n ondersoek doen; en

(b) 'n konsepverslag of enige deel daarvan, en enige dokumente wat verkry is tydens 'n ondersoek van 'n lugvaartuigongeluk of voorval, sirkuleer,

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publiseer, of toegang daartoe verleen nie sonder die uitdruklike skriftelike toestemming van ASIB of 'n Staat wat sodanige ondersoek gedoen het.

(9) Die voorwaardes, vereistes, reëls, prosedures en standaarde wat verband hou met 'n aanstelling of aanvaarding van 'n deskundige waarna in hierdie Subdeel verwys word, is soos voorgeskryf in Dokument SA-CATS 12.

Magte van ondersoeker

12.02.8 (1) Benewens enige ander mag verleen aan of plig wat ingevolge hierdie Deel op 'n ondersoeker opgelê word, kan 'n ondersoeker—

(a) enige perseel betree met die doel om 'n lugvaartuig, lugvaartuigfabriek, vliegveld, burgerlugvaartverwante fasiliteit, lugvaartuigkomponent, lugvaartuigtoerusting, lisensie, sertifikaat, permit, goedkeuring, magtiging, register, boek of dokument te ondersoek wat hy of sy glo op sodanige perseel is, en beslag lê op enige sodanige items wat hy of sy redelikerwys glo sal help met 'n lugvaartuigongeluk- en voorvalondersoekproses;

(b) by die Kommissaris die gronding van 'n lugvaartuig aanbeveel wat hy of sy redelikerwys glo onveilig, nie behoorlik geregistreer of nie lugwaardig is nie;

(c) vereis dat 'n vlieënier van 'n lugvaartuig sy of haar naam en adres en enige ander besonderhede rakende sy of haar identiteit verskaf;

(d) vereis dat enige persoon op 'n vliegveld of in 'n lugvaartuig, lugvaartuigfabriek of burgerlugvaartverwante fasiliteit—

(i) sy of haar naam en adres en enige ander besonderhede rakende sy of haar identiteit verstrek; en

(ii) inligting verskaf wat tot sy of haar beskikking is oor die identiteit van 'n vlieënier of eienaar van 'n lugvaartuig, of 'n eienaar van 'n vliegveld, lugvaartuigfabriek of burgerlugvaartverwante fasiliteit;

(iii) vereis dat 'n eienaar of operateur van 'n lugvaartuig enige tyd, of gedurende enige spesifieke tydperk, sodanige inligting verskaf wat

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nodig mag wees rakende die identiteit van 'n vlieënier van 'n lugvaartuig;

(iv) 'n lugvaartuig, of enige deel, komponent, of toerusting van sodanige lugvaartuig, inspekteer of ondersoek met die doel om vas te stel of die bepalings van die regulasies of 'n tegniese standaard nagekom word;

(v) die massa van 'n lugvaartuig met of sonder vrag vasstel;

(vi) 'n beroep op enige persoon doen wat deur die wet vereis word om 'n houer van 'n lisensie, sertifikaat, permit, goedkeuring, magtiging of logboek te wees om dit binne 'n redelike tyd wat deur 'n IIC of Ondersoeker bepaal word, vir inspeksie of ondersoek voor te lê; en

(vii) 'n beroep op 'n eienaar, operateur of PIC van 'n lugvaartuig doen om enige lisensie, sertifikaat, handleiding, logboek of ander dokument wat met 'n lugvaartuig of bemanning verband hou, te vervaardig of te laat vervaardig vir inspeksie of ondersoek voor te lê.

(2) 'n Ondersoeker kan, indien op redelike gronde geglo word dat 'n lugvaartuig bedoel is of waarskynlik gevlieg word onder omstandighede wat 'n oortreding van die regulasies behels, of waarskynlik gevaar vir persone in 'n lugvaartuig of vir persone of eiendom op die grond sal veroorsaak—

(a) veroorsaak dat 'n vlug vertraag word; of

(b) sodanige stappe neem wat hy of sy nodig ag met die doel om omstandighede vas te stel wat 'n ondersoek of inspeksie van sodanige lugvaartuig kan veroorsaak.

(3) ’n Lugvaartuig vertraag, ingevolge subregulasie (2), sal nie bedryf word nie totdat die Kommissaris daarvan oortuig is dat—

(a) 'n bedryf aan die regulasies sal voldoen; en

(b) sodanige vlug geen gevaar vir enige persoon of eiendom sal inhou nie.

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SUBDEEL 3: KENNISGEWINGSPROSEDURES VAN LUGVAARTUIG-ONGELUK EN -VOORVAL

Kennisgewing van lugvaartuigongeluk en -voorval in die Republiek

12.03.1 (1) 'n PIC van 'n lugvaartuig wat by 'n ongeluk of voorval in die Republiek betrokke is, sal 'n primêre verantwoordelikheid hê om die ASIB, 'n ATSU of die naaste polisiestasie so gou as moontlik en binne 24 uur vanaf die tyd van 'n luvaartuigongeluk of -voorval van so 'n ongeluk of voorval in kennis te stel. .

(2) Indien die PIC van 'n lugvaartuig betrokke by 'n ongeluk of voorval binne die Republiek oorlede of onbevoeg is, moet vlugbemanningslede die ASIB, ATSU of die polisiestasie in kennis stel, so gou moontlik en ten minste binne 24 uur vanaf die tydstip van 'n vluvaartuigongeluk of voorval.

(3) Indien vlugbemanningslede van 'n luvaartuig betrokke by 'n ongeluk of voorval binne die Republiek oorlede of onbevoeg is, moet 'n lugdiensoperateur of eienaar van sodanige luvaartuig die ASIB, ATSU of die naaste polisiestasie in kennis stel, so gou moontlik en ten minste binne 24 uur vanaf die tyd van 'n luvaartuigongeluk of -voorval.

(4) Indien 'n ATSU of polisiestasie in kennis gestel word van 'n luvaartuigongeluk of -voorval ingevolge hierdie regulasie, sal sodanige ATSU of polisiestasie die ASIB onmiddellik in kennis stel.

(5) Waar die ASIB kennisgewing ingevolge hierdie regulasie ontvang, moet die ASIB—

(a) die owerhede van 'n Staat van 'n Operateur in kennis stel; en

(b) waar so 'n ongeluk op 'n vliegveld plaasgevind het, 'n vliegveldbestuurder in kennis stel.

(6) 'n ATS-personeel wat 'n ATS-voorval in die Republiek aanskou het, moet so gou moontlik 'n ATSU in kennis stel.

(7) 'n ATSU wat ingevolge subregulasie (6) in kennis gestel is, sal die ASIB onmiddellik in 'n toepaslike vorm in kennis stel.

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Kennisgewing van luvaartuigongeluk en -voorval buite die Republiek

12.03.2 (1) Indien 'n lugvaartuig by 'n ongeluk of voorval buite die Republiek betrokke is en die Republiek is die Staat van Registrasie, sal 'n PIC van so 'n lugvaartuig primêre verantwoordelikheid hê om die ASIB, 'n ATSU of 'n toepaslike owerheid in 'n Staat van Voorkoms, so gou as moontlik vanaf die tyd van 'n lugvaartuigongeluk of -voorval daarvan in kennis stel.

(2) Indien 'n lugvaartuig by 'n ongeluk of voorval buite die Republiek betrokke is en die Republiek is die Staat van Registrasie en 'n PIC is oorlede of onbevoeg, moet die vlugbemanningslede so gou moontlik vanaf die tyd van 'n lugvaartuigongeluk of -voorval die ASIB, 'n ATSU, of 'n toepaslike owerheid in 'n Staat van Voorkoms daarvan in kennis stel.

(3) Indien 'n lugvaartuig by 'n ongeluk of voorval buite die Republiek betrokke is en die Republiek is die Staat van Registrasie en die bemanningslede is oorlede of onbevoeg, moet 'n lugdiensoperateur of eienaar van 'n lugvaartuig so gou moontlik vanaf die tyd van 'n lugvaartuigongeluk of -voorval, die ASIB, ATSU of 'n toepaslike owerheid in 'n Staat van Voorkoms daarvan in kennis stel.

Kennisgewing deur ASIB aan ander State

12.03.3 (1) Die ASIB sal die volgende State in kennis stel van 'n lugvaartuig-ongeluk of -voorval binne 24 uur na ontvangs van inligting van so 'n ongeluk of voorval, waar ASIB van voorneme is om ondersoek in te stel, deur die mees geskikte en vinnigste manier beskikbaar of per e-pos:

(a) 'n Registrasiestaat;

(b) 'n Staat van Operateur;

(c) 'n Staat van Ontwerp;

(d) 'n Staat van Vervaardiging; en

(e) ICAO, as 'n ongeluk of voorval 'n lugvaartuig van MCM van meer as 2 250 kg behels of 'n turbojet-aangedrewe lugvaartuig is.

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(2) Indien die Republiek nie 'n Staat van Voorkoms is nie, sal die ASIB 'n Staat van Ontwerp, 'n Staat van Vervaardiging en 'n Staat van Voorkoms in kennis stel van sodanige lugvaartuigongeluk of -voorval waar–

(a) 'n Staat van Voorkoms nie bewus is van 'n lugvaartuigongeluk of -voorval nie; en

(b) die Republiek is 'n Staat van Registrasie of 'n Staat van Operateur.

Besonderhede van kennisgewing

12.03.4 (1) 'n Kennisgewing beoog in regulasie 12.03.3 sal die volgende inligting bevat soos geredelik beskikbaar is:

(a) 'n identifiserende afkorting soos volg:

(i) ACCID vir ongeluk

(ii) SINCID vir ernstige voorval; en

(iii) INCID vir ‘n voorval;

(b) vervaardiger, model, nasionaliteit, registrasiemerke en reeksnommer van 'n betrokke lugvaartuig;

(c) naam van eienaar, lugdiensoperateur, of huurder van 'n lugvaartuig, soos van toepassing;

(d) kwalifikasie van 'n PIC;

(e) datum en tyd, wat plaaslike tyd of UTC sal wees, van 'n lugvaartuigongeluk of -voorval;

(f) laaste punt van vertrek en punt van beoogde landing van 'n lugvaartuig;

(g) posisie van 'n lugvaartuig met verwysing na maklik gedefinieerde geografiese punt, breedtegraad en lengtegraad;

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(h) getal en nasionaliteit van bemanningslede, passasiers en ander wat aan boord van lugvaartuie gedood of ernstig beseer is;

(i) beskrywing van 'n ongeluk of voorval en die omvang van skade aan 'n lugvaartuig sover bekend;

(j) aanduiding van die mate waarin 'n ondersoek uitgevoer sal word of voorgestel word om deur 'n Staat van Voorval gedelegeer te word;

(k) fisiese kenmerke van 'n ongeluk- of voorvalgebied, sowel as 'n aanduiding van enige toegangsprobleme of spesiale vereistes om die terrein te bereik;

(l) identifikasie van 'n oorspronklike owerheid en maniere om 'n IIC en 'n ongelukondersoekowerheid van 'n Staat van Voorkoms te enige tyd te kontak; en

(m) beskrywing van enige gevaarlike goedere aan boord van lugvaartuie.

(2) Die vrystelling van inligting gelys in subregulasie (1) sal nie vertraag word as gevolg van die onvolledigheid daarvan nie.

(3) Die ASIB sal so gou moontlik die besonderhede wat nie in 'n aanvanklike kennisgewing ingesluit is nie, tesame met bekende relevante inligting vrystel.

Tipes en bepaling van ernstige voorval

12.03.5 (1) 'n Ernstige voorval waarna in hierdie Deel verwys word, sluit in, maar is nie beperk nie tot—

(a) 'n amperse botsing wat 'n vermydingsmaneuver vereis om 'n botsing of 'n onveilige situasie te vermy of wanneer 'n vermydingsaksie gepas sou gewees het;

(b) 'n botsing wat nie as 'n ongeluk geklassifiseer is nie;

(c) 'n beheerde vlug na terrein wat slegs marginaal vermy word;

(d) 'n geaborteerde opstyging op 'n geslote of besette aanloopbaan, rybaan of aanloopbaan wat nie toegewys is nie;

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(e) 'n opstyging vanaf 'n geslote of besette aanloopbaan, rybaan of aanloopbaan wat nie toegewys is nie;

(f) 'n landing of poging tot landing op 'n geslote of besette aanloopbaan, op 'n rybaan, aanloopbaan wat nie toegewys is nie, of 'n onbedoelde landingsplek soos ‘n pad;

(g) 'n terugtrekking van 'n landingsonderstel of 'n landing waartydens die wiele opgetrek is wat nie as 'n ongeluk geklassifiseer is nie;

(h) die sleep, tydens landing, van 'n vlerkpunt, enjinkap, of enige ander deel van 'n lugvaartuig wat nie as 'n ongeluk geklassifiseer word nie;

(i) 'n growwe versuim om voorspelde werksverrigting tydens opstyging of aanvanklike klim te behaal;

(j) brand of rook in 'n stuurkajuit, passasierskompartement, vragkompartement of motor, selfs al is sodanige brand geblus;

(k) 'n gebeurtenis wat 'n noodgebruik van suurstof deur vlugbemanningslede vereis;

(l) 'n strukturele mislukking van ‘n lugvaartuig of motordisintegrasie, insluitend onbeperkte turbinemotor-mislukking nie geklassifiseer as 'n ongeluk nie;

(m) 'n veelvuldige wanfunksie van een of meer lugvaartuigstelsels wat die werking van 'n lugvaartuig ernstig beïnvloed;

(n) 'n ongeskiktheid van ‘n vlugbemanningslid tydens vlug onder die volgende omstandighede:

(i) waar 'n lugvaartuig deur 'n enkele vlieënier bedryf word;

(ii) waar 'n lugvaartuig oor afstand beheer word deur 'n enigste vlieënier; of

(iii) in die geval van multi-vlieënierbedrywighede, waar 'n lugvaartuig-veiligheid in gevaar gestel is as gevolg van ‘n aansienlike toename in werkslading vir die oorblywende bemanning;

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(o) 'n brandstofhoeveelheidsvlak of verspreidingsituasie wat 'n noodverklaring vereis, soos onvoldoende brandstof, brandstofuitputting, brandstofverhonge-ring, of onvermoë om alle bruikbare brandstof aan boord te gebruik;

(p) 'n aanloopbaan-instroming geklassifiseer as erns "A", soos voorgeskryf in Dokument SA-CATS 12;

(q) 'n opstygings- of landingsvoorval soos tekortskatting, oorskiet of van die kant van 'n aanloopbaan afry;

(r) 'n stelselonderbreking wat verlies van krag of stukrag, weerverskynsels, werking buite goedgekeurde vlugomhulsel, of ander gebeurtenis insluit wat probleme veroorsaak het of kon veroorsaak het om 'n lugvaartuig te beheer;

(s) 'n mislukking van meer as een stelsel in 'n oortolligheidstelsel wat verpligtend is vir vliegleiding en navigasie;

(t) 'n onbedoelde of, as 'n noodmaatreël, opsetlike vrystelling van 'n buitevrag of enige ander vrag wat buite 'n lugvaartuig gedra word; en

(u) 'n voorval waar by evaluering geen geloofwaardige verweer geïdentifiseer is in die vorm van hindernisse wat die hoë waarskynlikheid van 'n ongeluk sou versag nie.

(2) Om te bepaal watter voorval 'n ernstige voorval is, is 'n gebeurtenis-risiko-gebaseerde analise wat die mees geloofwaardige scenario in ag neem waar die voorval geëskaleer het, en die doeltreffendheid van die oorblywende verdediging tussen so 'n voorval en 'n potensiële ongeluk, soos voorgeskryf in Dokument SA- CATS 12.

Riglyne vir die bepaling van lugvaartuigskade

12.03.6 Die omvang van skade aan 'n lugvaartuig sal bepaal word soos voorgeskryf in Dokumente SA-CATS 12.

Ontvangs van kennisgewing

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12.03.7 (1) Indien die ASIB kennisgewing van 'n Staat van Voorkoms ontvang, sal ASIB —

(a) ontvangs van kennisgewing skriftelik erken;

(b) waar die Republiek 'n Staat van Registrasie, Staat van Operateur, Staat van Ontwerp of Staat van vervaardiging is, so gou as moontlik beskikbare toepaslike inligting aangaande 'n lugvaartuig en vlugbemanningslede aan 'n Staat van Voorkoms verskaf; en

(c) 'n Staat van Voorkoms in kennis stel indien dit van voorneme is om 'n geakkrediteerde verteenwoordiger, adviseur of deskundige aan te stel om deel te neem aan 'n betrokke lugvaartuigongeluk of voorvalondersoek.

(2) 'n Kennisgewing waarna in subregulasie (1) verwys word, sal die name, kontakbesonderhede en die verwagte datum van aankoms van so 'n geakkrediteerde verteenwoordiger, adviseur of deskundige insluit.

(3) Die ASIB sal, waar die Republiek die Staat van Registrasie, Staat van Operateur, Staat van Ontwerp of Staat van vervaardiging is, 'n geakkrediteerde verteenwoordiger aanstel wanneer versoek deur 'n Staat wat 'n ondersoek doen van 'n ongeluk of voorval waarby 'n lugvaartuig met 'n MCM van meer as 2 250 kg betrokke is.

(4) By ontvangs van enige kennisgewing van 'n lugvaarliegtuigongeluk of -voorval ingevolge hierdie subdeel, sal die ASIB, waar die Republiek 'n Staat van Operateur is, besonderhede van enige gevaarlike goedere aan boord van sodanige lugvaartuig aan 'n Staat van Voorkoms per e-pos verskaf binne 24 uur .

SUBDEEL 4: ONDERSOEK VAN LUGVAARTUIGONGELUK OF -VOORVAL

Doelwit

12.04.1 Die enigste doelwit van die ondersoek van 'n lugvaartuigongeluk of -voorval is die voorkoming van ongelukke en voorvalle en nie om skuld of aanspreeklikheid toe te deel nie.

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Ongeluk- of voorvalondersoekprosedures

12.04.2 (1) 'n Lugvaartuigongeluk- of voorvalondersoek ingevolge hierdie Deel moet deur 'n IIC uitgevoer word.

(2) 'n Voorval, anders as 'n ernstige voorval, kan na goeddunke van ASIB ondersoek word.

(3) ’n Lugvaartuigongeluk- of voorvalondersoek moet uitgevoer word in ooreenstemming met die vereistes, reëls, prosedures en standaarde soos voorgeskryf in Dokument SA-CATS 12.

(4) 'n Persoon wat deur 'n IIC vereis word om bystand te verleen of om inligting te verskaf wat 'n IIC nodig ag vir 'n ondersoek van 'n lugvaartuigongeluk of -voorval, moet sodanige bystand verleen of inligting verskaf, soos deur 'n IIC versoek.

Doeltreffende gebruik van vlugopnemer en grondgebaseerde opnemers

12.04.3 (1) 'n IIC sal die doeltreffende gebruik van vlugopnemer en grondgebaseerde opnames in 'n ondersoek van 'n ongeluk of voorval verseker.

(2) Die ASIB sal sonder versuim 'n fasiliteit reël vir 'n uitlees van vlugopnemers.

(3) In die geval dat die ASIB nie 'n toereikende fasiliteit het vir uitlees van vlugopnemer- of grondgebaseerde opnames nie, sal die Uitvoerende Verantwoordelike vir Lugvaartuigongelukke en Insident-ondersoek 'n fasiliteit beskikbaar stel aan die ASIB of aan ander State, met inagneming van die volgende:

(a) vermoëns van die uitleesfasiliteit;

(b) tydigheid van die uitlees; en

(c) ligging van die uitleesfasiliteit.

Koördinering – Regterlike owerhede

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12.04.4 (1) Waar die Republiek 'n Staat is wat 'n ondersoek doen, moet die ASIB—

(a) koördinasie met geregtelike owerhede verseker waar nodig;

(b) verseker dat bewyse soos die ondersoek en identifikasie van slagoffers en uitlees van vlugopnames beskikbaar gestel word in ooreenstemming met die toepaslike wette; en

(c) 'n ooreenkoms of 'n memorandum van verstandhouding met geregtelike owerhede in die Republiek aangaan om doeltreffende koördinering tydens 'n lugvaartuigongeluk of voorvalondersoek te verseker.

(2) Die ASIB sal toesig hou oor 'n vlugopname en kan 'n amptenaar van 'n geregtelike owerheid toelaat om sodanige opname na 'n plek van 'n uitlees te dra.

(3) Die ASIB sal–

(a) toesig van 'n wrak behou;

(b) 'n amptenaar van die regterlike owerheid toelaat om 'n wrak na 'n plek van ondersoek te vergesel; en

(c) teenwoordig wees by 'n ondersoek wanneer 'n wysiging van die toestand van 'n wrak aangebring word.

Inlig van wetstoepassingsowerhede

12.04.5 Indien dit tydens die verloop van 'n ondersoek bekend word of vermoed word dat 'n daad van onwettige inmenging betrokke is, sal 'n IIC verseker dat toepaslike wetstoepassingsowerhede op die vinnigste beskikbare manier ingelig word.

Lykskouingsondersoek

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12.04.6 'n IIC wat 'n ondersoek doen, sal so gou as moontlik reël vir 'n volledige lykskouingsondersoek deur 'n patoloog wat ondervinding het van ongelukondersoek in die geval van 'n sterfte aan boord van 'n lugvaartuig wat in 'n ongeluk betrokke is.

Mediese ondersoek

12.04.7 'n IIC sal, waar toepaslik, so gou as moontlik, reël vir mediese ondersoek van persone wat by 'n lugvaartuigvoorval betrokke is deur 'n geneesheer met ondervinding van ongeluksondersoek.

Beskerming van ongeluks- en voorvalondersoekrekords

12.04.8 (1) Die ASIB sal die volgende rekords aan enige bevoegde owerheid beskikbaar stel vir doeleindes van ongeluks- of voorvalondersoek:

(a) kajuitstemopname en lugbeeldopname en enige transkripsie van sodanige opname: en

(b) rekords in die bewaring of beheer van 'n ongeluksondersoekowerheid soos—

(i) verklarings geneem van persone deur 'n ondersoeker in die loop van 'n ondersoek;

(ii) kommunikasie tussen persone wat betrokke is by 'n bedryf van 'n lugvaartuig;

(iii) mediese of private inligting rakende persone betrokke in 'n ongeluk, ernstige voorval of voorval;

(iv) opnames en transkripsies van opnames van lugverkeerbeheereenhede;

(v) ontleding van en menings oor inligting, insluitend vlugopnemer-inligting, gemaak deur ondersoekers en geakkrediteerde verteenwoordigers, deskundiges of adviseurs met betrekking tot 'n lugvaartuigongeluk, ernstige voorval of voorval; en

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(vi) die konsep- Finale Verslag van 'n lugvaartuigongeluk-, ernstige voorval- of voorvalondersoek.

(2) Die ASIB kan, onderhewig aan hierdie Deel, die dokumente waarna in subregulasie (1) verwys word, toeganklik maak—

(a) nadat 'n bevoegde owerheid 'n bepaling gemaak het deur die administrasie van 'n balanseringstoets voorgeskryf in Dokument SA-CATS 12—

(b) in ooreenstemming met nasionale wette; en

(c) nadat vasgestel is dat die openbaarmaking of gebruik swaarder weeg as die waarskynlike nadelige plaaslike en internasionale impak op enige ondersoek.

(3) Die ASIB sal geregtig wees om te bepaal of rekords, behalwe rekords gelys in subregulasie (1) verkry of gegenereer tydens 'n lugvaartuigongeluk- of voorvalondersoek, op dieselfde wyse beskerm moet word as rekords gelys in subregulasie (1).

(4) Die ASIB sal verseker dat rekords waarna in subregulasie (1) verwys word, by die Finale Verslag of sy aanhangsels ingesluit word slegs wanneer dit van toepassing is op die ontleding van 'n lugvaartuigongeluk-, ernstige voorval- of voorvalondersoek.

(5) Die ASIB sal nie die name van die persone wat by 'n lugvaartuigongeluk of voorval betrokke is aan die publiek bekend maak nie.

(6) Die ASIB sal—

(a) versoeke vir rekords in sy bewaring of beheer aan die oorspronklike bron van die inligting rig;

(b) waar moontlik, afskrifte van rekords wat in die loop van 'n ondersoek verkry is, behou tot op 'n punt waar die Finale Verslag vrygestel word;

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(c) maatreëls tref om te verseker dat klank-inhoud van kajuitstemopnames, sowel as beeld- en klan-inhoud van lugbeeldopnames, nie aan die publiek bekend gemaak word nie; en

(d) verseker dat die konsep- Finale Verslag in sy besit nie aan die publiek bekend gemaak word nie.

Openbaarmaking of gebruik van inligting in kriminele, siviele, administratiewe of dissiplinêre verrigtinge

12.04.9 (1) Nieteenstaande die bepalings van regulasie 12.04.8, waar die ASIB 'n versoek ontvang vir openbaarmaking of gebruik van rekords gelys in regulasie 12.04.8 vir doeleindes van kriminele, siviele, administratiewe of dissiplinêre verrigtinge, die ASIB sodanige rekords kan openbaar of gebruik na—

(a) nakoming van die administrasie van 'n balanseringstoets uitgevoer deur 'n bevoegde owerheid soos voorgeskryf in Dokument SA-CATS 12; en

(b) oortuiging dat die openbaarmaking of gebruik nie nadelige plaaslike en internasionale gevolge sal hê vir 'n persoon of organisasie wat betrokke is by ‘n lugvaartuigongeluk en -voorval nie, wat kan veroorsaak dat hulle of ander huiwerig sal wees om in die toekoms met die ASIB saam te werk.

(2) 'n Bevoegde owerheid wat 'n balanseringstoets, beoog in subregulasie (1), uitvoer, moet redes aanteken vir die bereik van 'n beslissing na die administrasie van die balanseringstoets voorgeskryf in Dokument SA-CATS 12 en sodanige redes kan beskikbaar gestel word en as presedent gebruik word vir daaropvolgende besluite.

(3) Die ASIB mag 'n beslissing waarna in subregulasie (2) verwys word, by die ICAO indien om in 'n publieke databasis te argiveer.

Riglyne vir uitlees en ontleding van vlugopnemer

12.04.10 Die riglyne vir uitlees en ontleding van die vlugopnemer sal wees soos voorgeskryf in Dokument SA-CATS 12.

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Samewerking met ander State

12.04.11 (1) Die ASIB sal saamwerk met lugvaartuig-ongelukondersoek-owerhede van ander State om die beperkings op openbaarmaking of gebruik van inligting te bepaal voordat dit tussen die ASIB en sodanige ander ongelukondersoek-owerheid uitgeruil word vir doeleindes van 'n lugvaartuigongeluk- of voorval-ondersoek.

(2) Die ASIB sal, indien in besit van data beskikbaar vanaf 'n vlugopnemer van 'n lugvaartuig wat by 'n ongeluk of voorval betrokke is—

(a) sonder versuim, aan 'n Staat wat 'n ondersoek doen van sodanige data voorsien; en

(b) nie sulke data bekend maak sonder die uitdruklike toestemming van 'n Staat wat 'n ondersoek doen nie.

IIC-verslagdoening

12.04.12 (1) 'n IIC sal, na voltooiing van 'n ondersoek van 'n lugvaartuigongeluk of -voorval wat ingevolge hierdie subdeel uitgevoer is, 'n verslag by die ASIB indien.

SUBDEEL 5: ONGELUKSTONEEL

Bewaking van lugvaartuig wat in ongeluk betrokke was

12.05.1 (1) Indien 'n lugvaartuig by 'n ongeluk of voorval betrokke is en die Republiek is die Staat van Voorkoms, sal 'n PIC van so 'n lugvaartuig primêre verantwoordelikheid hê om 'n bevelvoerder op die toneel of 'n vliegveldbestuurder binne 24 uur vanaf die tyd van 'n lugvaartuigongeluk of -voorval in kennis stel.

(2) Indien 'n PIC van 'n lugvaartuig wat by 'n ongeluk of voorval betrokke is, dood of onbevoeg is en die Republiek is die Staat van Voorkoms, moet die

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bemanningslede van so 'n lugvaartuig 'n bevelvoerder op die toneel of vliegveld-bestuurder binne 24 uur vanaf die tyd van 'n vliegtuigongeluk of -voorval in kennis stel.

(3) Indien die bemanningslede van 'n lugvaartuig wat by 'n ongeluk of voorval betrokke is, oorlede of onbevoeg is en die Republiek die Staat van Voorkoms is, moet 'n lugdiensoperateur of eienaar van so 'n lugvaartuig 'n bevelvoerder op die toneel of vliegveldbestuurder binne 24 uur vanaf die tyd van 'n vliegtuigongeluk of -voorval in kennis stel.

(4) Waar 'n lugvaartuig by 'n ongeluk of voorval op 'n vliegveld betrokke is, moet 'n vliegveldbestuurder, ten einde verdere skade te voorkom, toegang deur ongemagtigde persone, diefstal en agteruitgang, —

(a) hangende die aankoms van 'n lid van die Suid-Afrikaanse Polisiediens, die nodige stappe te neem om enige inmenging met 'n lugvaartuig, wrak of wrakstukke en enigiets wat daarvandaan vervoer word of plekke waar merke as gevolg van 'n ongeluk voorkom, wat van hulp in 'n ondersoek kan wees, te voorkom; of

(b) met 'n lid van die Suid-Afrikaanse Polisiediens reël om 'n vliegtuig, wrak of wrakstukke en enigiets wat daarvandaan vervoer word of plekke waar merke as gevolg van 'n ongeluk voorkom wat van hulp kan wees in 'n ondersoek, te bewaak .

Toegang tot die ongelukstoneel

12.05.2 (1) ‘n Persoon, tensy anders bepaal deur 'n IIC, hierdie regulasies, of enige ander wet, mag nie toegang hê tot—

(a) 'n lugvaartuig wat in 'n ongeluk betrokke was; of

(b) 'n wrak of wrakstukke en enige merke as gevolg van 'n ongeluk wat van hulp kan wees in 'n ondersoek.

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(2) Nieteenstaande die bepalings van subregulasie (1), sal die volgende persone toegang hê tot 'n lugvaartuig of wrakstukke van 'n lugvaartuig wat in 'n ongeluk betrokke is:

(a) lid van reddingsdiens;

(b) 'n *pro tem*-ondersoeker;

(c) 'n ondersoeker;

(d) 'n geakkrediteerde verteenwoordiger;

(e) 'n adviseur;

(f) 'n lid van die Suid-Afrikaanse Polisiediens;

(g) bevelvoerder op die toneel; of

(h) enige ander persoon wat deur die ASIB gemagtig is.

(3) Toegang tot 'n lugvaartuig wat in 'n ongeluk betrokke was of tot 'n wrak of wrakstukke soos beoog in subregulasies (1) en (2), of tot 'n plek waar merke as gevolg van 'n ongeluk voorkom, moet onder die leiding en beheer van 'n IIC wees totdat 'n ondersoek afgehandel is.

Beheer van bewyse

12.05.3 'n Lugvaartuig, wrak of wrakstukke, enigiets wat daarvandaan vervoer word, en enige merke wat voortspruit uit 'n lugvaartuigongeluk wat van hulp kan wees in 'n ondersoek, sal onder die beheer van die ASIB bly totdat dit deur 'n IIC vrygestel word.

Inmenging met voorwerpe en merke op ongelukstoneel

12.05.4 (1) Behoudens die bepalings van hierdie Deel, mag 'n persoon nie inmeng nie met 'n lugvaartuig wat in 'n ongeluk betrokke was, wrak of wrakstukke, 'n deel

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of komponent daarvan, enigiets wat daarvandaan vervoer word, of enige merke wat voortspruit uit 'n ongeluk wat van hulp kan wees in 'n ondersoek tensy—

(a) gemagtig om dit te doen deur 'n IIC; en

(b) in die geval van 'n lugvaartuig wat ingevolge die Doeane- en Aksynswet, 1964 (Wet Nr. 91 van 1964) deur 'n doeanebeampte uitgeklaar moet word, sodanige klaring uitgereik is of toestemming verleen is deur 'n toepaslike owerheid.

(2) Die bepalings van subregulasie (1) sal nie enige optrede verhoed nie wat nodig is vir die—

(a) redding of bevryding van 'n persoon of dier uit 'n lugvaartuig of wrak;

(b) redelike beskerming van 'n lugvaartuig, wrak of wrakstukke teen vernietiging deur brand of ander oorsake;

(c) beveiliging deur 'n eienaar, lugdiensoperateur of Suid-Afrikaanse Polisiedienste, van enige edelmetale, juweliersware of waardevolle items;

(d) voorkoming van gevaar of verwydering van 'n obstruksie vir 'n vliegtuig, ander vervoermiddels of die publiek; en

(e) verwydering van 'n lugvaartuig, enige deel of komponent daarvan of enigiets wat daarvandaan vervoer word na 'n veilige plek, wanneer dit in water is of andersins bedreig word.

Verwydering van beskadigde of onbruikbare lugvaartuie

12.05.5 Onderhewig aan voorwaardes wat die ASIB mag bepaal, mag ASIB—

(a) enige persoon opdrag gee om 'n lugvaartuig wat beskadig of onbruikbaar is, te verskuif; of

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(b) enige deel van 'n lugvaartuig wat beskadig of onbruikbaar is, vrag of enigiets wat daarvandaan vervoer word, na 'n ander plek te verskuif vir die onkoste van 'n eienaar van 'n lugvaargtuig of 'n lugdiensoperateur.

Bewaring van voorwerpe vir doeleindes van ondersoek of naspeuring

12.05.6 (1) Enige item of wrak van 'n lugvaartuig wat by 'n ongeluk of voorval betrokke is, of enige deel of komponent daarvan, of enigiets wat daarvandaan vervoer word, kan deur 'n IIC gehou word totdat dit nie meer nodig is nie vir die doel van 'n ondersoek of 'n naspeuring deur 'n Kommissie van Ondersoek ingevolge artikel 69 van die Wet.

(2) ’n Item of wrak van ’n lugvaartuig wat by ’n ongeluk of voorval betrokke is, enige deel of komponent daarvan, of enigiets wat daarvoor vervoer word, wat nie meer ingevolge subregulasie (1) vereis word nie, moet weggegooi of vernietig word, tensy —

(a) by die afhandeling van 'n ondersoek of naspeuring die itemkomponent of deel daarvan aan 'n persoon met 'n besitreg daarvan terugbesorg word; en

(b) so 'n persoon die ASIB binne 60 dae na die datum van sodanige lugvaartuig-ongeluk of voorval skriftelik in kennis gestel het van sodanige reg van besit.

(3) Die ASIB sal bewaring van 'n lugvaartuig, inhoud of enige deel van 'n lugvaartuig vrystel sodra dit nie meer in 'n ondersoek vereis word nie, aan enige persoon of persone wat behoorlik deur 'n Registrasiestaat of 'n Staat van 'n Operator aangewys is.

(4) Waar die Republiek die Staat van Registrasie of Staat van Operateur is, sal die ASIB bewaring van 'n lugvaartuig, inhoud of enige deel van 'n lugvaartuig aan 'n lugdiensoperateur of geregistreerde eienaar van sodanige lugvaartuig vrystel sodra dit nie meer in 'n ondersoek vereis word nie.

SUBDEEL 6: RAPPORTERING EN HEROPENING VAN ONDERSOEK

Voorlopige verslag

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12.06.1 (1) Die ASIB sal binne 30 dae vanaf die datum van die voorkoms van 'n ongeluk of voorval 'n Voorlopige Verslag van 'n lugvaartuigongeluk- of -voorval-ondersoek uitreik.

(2) 'n Voorlopige Verslag, in die geval van 'n ondersoek waarby 'n lugvaartuig met 'n MCM groter as 2,250 kg betrokke is, moet aan die volgende State gestuur word:

(a) 'n Staat van Voorkoms;

(b) 'n Staat van Registrasie;

(c) 'n Staat van Operateur;

(d) 'n Staat van Ontwerp;

(e) 'n Staat van Vervaardiging;

(f) enige Staat wat toepaslike inligting, beduidende fasiliteit of kundiges in sodanige ondersoek verskaf het; en

(h) die ICAO.

(3) Die ASIB sal, waar 'n lugvaartuigongeluk of -voorval lugwaardigheid behels of sake wat geag word van belang vir ander State te wees en 'n ondersoek 'n lugvaartuig met 'n MCM van minder as 2,250 kg behels, 'n Voorlopige Verslag aan die volgende State stuur:

(a) 'n Staat van Registrasie of 'n Staat van Voorkoms, soos toepaslik;

(b) 'n Staat van Operateur;

(c) 'n Staat van Ontwerp;

(d) 'n Staat van Vervaardiging; en

(e) enige Staat wat toepaslike inligting, beduidende fasiliteit of 'n deskundige vir sodanige ondersoek verskaf het.

(4) 'n Voorlopige Verslag sal in Engels geskryf word en per e-pos gestuur word soos beoog in subregulasie (1), tensy 'n Ongeluk- of Voorvaldataverslag met betrekking tot sodanige ongeluk of voorval reeds gestuur is.

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(5) Wanneer 'n aangeleentheid wat veiligheid direk raak, betrokke is, moet 'n Voorlopige Verslag gestuur word sodra die inligting beskikbaar is en op die vinnigste manier beskikbaar.

(6) Die ASIB sal, vir 'n lugvaartuigongeluk of -voorval wat verhoogde openbare aandag trek, toepaslike feitelike inligting in die openbaar bekend maak wat die vordering van 'n ondersoek aandui binne die vroeë dae van 'n ondersoek met die doel om openbare belang aan te spreek.

Konsep- Finale Verslag

12.06.2 (1) Die ASIB sal so spoedig moontlik 'n afskrif van 'n konsep- Finale Verslag van 'n lugvaartuigongeluk of -voorvalondersoek aan die volgende State stuur en kommentaar op die verslag versoek:

(a) 'n Staat wat 'n ondersoek ingestel het;

(b) 'n Staat van Registrasie;

(c) 'n Staat van Operateur;

(d) 'n Staat van Ontwerp;

(e) 'n Staat van Vervaardiging; en

(f) enige Staat wat aan 'n ondersoek deelgeneem het.

(2) Die ASIB sal 'n ontvanger van 'n konsep- Finale Verslag, waarna in subregulasie (1) verwys word, in kennis stel dat —

(a) 'n verslag ingedien word vir doeleindes om kommentaar te lewer binne 'n tydperk van 30 dae vanaf die datum van oorsendingsbrief; en

(b) die deel van 'n verslag sonder 'n skriftelike toestemming verbode is.

(3) DieASIB mag die tydperk verleng waarna in subregulasie (2) verwys word, vir 'n verdere tydperk van 30 dae, indien so versoek deur 'n Staat wat genooi is om kommentaar te lewer.

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(4) Die ASIB kan, deur middel van 'n Staat van Operateur of Staat van Ontwerp, 'n afskrif van die konsep- Finale Verslag aan 'n lugdiensoperateur of 'n ontwerporganisasie stuur om hulle in staat te stel om kommentaar voor te lê op 'n konsep- Finale Verslag binne 'n tydperk van 15 dae van die oorsendingsbrief.

(5) ASIB mag nie 'n voorlegging van 'n lugdiensoperateur of 'n ontwerp-organisasie aanvaar wat nie deur hul Staat ingedien word nie.

(6) Die ASIB sal kommentaar wat op 'n konsep- Finale Verslag ontvang is, oorweeg en sodanige verslag wysig, soos nodig.

(7) Die ASIB sal, op versoek van 'n persoon wat kommentaar ingedien het, sodanige kommentaar wat nie redaksioneel is nie, wat nie geïnkorporeer is nie, by die Finale Verslag aanheg.

(8) Indien die ASIB nie kommentaar binne die voorgeskrewe tydperk ontvang nie, sal die ASIB die finale verslag uitreik.

Verslag oor bevindings

12.06.3 (1) Die ASIB sal 'n afskrif stuur van die konsepverslag oor sy bevindinge en enige veiligheidstekortkominge wat geïdentifiseer is—

(a) na ander State beoog in regulasie 12.06.2; en

(b) enige staatsdepartement of belangstellende persoon wat, na die mening van die ASIB, direkte belang by die bevindings van die ASIB het.

(2) Die ASIB sal 'n Staat beoog in regulasie 12.06.2 en enige staats-departement of belanghebbende persoon waarna in subregulasie (1) verwys word, 'n redelike geleentheid gee om vertoë aan die ASIB te rig met betrekking tot die konsepverslag, voordat die Finale Verslag uitgereik word.

(3) 'n Staat wat aan 'n lugvaartuigongeluk- en voorvalondersoek deelgeneem het, soos beoog in regulasie 12.06.2, sal 'n tydperk van tot 30 dae hê om vertoë te rig en daardie tydperk kan deur die ASIB verleng word na 60 dae na 'n versoek van enige sodanige Staat.

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(4) 'n Staatsdepartement of belanghebbende persoon waarna in subregulasie (1) verwys word, sal 'n tydperk van hoogstens 15 dae vanaf ontvangs van die konsepverslag hê om vertoë aan ASIB te rig.

(5) Die ASIB kan die tydperk aangedui in subregulasie (1) verleng tot hoogstens 30 dae wanneer deur 'n staatsdepartement of belanghebbende persoon versoek.

Finale Verslag

12.06.4 (1) In die belang van die voorkoming van lugvaartuigongelukke en -voorvalle, sal die ASIB die ondersoek afsluit en die Finale Verslag binne 12 maande na die voorkoms van lugvaartuigongeluk of -voorval openbaar beskikbaar stel.

(2) Indien 'n verslag nie binne 12 maande, soos beoog in subregulasie (1), openbaar beskikbaar gestel kan word nie, sal die ASIB 'n Tussentydse Verklaring openbaar beskikbaar maak op elke herdenking van 'n lugvaartuigongelukvoorval, waarin die vordering van 'n ondersoek en enige veiligheidskwessies uiteengesit word.

(3) Indien 'n Staat wat 'n ondersoek doen nie die finale verslag of 'n tussentydse verklaring binne 'n redelike tydraamwerk openbaar beskikbaar stel nie, sal die ASIB, indien hy aan 'n ondersoek deelgeneem het, geregtig wees om van 'n Staat wat 'n ondersoek doen, skriftelik toestemming te versoek om 'n verklaring vry te stel wat veiligheidskwessies bevat wat aangeroer is met sulke inligting beskikbaar.

(4) Indien 'n Staat wat 'n ondersoek doen, toestemming gee of nie binne 30 dae op so 'n versoek antwoord nie, sal die ASIB voortgaan om 'n tussentydse verklaring vry te stel na samewerking met ander State wat aan 'n ondersoek deelgeneem het.

(5) Wanneer die ASIB 'n ondersoek gedoen het na 'n lugvaartuigvoorval waarby 'n lugvaartuig met 'n MCM groter as 5 700 kg betrokke is en 'n Finale Verslag vrygestel het, sal die ASIB 'n afskrif van die Finale Verslag aan die ICAO stuur.

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(6) Die ASIB sal voorberei en aan die Minister, Parlement en die publiek beskikbaar stel—

(a) 'n verslag oor sy bevindinge;

(b) enige veiligheidstekortkominge wat geïdentifiseer is; en

(c) enige aanbevelings wat ASIB ag gepas te wees in die belang van lugvaartveiligheid.

Heropening van ondersoek

12.06.5 (1) Die ASIB sal 'n ondersoek heropen—

(a) wanneer, nadat 'n ondersoek gesluit is, nuwe en beduidende bewyse beskikbaar word;

(b) na die verkryging van toestemming van 'n Staat wat 'n aanvanklike ondersoek ingestel het; of

(c) wanneer 'n lugvaartuig wat na 'n amptelike soektog as vermis beskou is, daarna opgespoor word.

(2) Die ASIB sal die Minister inlig indien hy besluit het om 'n ondersoek na 'n lugvaartuigongeluk of -voorval te heropen.

Voorlegging van nuwe en beduidende bewyse oor geslote ondersoek

12.06.6 (1) 'n Persoon wat nuwe en beduidende bewyse het, moet sodanige nuwe bewyse by die ASIB indien vanaf die datum waarop sodanige inligting beskikbaar word.

(2) 'n Persoon waarna in subregulasie (1) verwys word, moet die voorlegging skriftelik aan die ASIB lewer met stawende bewyse aangeheg.

(3) Die ASIB sal binne 60 dae vanaf die datum van die indiening waarna in subregulasie (1) verwys word, 'n skriftelike antwoord lewer.

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(4) Die ASIB sal

(a) die voorlegging hersienop grond van dokumente en bewyse wat aan hom voorgelê is; of

(b) 'n persoon waarna in subregulasie (1) verwys word, en 'n IIC gelas om voor die ASIB te verskyn, hetsy in persoon of deur 'n verteenwoordiger, op 'n tyd en plek wat deur die ASIB bepaal word om getuienis af te lê.

(5) Na oorweging van die nuwe bewyse wat ingedien is, kan die ASIB 'n Finale Verslag bevestig, verander of tersyde stel.

(6) Die ASIB kan die hersiening van die Finale Verslag ingevolge hierdie regulasie uitstel indien die Minister die ASIB inlig dat die President die bepalings van artikel 69 van die Wet toegepas het of van voornemens is om dit toe te pas.

SUBDEEL 7: ONGELUK-VOORKOMINGSMAATREËLS

Vestiging van vertroulike lugvaartgevaar-aanmeldingstelsel

12.07.1 (1) Die ASIB en die liggaam of instansie waarna in regulasie 12.02.1 verwys word, sal elk 'n vertroulike lugvaartgevaar-aanmeldingstelsel daarstel om lugvaartveiligheid te bevorder of die risiko van lugvaartuigongelukke of -voorvalle te verminder.

(2) Die vereistes vir en die prosedures van 'n vertroulike lugvaartgevaar-aanmeldingstelsel en die wyse waarop sodanige stelsel bedryf moet word, is soos voorgeskryf in Dokument SA-CATS 12.

(3) 'n Persoon wat enige funksie ingevolge 'n vertroulike lugvaartgevaar-aanmeldingstelsel uitoefen, mag geen inligting wat in die uitvoering van sodanige funksie verkry word, openbaar maak nie.

Kennisgewing van gevaar

12.07.2 (1) 'n Persoon wat betrokke is by 'n lugvaartuigongeluk of -voorval, of wat enige ongeluk, voorval, gevaar of teenstrydigheid waarneem wat lugvaartveiligheid

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kan beïnvloed, kan die Uitvoerende Bestuur Verantwoordelik vir Ongeluk en Insident-ondersoek in kennis stel van sodanige ongeluk, voorval, gevaar of teenstrydigheid.

Databasis en voorkomende aksies

12.07.3 (1) Die ASIB sal 'n lugvaartuigongeluk- en -voorvaldatabasis daarstel en in stand hou om die doeltreffende ontleding van inligting oor werklike of potensiële veiligheidstekortkominge te fasiliteer en om enige voorkomende aksies wat vereis word, te bepaal.

(2) Die ASIB sal verseker dat owerhede verantwoordelik vir die implementering van die SSP toegang het tot 'n lugvaartuigongeluk- en voorvaldatabasis waarna in subregulasie (1) verwys word om lugvaartveiligheidsverantwoordelikhede te ondersteun.

Veiligheidsaanbevelings

12.07.4 (1) Die ASIB sal, in enige stadium van 'n ondersoek van 'n lugvaartuigongeluk of -voorval, in 'n gedateerde oordragkorrespondensie aan toepaslike owerhede, insluitend owerhede in ander State, enige voorkomende aksie aanbeveel wat dit nodig ag om onmiddellik geneem te word om lugvaartveiligheid te verbeter .

(2) Die ASIB sal presedente handhaaf van die uitreiking van veiligheidsaanbevelings van 'n lugvaartuigongeluk- of -voorvalondersoek wat in die Republiek plaasgevind het.

(3) Nieteenstaande die bepalings van subregulasie (2), sal 'n Staat wat aan 'n ondersoek deelneem, in die belang van lugvaartveiligheid, geregtig wees om veiligheidsaanbevelings uit te reik na koördinering met die ASIB.

(4) Die ASIB sal, wanneer toepaslik, enige veiligheidsaanbevelings wat uit sy ondersoek voortspruit, in 'n gedateerde oordragkorrespondensie aan–

(a) 'n ongeluksondersoekowerheid van 'n betrokke Staat; en

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(b) die ICAO, waar ICAO-dokumente tersaaklik tot 'n ondersoek betrokke is.

(5) Die ASIB sal verseker dat enige veiligheidsaanbeveling voortspruitend uit lugvaartuigongeluk- en -voorvalondersoek—

(a) voortspruit uit diverse bronne, insluitend 'n veiligheidstudie; en

(b) indien aan 'n organisasie in 'n ander Staat gerig, word dit aan daardie Staat se ongelukondersoekowerheid oorgedra.

(6) Die ASIB sal, wanneer 'n finale verslag uitgereik word met veiligheids-aanbevelings gerig aan ICAO en waar ICAO-dokumente wat verband hou met 'n ondersoek betrokke is, 'n brief insluit wat die spesifieke voorgestelde aksie uiteensit.

(7) Die ASIB sal, wanneer 'n SRGC uitgereik word, die ICAO in kennis stel van die uitreiking van daardie aanbeveling en antwoorde wat ontvang is in 'n gedateerde oordragkorrespondensie, selfs al is die SRGC nie aan ICAO gerig nie.

Optrede aangaande veiligheidsaanbevelings

12.07.5 (1) Die ASIB sal reageer op veiligheidsaanbevelings wat aan die Republiek uitgereik is binne 90 dae vanaf die datum van die oordragkorrespondensie, van die voorkomende optrede wat geneem is of oorweeg word, of die redes waarom stappe nie geneem sal word nie.

(2) Die ASIB sal, na ontvangs van 'n veiligheidsaanbeveling, prosedures implementeer om die vordering te monitor van 'n aksie wat geneem is in reaksie op daardie veiligheidsaanbeveling.".

Wysiging van Deel 61 van die Regulasie

5. Deel 61 van die regulasies word hiermee gewysig deur regulasie 61.01.10 deur die volgende regulasie te vervang:

"**Teoretiese-kennis-eksamen**

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61.01.10 (1) 'n Aansoeker om toelating tot 'n teoretiese-kennis-eksamen wat deur die Owerheid afgeneem word, moet—

(a) vir toelating tot 'n PPL-eksamen, óf 'n geldige SPL, NPL, CPL, óf ATPL hê;

(b) vir toegang tot 'n Beperkte Radiotelefonie-operateursertifikaat-eksamen, ten minste 'n geldige SPL of NPL besit;

(c) vir toelating tot 'n Naggradering-eksamen, 'n PPL of CPL hê;

(d) vir toelating tot 'n CPL-eksamen, 'n PPL, CPL of ATPL hê;

(e) vir toelating tot 'n instrumentgraderingseksamen, 'n PPL, CPL of ATPL hê;

(f) vir toelating tot 'n Algemene Radiotelefonie-operateursertifikaat-eksamen, 'n PPL hê;

(g) vir toegang tot enige aanvanklike Vlieginstrukteur-graderingseksamen, 'n geldige PPL met CPL-eksamenkrediete, 'n CPL of 'n ATPL hê;

(h) vir toegang tot 'n Turbine-instrukteur se endossement-eksamen, 'n CPL met 'n vlieginstrukteur-gradering hê; en

(i) vir toelating tot 'n ATPL-eksamen, 'n CPL hê.

(2) 'n Aansoeker om toelating tot 'n teoretiese-kennis-eksamen wat in besit is van 'n geldige vlieënierslisensie uitgereik deur 'n buitelandse lisensie-owerheid gelykstaande aan dié gespesifiseer in subregulasie (1), kan ingevolge hierdie Deel vir 'n teoretiese-kennis-eksamen aanvaar word.

(3) 'n Aansoeker om toelating tot 'n teoretiese-kennis-eksamen afgeneem ingevolge subregulasie (1), moet die dokumente soos voorgeskryf in Dokument SA-CATS 61 aan die Kommissaris voorlê.

(4) 'n Aansoeker om toelating tot 'n teoretiese-kennis-eksamen om te voldoen aan die vereistes van 'n geïntegreerde kursus wat ingevolge hierdie Deel goedgekeur is—

(a) sal in besit wees van 'n geldige ISPL; en

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(b) mag slegs 'n eksamen aanpak wat deel vorm van 'n spesifieke opleidings-kursusgoedkeuring van 'n ATO wat die geïntegreerde opleiding verskaf.

(5) Waar 'n aansoeker om toelating tot 'n teoretiese=kennis-eksamen vereis word om 'n eksamen te skryf om 'n lisensie in 'n ander kategorie te bekom, moet sodanige aansoeker 'n geldige PPL, CPL of ATPL besit.

(6) 'n Houer van 'n lisensie of gradering uitgereik ingevolge hierdie Deel, wie se handhawing van bevoegdheid met meer as 36 maande verval het en van wie vereis word om 'n eksamen te herskryf vir die hergeldig making van sodanige lisensie of gradering, kan toegang verkry tot die vereiste eksamen of eksamens deur aan die Owerheid voor te lê—

(a) 'n oorspronklike lisensie of gradering ten opsigte waarvan 'n handhawing van bevoegdheid verval het; of

(b) 'n geldige SPL met bewys dat hy die oorspronklike lisensie of gradering gehad het.

(7) 'n Aansoeker om toelating tot 'n teoretiese-kennis-eksamen wat gekrediteer is vir militêre ondervinding wat as gevolg daarvan enige teoretiese-kennis-eksamen moet skryf, moet—

(a) beskik oor 'n geldige SPL, CPL of ATPL; en

(b) skriftelike bevestiging van die Kommissaris verskaf dat hy of sy gekrediteer is vir militêre ervaring.

(8) 'n Slaagpunt vir enige teoretiese-kennis-eksamen is 75%.

(9) ’n Aansoeker wat kwalifiseer om enige eksamen ingevolge hierdie Deel te skryf, moet voldoen aan die toepaslike regulasies en eksamenreëls soos voorgeskryf in Dokument SA-CATS 61.

(10) Die tydperk waarbinne die vereiste eksamenvakke voltooi moet word, word in Dokument SA-CATS 61 voorgeskryf.

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(11) Die geldigheidstydperk van teoretiese-kennis-eksamenkrediete word in Dokument SA-CATS 61 voorgeskryf.

(12) 'n Aansoeker om toelating tot 'n teoretiese-kennis-eksamen wat die eksamen druip wat deur die Owerheid afgeneem word, wat vir die uitreiking, hergeldigmaking of die heruitreiking van 'n lisensie of gradering vereis word, kan by die Kommissaris aansoek doen om 'n hermerk in ooreenstemming met die vereistes voorgeskryf in Dokument SA-CATS 61.

(13) Die Kommissaris is geregtig op die kopiereg van enige eksamen-inhoud waaraan 'n aansoeker blootgestel kan word terwyl hy 'n eksamen aandurf wat deur die Owerheid ingevolge hierdie Deel afgeneem word.

(14) 'n Aansoeker om toelating tot 'n teoretiese-kennis-eksamen wat enige regulasie of eksamenreëls oortree wat van toepassing is op 'n eksamen wat deur die Owerheid afgeneem word, moet—

(a) gediskwalifiseer om enige toekomstige eksamens af te lê vir 'n tydperk wat deur die Kommissaris bepaal word; en

(b) geag word die eksamen waartydens sodanige oortreding plaasgevind het, te gedruip het.

(15) Die Kommissaris sal, op die Owerheid se webwerf, besonderhede van teoretiese-kennis-eksamenskedules, datums, lokale en onderhoudsdag-uitsonderings publiseer.

(16) Die voorwaardes, prosedures en vereistes vir die administrasie en afneem van teoretiese-kennis-eksamens wat deur die Owerheid afgeneem word, word in Dokument SA-CATS 61 voorgeskryf.

(17) Die Kommissaris kan, op aansoek, 'n aansoeker om toelating tot 'n teoretiese-kennis-eksamen 'n bykomende tydperk toestaan om 'n eksamen te probeer aflê of die vereiste vaardigheidstoets te ondergaan soos voorgeskryf in Dokument SA-CATS 61.".

Wysiging van Deel 67 van die Regulasies

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6. Deel 67 van die regulasies word hiermee gewysig deur:

(a) die vervanging in regulasie 67.00.13 met subregulasies (9) en (10) van die volgende subregulasies:

"(9) **[Die]** 'n Houer van 'n mediese sertifikaat wie se mediese sertifikaat ingevolge **[subregulasie]** subregulasie (5) of (8) opgeskort is, kan binne **[14]** 30 dae vanaf die datum van die skorsing by die **[Direkteur]** Kommissaris appelleer teen die skorsing.

(10) Die bepalings van regulasie **[185.00.6]** 185.04.3 is, met die nodige veranderinge, van toepassing op 'n appèl wat ingevolge **[sub-regulasie]** subregulasie (9) aangeteken is.".

(b) die vervanging in regulasie 67.00.14 vir subregulasie (5) van die volgende subregulasie:

"(5) 'n Persoon wie se mediese sertifikaat ingevolge **[sub-regulasie]** subregulasie (1) opgeskort is, kan binne [14] 30 dae vanaf die datum van die opskorting teen die **[Direkteur]** Kommissaris appelleer teen die skorsing.".

Wysiging van Deel 92 van die Regulasies

7. Deel 92 van die regulasies word hiermee gewysig deur:

(a) die vervanging in regulasie 92.01.2 met subregulasie (1) van die volgende subregulasie:

"92.01.2(1) 'n Persoon mag nie vir vervoer in **[die]** lugvaartuig aanbied, in 'n lugvaartuig vervoer of aanvaar vir vervoer in 'n lugvaartuig nie—

(a) gevaarlike goedere wat spesifiek by naam of deur generiese beskrywing geïdentifiseer is, verbode vir vervoer per lug onder enige omstandighede soos voorgeskryf in Dokument SA-CATS 92;

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(b) gevaarlike goedere verbied vir vervoer per lug onder normale omstandighede soos voorgeskryf in Dokument SA-CATS 92, tensy toegelaat daar toe deur die Kommissaris ingevolge regulasie 92.01.3;

(*c*) **[ander gevaarlike goedere verbied ingevolge paragraaf (a) en (b) maar wat toegelaat word ooreenkomstig die bepalings van die Wet, hierdie Deel[,] en dokument SA-CATS 92;]**en

(*d*) lewende diere wat met aansteeklike siektes besmet is."

(b) die vervanging van regulasie 92.01.3 met die volgende regulasie:

"Kommissaris se diskresionêre magte

92.01.3 (1) Nieteenstaande die bepalings van regulasie92.01.2, kan die Kommissaris, nadat hy in ag geneem het dat spesiale omstandighede bestaan wat die vervoer van gevaarlike goedere regverdig, 'n versoek oorweeg om die vervoer van gevaarlike goedere toe te laat in gevalle—

(a) van uiterste dringendheid;

(b) waar ander vorme van vervoer onvanpas is; of

(c) waar volle nakoming van die bepalings van hierdie Deel strydig met openbare belang kan wees.

(2) Die Kommissaris moet by die oorweging van 'n versoek vir die vervoer van gevaarlike goedere, soos beoog in subregulasie (1), hom- of haarself oortuig dat tydens sodanige vervoer, aanvaarbare vlak van veiligheid wat gelykstaande is aan die vlak van veiligheid soos voorgeskryf in Dokument SA -CATS 92 sal onder alle omstandighede bewerkstellig word.".

Wysiging van Deel 139 van die Regulasies

8. Deel 139 van die Regulasies word hiermee gewysig deur:

(a) die vervanging in die lys van regulasies met Subdeel 1 van die volgende Subdeel:

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SUBDEEL 1: ALGEMEEN

139.01.1 Toepaslikheid

139.01.2 Gebruik van militêre vliegvelde en helihawens

139.01.3 Beperkings

139.01.4 Publikasie van beperkings en afwykings

139.01.5 Vlugte in die nag

139.01.6 **[Register van lisensies]** Vliegveld-, helihawe- en helistopregister

139.01.7 Veiligheid en sekuriteitsinspeksies en -oudits

139.01.8 Berging van vlambare goedere

139.01.9 Veiligheidsmaatreëls teen brand

139.01.10 Ligte wat die veiligheid van lugtuie in gevaar stel

139.01.11 Gebruik van aanloopbane of rybane en landing by of opstyging vanaf vliegveld

139.01.12 Punte van toegang tot of uitgang van beperkte gebied

139.01.13 Beweging van lugvaartuie of voertuie in beperkte gebied op rigting van vliegveldoperateur

139.01.14 Toegang tot laaiblad

139.01.15 Punte van toegang tot of uitgang vanaf laaiblad

139.01.16 Beweging van lugvaartuie of voertuie op laaiblad

139.01.17 Parkering van lugvaartuie op laaiblad

139.01.18 Beweging van lugvaartuig op laaiblad in rigting van vliegveld-operateur

139.01.19 Beweging van voertuie op laaiblad op rigting van vliegveldoperateur

139.01.20 Beveiliging van geparkeerde lugvaartuie

139.01.21 Instap of uitstap van persone in of van lugvaartuie

139.01.22 Laai of aflaai van vrag in of van lugvaartuie

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139.01.23 Voorsiening van brandstof aan lugvaartuie

139.01.23 Voorsiening van brandstof aan lugvaartuie

139.01.24 Aan boord gaan van of peuter met lugvaartuig

139.01.25 Toetsloop van lugvaartuigmotore

139.01.26 Regulering van voertuig- of ander verkeer op 'n gelisensieerde vliegveld of helihawe

139.01.27 Binnegaan of verlating van vliegveld of helihawe

139.01.28 Diere in beperkingsgebied van vliegveld of helihawe

139.01.29 Wette verbied op vliegveld, helihawe of in eindpuntgebou

139.01.30 Hindernisbeperkings en -merkings buite vliegveld [of helihawe]

139.01.31 Inlei ligte

139.01.32 Oppervlakte bewegingsleiding en beheerstelsel

(b) die vervanging in regulasie 139.01.1 vir subregulasie (1) met die volgende subregulasie:

“139.01.1 (1) Hierdie Deel is van toepassing op—

(a) sertifisering van 'n vliegveld en helihawe wat vir internasionale en binnelandse bedrywighede gebruik word;

(b) lisensiëring van 'n vliegveld en helihawe oop vir publieke gebruik;

(c) goedkeuring van Tipe A-, B- en C-vliegvelde;

(d) goedkeuring van 'n helistop;

(e) registrasie van 'n ongelisensieerde vliegveld;

(f) vliegveldopname; en

(g) goedkeuring van 'n hindernisbeoordelingsorganisasie.”.

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(c) die vervanging in regulasie 139.01.1 vir subregulasie (2) met die volgende subregulasie:

(2) **[Geen plek in die Republiek nie]** Daar sal geen vliegveld of helihawe in die Republiek wees nie gebruik as 'n plek van landing of vertrek deur 'n **[vliegtuig met 'n MCM wat 5 700 kilogram oorskry, gebruik in]** lugvaartuie, om kommersiële lugvervoerbedrywighede uit te voer, tensy **[dit]** so 'n vliegveld of helihawe gesertifiseer, gelisensieer of goedgekeur is ingevolge hierdie Deel [**die regulasies in hierdie Deel]**.

(d) die vervanging van regulasie 139.01.6 met die volgende regulasie:

"Vliegveld-, helihawe- en helistopregister

139.01.6 Die Direkteur sal 'n register hou en in stand hou van vliegveldsertifikate, vliegveldlisensies, vliegveldgoedkeurings, helihawesertifikate, helihawelisensies en helistopgoedkeurings uitgereik ingevolge hierdie Deel.".

(e) die vervanging van regulasie 139.01.7 met die volgende regulasie:

"**139.01.7**(1) 'n Aansoeker om die uitreiking van **[uitreiking van 'n vliegveld- of helihawelisensie]** 'n vliegveldsertifikaat, vliegveldlisensie of vliegveldgoedkeuring, sal 'n gemagtigde beampte, inspekteur of gemagtigde persoon toelaat om **[sodanige]** veiligheids **[en/]** of sekuriteitsinspeksies en oudits uit te voer wat nodig mag wees om die geldigheid van die betrokke aansoek te verifieer.

(2) 'n Aansoeker om die uitreiking van 'n helihawesertifikaat of -lisensie en 'n helikoptergoedkeuring moet 'n gemagtigde beampte, inspekteur of gemagtigde persoon toelaat om sodanige veiligheids- of sekuriteitsinspeksies en oudits uit te voer wat nodig mag wees om die geldigheid van die betrokke aansoek te verifieer.

(3) 'n Houer van 'n vliegveldsertifikaat, lisensie of goedkeuring moet 'n gemagtigde beampte, inspekteur of gemagtigde persoon toelaat om sodanige veiligheids- en sekuriteitsinspeksies en oudits van 'n vliegveld, dokumente en

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rekords uit te voer wat nodig mag wees om nakoming van die toepaslike vereistes wat in hierdie Deel voorsien word.

(4) 'n Houer van 'n helihawesertifikaat of lisensie en 'n helikoptergoedkeuring moet 'n gemagtigde beampte, inspekteur of gemagtigde persoon toelaat om sodanige veiligheids- en sekuriteitsinspeksies en oudits van 'n houer se helihawe, dokumente en rekords uit te voer wat nodig mag wees om nakoming te bepaal. met die toepaslike vereistes voorsien in hierdie Deel.".

(f) die vervanging in regulasie 139.01.8 met subregulasie (1) van die volgende regulasie:

"139.01.8 (1) Brandstof, pirotegniekwinkels en alle hoogs-ontvlambare materiaal moet by **[op 'n gelisensieerde vliegveld of helihawe]** 'n gesertifiseerde, gelisensieerde of goedgekeurde vliegveld, 'n gesertifiseerde of gelisensieerde helihawe en op 'n goedgekeurde helistop geberg word, slegs in geboue of houers wat daaraan voldoen met die toepaslike standaarde voorgeskryf in die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet Nr. 103 van 1977), die Wet op Beroepsgesondheid en -veiligheid, 1993 (Wet Nr. 85 van 1993), of enige ander wet.";

(g) die vervanging van regulasie 139.01.9 met die volgende regulasie:

"139.01.9 'n Persoon mag nie op 'n gesertifiseerde vliegveld, gelisensieerde vliegveld, goedgekeurde vliegveld, of 'n gesertifiseerde of gelisensieerde helihawe of op 'n goedgekeurde helistop—

(a) rook in, of 'n oop vlam bring in—

(i) enige plek waar so 'n handeling verbied word deur 'n kennisgewing wat vertoon word; of

(ii) enige plek binne 15 meter van 'n lugvaartuig of van enige voertuig wat gebruik word vir die verskaffing van brandstof aan 'n lugvaartuig of 'n stoor of stort of vloeibare brandstof of plofstof;

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(b) opsetlik 'n vals brandalarm gee;

(c) peuter met of inmeng met enige brandslangrol, brandkraan of enige ander item van toerusting wat vir brandbestrydingsdoeleindes voorsien word nie

(d) enige vlambare vloeistof, gas, seinfakkels of ander soortgelyke materiaal in 'n lugvaartuig hou, berg, weggooi of gooi nie behalwe in die houer wat geskik is vir die doel of op 'n plek op die vliegveld of helihawe wat spesifiek deur die vliegveld of helihawe-operateur vir die doel goedgekeur is; of

(*e*) enige materiaal of toerusting stoor of opstapel op 'n wyse wat 'n brandgevaar uitmaak of waarskynlik sal inhou.”.

(h) die vervanging in regulasie 139.01.10 met subregulasie (3) van die volgende subregulasie:

“(3) Behalwe met die toestemming van die Direkteur en onderworpe aan die voorwaardes wat hy of sy mag stel, mag die afvuur van vuurpyle, missiele en fakkels nie in enige ander lugruim plaasvind as wat in subregulasie (2) bedoel word–

(a) as dit 'n hoogte van meer as 2000 voet bo die oppervlak oorskry; en

(b) as dit nader as 8 kilometer van die verwysingspunt van **['n vliegveld gelisensieer]** 'n gesertifiseerde vliegveld, gelisensieerde vliegveld of goedgekeurde vliegveld, 'n gesertifiseerde of gelisensieerde helihawe of 'n goedgekeurde helistop ingevolge **[deel]** Deel 139.”

(i) die vervanging van regulasie 139.01.11 met die volgende regulasie:

“139.01.11 Spaar in 'n noodgeval—

(a) of op die rigting van **[die]** 'n vliegveldoperateur gegee ingevolge regulasie 139.01.14, mag geen persoon 'n lugvaatuig in die beperkte gebied beweeg nie, buiten op 'n aanloopbaan of baan;

(b) **[geen]** ’n persoon mag nie ’n lugvaartuig of voertuig op ’n aanloopbaan of ’n rybaan beweeg of op ’n aanloopbaan of ’n rybaan gaan nie–

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(i) sonder die toestemming van **[die]** 'n ATSU wat by **[die]** 'n gesertifiseerde vliegveld of gelisensieerde vliegveld werksaam is, indien **[die]** 'n ATSU op daardie tydstip beman word;

(ii) buiten volgens die instruksies uitgereik deur **[die]** 'n ATSU wat by sodanige vliegveld werk, indien **[die]** 'n ATSU nie op daardie tydstip beman is nie;

(iii) behalwe op 'n wyse wat nie lugvaartuigverkeer in gevaar stel nie, indien **[die]** 'n ATSU nie op daardie tydstip beman is nie en geen instruksies deur sodanige ATSU uitgereik is nie;

(c) of met die goedkeuring van so 'n houer, mag geen persoon 'n gedeelte van 'n gesertifiseerde vliegveld of gelisensieerde vliegveld anders as 'n aanloopbaan gebruik om 'n lugvaartuig te land of om op te styg nie; en

(d) 'n persoon mag nie 'n lugvaartuig wat toegerus is met 'n stertslip op 'n aanloopbaan land of van 'n aanloopbaan opstyg van ‘n aanloopbaan met sodanige lugvaartuig nie.”.

(j) die vervanging in regulasie 139.01.12 met subregulasie (1) van die volgende subregulasie:

“**139.01.12** (1) **[Geen]** 'n Persoon, voertuig of lugvaartuig wat op die oppervlak van 'n **[gelisensieerde vliegveld of helihawe,]** gesertifiseerde vliegveld, gelisensieerde of goedgekeurde vliegveld, 'n gesertifiseerde of gelisensieerde helihawe of 'n goedgekeurde helistop, reis nie mag die beperkte gebied binnegaan of verlaat nie behalwe by punte wat deur die **[vliegveld of helihawe-operateur]** vliegveld, helihawe of helistop-operateur vir sodanige doel gevestig is.”.

(k) die vervanging in regulasie 139.01.13 van subregulasie (1) met die volgende subregulasie:

“139.01.13 (1) 'n Lugdiensoperateur wat op die oppervlak van 'n gesertifiseerde vliegveld, gelisensieerde vliegveld of goedgekeurde vliegveld, of 'n gesertifiseerde

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of gelisensieerde helihawe reis en wat in die beperkte gebied is, maar nie op 'n aanloopbaan of 'n rybaan of die persoon in wettige beheer van 'n voertuig wat in die beperkte gebied is, moet, wanneer deur 'n vliegveldoperateur daartoe aangesê word, daardie lugvaartuig of daardie voertuig langs die oppervlak van 'n vliegveld beweeg —

(a) na 'n ander plek in die beperkte gebied wat deur 'n vliegveldoperateur aangedui word; of

(b) vanaf die beperkte gebied,

(2) Indien 'n lugdiensoperateur of 'n persoon in wettige beheer van 'n voertuig weier of versuim of nie teenwoordig is nie om te voldoen aan die opdrag soos beoog in subregulasie (1), kan 'n lugdiensoperateur daardie lugvaartuig of voertuig laat skuif om aan sodanige opdrag te voldoen en kan die koste wat aangegaan is om daardie lugvaatuig of voertuig aldus te laat skuif van sodanige operateur of persoon verhaal.

(3) 'n Vliegveldoperateur sal nie sodanige lugdiensoperateur of persoon waarna in subregulasie (1) verwys word, vrystel van enige regstappe ten opsigte van sodanige weiering of versuim nie.

(4) Enige aanwysing wat deur 'n vliegveldoperateur ingevolge subregulasie (1) gegee word, sluit nie die magtiging van enige persoon in om 'n lugvaartuig of 'n voertuig op 'n aanloopbaan of 'n trybaan te beweeg nie—

(a) sonder die toestemming van 'n ATSU wat by 'n gesertifiseerde vliegveld of gelisensieerde vliegveld werk, indien 'n ATSU op daardie tydstip beman word;

(b) buiten volgens die instruksies uitgereik deur 'n ATSU wat by sodanige vliegveld werk, indien 'n ATSU nie op daardie tydstip beman is nie; en

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(c) behalwe op 'n wyse wat nie lugvaartuigverkeer in gevaar stel nie, indien 'n ATSU nie op daardie tydstip beman is nie en geen instruksies deur sodanige ATSU uitgereik is nie.”.

(l) die vervanging in regulasie 139.01.14 vir subregulasie (2) met die volgende regulasie:

"(2) Behalwe met die goedkeuring van **[die]** 'n vliegveldoperateur, mag geen persoon 'n lugvaartuig skuif wat op die oppervlak van 'n **[gelisensieerde vliegveld]** gesertifiseerde vliegveld, gelisensieerde vliegveld ry of 'n voertuig na die laaiblad beweeg nie.

(m) die vervanging in regulasie 139.01.15 met subregulasie (1) van die volgende subregulasie:

“(1) **[Geen]** 'n Persoon, voertuig of vliegtuig wat op die oppervlak reis van 'n **[gelisensieerde vliegveld mag]** gesertifiseerde vliegveld, gelisensieerde vliegveld of goedgekeurde vliegveld, mag nie die laaiblad binnegaan of verlaat nie behalwe by punte wat deur die vliegveldoperateur vir sodanige doel gevestig is.”.

(n) die vervanging van regulasie 139.01.17 met die volgende regulasie:

“**139.01.17** (1) 'n Vliegveldoperateur moet verseker dat—

(a) parkeerstaanplekke voorsien en gemerk word vir geskikte grootte en tipe vliegtuig;

(b) waar die dokstelsel nie in plek is nie of ondiensbaar is, word prosedures verskaf om lugvaartuie veilig in die parkeerplek in te lei; en

(c) 'n risiko-evaluering word uitgevoer indien daar 'n behoefte is om lugvaartuigparkering aan ander gebiede as vliegtuigstaanplekke of laaiblad-gebiede toe te ken.

(2) ’n Lugdiensoperateur moet verseker dat—

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(a) 'n lugvaartuig gelei word tydens aankoms op of vertrek vanaf 'n lugvaartuigstaanplek;

(b) 'n lugvaartuig geparkeer word op die plek op die laablad wat deur 'n vliegveldoperateur daaraan toegeken is; en

(c) 'n lugvaartuig geparkeer word op die plek sodanig toegewys in die posisie wat deur 'n vliegveldoperateur vereis word.

(3) Buiten in die geval van 'n noodgeval en met 'n goedkeuring van 'n vliegveldoperateur, mag 'n persoon nie 'n lugvaartuig verskuif vanaf die parkeerplek wat ingevolge subregulasie (2) toegeken is of die posisie vereis deur 'n vliegveldoperateur nie.".

(o) die invoeging in regulasie 139.01.18 na subregulasie (6) met die volgende subregulasies:

"(7) 'n Vliegveldoperateur moet verseker dat noodstopprosedures in plek is om te verseker dat 'n lugvaatuig veilig kan stop wanneer die veiligheids-bedrywighede van 'n lugvaartuigstaanplek in gevaar gestel word..

(8) 'n Vliegveldoperateur moet verseker dat die volgende parameters in ag geneem word wanneer 'n lugvaartuig aan 'n lugvaartuigstaanplek toegeken word—

(a) parkeerhulpmiddels;

(b) fasiliteite wat 'n vliegtuigstaanplek bedien;

(c) nabyheid van infrastruktuur;

(d) die geparkeerde lugvaartuig in die naburige lugvaartuigstaanplek;

(e) lugvaartuig-staanafhanklikhede; en

(f) straalontploffings en skroef-wasverwante beskerming.

(9) 'n Vliegveldoperateur moet verseker dat personeel, buiten personeel wat nodig is om die aanvanklike aankoms en vertrek van 'n lugvaartuig by te staan, nie

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toegelaat sal word om 'n lugvaartuig te nader wanneer teenbotsingsligte aangeskakel is en motore aan die gang is nie.”.

(p) die vervanging in regulasie 139.01.21 vir subregulasie (6) met die volgende subregulasie:

“(6) Wanneer brandstofhervulling van lugvaartuie plaasvind terwyl passasiers aan boord gaan, aan boord is of uitklim, moet grondtoerusting geposisioneer word **[soos voorgeskryf in Dokument SA-CATS 139]** om 'n duidelike uitgangspad na en van 'n lugvaartuig toe te laat vir vinnige verwydering van brandstoftoerusting en persone in 'n noodgeval”.”

(q) die vervanging in regulasie 139.01.23 vir subregulasie (1) met die volgende subregulasie:

“**139.01.23** (1) Op 'n **[gelisensieerde vliegveld]** gesertifiseerde vliegveld, gelisensieerde vliegveld of goedgekeurde vliegveld, mag brandstof aan lugvaartuie verskaf word slegs op 'n plek en op 'n wyse wat deur 'n vliegveld-operateur goedgekeur is en in ooreenstemming met die vereistes voorgeskryf in Dokument SA-CATS 139, en onderworpe aan die voorwaardes wat sodanige vliegveldoperateur nodig mag ag om persone of eiendom op die vliegveld te beskerm”.”

(r) die vervanging in regulasie 139.01.23 vir subregulasie (6) met die volgende subregulasie:

“(6) ’n Vliegveldoperateur moet verseker dat **[alle]** brandstoffasiliteite toegerus is met voldoende en goed instandgehoude brandbestrydingstoerusting en -borde.”

(s) die vervanging van regulasie 139.01.24 met die volgende regulasie:

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"**139.01.24** Buiten met die toestemming van **[die]** 'n persoon in wettige beheer van 'n lugvaartuig, mag niemand**[,]** op 'n **[gelisensieerde vliegveld of helihawe]** gesertifiseerde vliegveld, gelisensieerde vliegveld of goedgekeurde vliegveld of op 'n gesertifiseerde of gelisensieerde helihawe —

(a) aan boord gaan van sodanige lugvaartuig anders as om dit onder leiding van die **[lugvaartuig]**lugdiensoperateur te doen; of

(b) peuter of op enige manier hoegenaamd inmeng met sodanige lugvaartuig of enigiets wat in verband met sodanige lugvaartuig gebruik word."

(t) die vervanging van regulasie 139.01.25 met die volgende regulasie:

"**139.01.25 [Geen]** 'n persoon mag nie 'n lugvaartuigmotor op 'n **[gelisensieerde vliegveld of helihawe]** gesertifiseerde vliegveld, gelisensieerde vliegveld of goedgekeurde vliegveld of op 'n gesertifiseerde of gelisensieerde helihawe behalwe op 'n plek wat vir die doel aangewys is deur **[die]** 'n vliegveld- of helihawe-operateur.".

(u) die vervanging van regulasie 139.01.26 met die volgende regulasie:

"**139.01.26** Die Nasionale Padverkeerswet, 1996 (Wet Nr. 93 van 1996), **[en]** die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet Nr. 85 van 1993) en die regulasies vervat in hierdie **[s]** Subdeel en in **[s]** Subdeel 2 is van toepassing op alle paaie op **[gelisensieerde vliegveld of helihawe]** 'n gesertifiseerde vliegveld, gelisensieerde vliegveld of goedgekeurde vliegveld of op 'n gesertifiseerde of gelisensieerde helihawe. **[soos voorgeskryf in Dokument SA-CATS 139.].**".

(v) die vervanging in regulasie 139.01.27 vir subregulasie (1) met die volgende subregulasie:

"**139.01.27** (1) **[Geen]** 'n **[p]** Persoon, anders as 'n persoon wat 'n **[gelisensieerde vliegveld of helihawe]** gesertifiseerde vliegveld of gelisensieerde vliegveld of gesertifiseerde of gelisensieerde helihawe binnegaan of verlaat deur middel van 'n

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lugvaartuig wat land by of opstyg vanaf **[die]** 'n vliegveld of helihawe, mag nie **[die]** 'n vliegveld of helihawe op ‘n ander wyse binnegaan of verlaat as deur 'n hek of ingang wat verskaf is deur **[die]** 'n vliegveld- of helihawe-operateur.”.

(w) die vervanging in regulasie 139.01.28 met subregulasie (1) van die volgende subregulasie:

“**139.01.28** (1) **[Geen]** ‘n persoon mag nie enige dier in die beperkte gebied van 'n **[gelisensieerde vliegveld of helihawe]** gesertifiseerde of gelisensieerde vliegveld of 'n gesertifiseerde of gelisensieerde helihawe laat wei of voer te laat ontvang nie, tensy sodanige dier op 'n vlug vervoer moet word.”.

(x) die skrapping van regulasie 139.01.29.

(y) die vervanging van regulasie 139.01.30 met die volgende regulasie:

“Hindernisbeperkings en -merke buite vliegveld [of helihawe]

139.01.30 (1) 'n Vliegveldoperateur van 'n gesertifiseerde vliegveld of gelisensieerde vliegveld moet hindernisbeperkingsoppervlaktes daarstel.

(2) 'n Hindernis, insluitend 'n hindernis wat buite hindernisbeperkings-oppervlaktes is wat 'n impak kan hê op die veiligheid van lugberywighede by 'n vliegveld, sal beoordeel word.

(3) Indien daar 'n impak op die veiligheid van lugvaartuie is as gevolg van die uitslag van 'n assessering ingevolge subregulasie (2), moet 'n hindernis makliker gemaak, beperk of verwyder word.

(4) ’n Gebou, ’n struktuur, of ’n voorwerp wat bo ’n helling van 1 uit 20 uitsteek en wat binne 3 000 m is, gemeet vanaf die naaste punt op die grens van ’n vliegveld, mag nie sonder vooraf goedkeuring van die Direkteur opgerig word nie.

(5) 'n Hindernisbeperkingsoppervlakte ingevolge subregulasie (2), moet vry wees van enige penetrasie van hindernisse, hetsy tydelik of permanent.

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(6) ’n Voorwerp, hetsy tydelik of permanent, wat bo ’n hindernisbeperkingsoppervlak uitsteek binne ’n gespesifiseerde radius van 8 km soos gemeet vanaf ’n vliegveldverwysingspunt, moet beoordeel en gemerk word soos voorgeskryf in Dokument SA-CATS 139.

(7) Enige voorwerp wat bo 'n hindernisbeperkingsoppervlak buite die radius van 8 km uitsteek wat 'n potensiële gevaar vir lugvaartuie inhou, moet gemerk word soos voorgeskryf in Dokument SA-CATS 139.

(8) 'n Gebou of 'n voorwerp wat 'n obstruksie of potensiële gevaar vir lugvaartuie kan inhou wat in die bevaarbare lugruim in die omgewing van 'n vliegveld of navigasiehulpmiddel beweeg, of wat die werkverrigting van die radionavigasie- of instrumentlandingstelsels nadelig sal beïnvloed, mag nie opgerig, of bestaan sonder die vooraf goedkeuring van die Direkteur nie.

(9) ’n Gebou of ’n voorwerp hoër as 45 m bo die gemiddelde vlak van ’n landingsgebied mag nie, sonder die goedkeuring van die Direkteur, opgerig word binne 8 km gemeet vanaf die naaste punt op die grens van ’n vliegveld nie.

(10) 'n Gebou, struktuur of ander voorwerp wat bo 'n hindernisbeperkingsoppervlak van 'n vliegveld sal uitsteek, mag nie sonder die vooraf goedkeuring van die Direkteur opgerig of bestaan nie.

(11) In die geval van 'n botsing van belange tussen grondgebruikowerhede en lugruimgebruikers, sal lugveiligheid prioriteit geniet en sal dit nie deur grondontwikkelingsprojekte in gevaar gestel word nie.”.

(z) die vervanging van regulasie 139.01.31 met subregulasie (1) van die volgende subregulasie:

“(1) In die geval dat die Direkteur dit vereis, moet 'n houer van 'n gesertifiseerde of gelisensieerde vliegveld verseker dat so 'n vliegveld aanloopbaan-inlei-ligstelsel het wat—

(a) visuele leiding langs 'n spesifieke naderingspad verskaf;

(b) help met die vermyding van gevaarlike terrein; of

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(c) help met geraasvermindering soos voorgeskryf in Dokument SA-CATS 139.".

(aa) die invoeging in regulasie 139.01.32 na subregulasie (4) van die volgende subregulasies:

"(5) 'n Vliegveldoperateur moet verseker dat oppervlakbewegingsradar vir die maneuvergebied by 'n vliegveld voorsien word—

(a) wat bedoel is vir gebruik in aanloopbaan- visuele reikafstandstoestande minder as 'n waarde van 350 m;

(b) anders as 'n vliegveld met aanloopbaan- visuele reikafstandtoestande minder as 'n waarde van 350 m en die verkeersdigtheid en bedryfstoestande is sodanig dat reëlmaat van verkeersvloei nie deur alternatiewe prosedures en fasiliteite gehandhaaf kan word nie.".

(bb) die vervanging in die lys van regulasies vir Subdeel 2 met die volgende Subdeel:

SUBDEEL 2: LISENSIËRING EN BEDRYF VAN VLIEGVELDE

139.02.1 Vereistes vir sertifisering of lisensiëring

139.02.2 Aansoek om sertifisering of lisensiëring

139.02.3 Verwerking van aansoek om vliegveldsertifisering of vliegveld-lisensiëring

139.02.4 Beoordeling van aansoek om **[lisensie of wysiging daarvan]** vliegveldsertifisering of vliegveldlisensiëring

139.02.5 Uitreiking van vliegveldsertifikaat of vliegveldlisensie

139.02.6 Geldigheidstydperk

139.02.7 Oordraagbaarheid

139.02.8 Hernuwing van vliegveldsertifikaat of vliegveldlisensie

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139.02.9 Lisensie van voorneme

139.02.10 Vliegvelddata

139.02.10A Fisiese eienskappe van vliegveld

139.02.11 Vliegveldhandleiding

139.02.12 Gehalteversekeringstelsel

139.02.13 Personeelvereistes

139.02.14 Vestiging van noodbestuurstelsel vir vliegvelde

139.02.15 Vliegveldredding en brandbestryding

139.02.16 Opleidingsfasiliteit vir vliegveldredding en brandbestryding

139.02.17 Opleidingstandaarde vir vliegveldredding en brandbestrydings-personeel

139.02.18 Vliegveldredding- en brandbestrydingsafwykings

139.02.19 Vestiging van lughawe-omgewingsbestuurprogram

139.02.20 Instandhouding van lughawe-omgewingsbestuurprogram

139.02.21 Aankondiging van vliegvelddata en inligting

139.02.22 Veranderinge in gehaltebeheerstelsel

139.02.23 Algemene pligte van lisensiehouer

139.02.24 Werkverrigtinge op vliegveld

139.02.25 Instandhouding van lughawe-noodbestuurstelsel

139.02.26 Vliegveldinspeksieprogram

139.02.27 Afbakening van beperkte gebied

139.02.28 Beheer van toegang tot beperkte gebied

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139.02.29 Afbakening van roetes op laaiblad

139.02.30 Veiligheidsmaatreëls teen brand

139.02.31 Toegang van grondvoertuie tot vliegveldbewegingsarea

139.02.32 Beskerming van navigasiehulpmiddels

139.02.33 Vliegveld verlate of nie in stand gehou nie

139.02.34 Goedkeuring van opleiding van lugkantbestuurpersoneel

139.02.35 Lugkantbestuursopleidingstandaarde

139.02.36 Lughawe-ontwerp en Meesterplan.

(cc) die vervanging van regulasie 139.02.1 met die volgende regulasie:

"Vereistes vir sertifisering of lisensiëring

139.02.1 (1) 'n Operateur van 'n gesertifiseerde vliegveld of gelisensieerde vliegveld moet in besit wees van 'n geldige vliegveldsertifikaat of vliegveldlisensie uitgereik ingevolge hierdie Deel en soos voorgeskryf in Dokument SA-CATS 139.

(2) 'n Vliegveldsertifikaat of vliegveldlisensie sal uitgereik word onderhewig daaraan dat 'n aansoeker aan die vereistes in hierdie Deel voldoen.

(3) 'n Vliegveldsertifikaat en 'n vliegveldlisensie waarna in subregulasie (1) verwys word, sal die vyf fases van die vliegveldsertifiseringsproses volg, soos voorgeskryf in Dokument SA-CATS 139.".

(dd) die vervanging van regulasie 139.02.2 met die volgende regulasie:

"Aansoek om sertifisering of lisensiëring

139.02.2 (1) 'n Aansoek om 'n aanvanklike vliegveldsertifikaat of vliegveldlisensie moet in die toepaslike vorm aan die Direkteur gerig word en vergesel word van toepaslike dokumente, soos voorgeskryf in Dokument SA-CATS 139.".

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(ee) die vervanging in regulasie 139.02.3 vir subregulasie (1) met die volgende subregulasie:

“Verwerking van aansoek om vliegveldsertifisering of vliegveldlisensiëring

139.02.3 (1) Die Direkteur moet so gou doenlik na die ontvangs van 'n **[aansoek om 'n vliegveldlisensie]** aanvanklike aansoek om 'n vliegveldsertifikaat of vliegveldlisensie, publiseer, deur kennisgewing in die *Staatskoerant*, die volgende besonderhede ten opsigte van die aansoek—

(a) volle naam van **[die]** 'n aansoeker;

(b) volledige besonderhede van die ligging van **[die]** ‘n vliegveld;

(c) 'n datum waarteen vertoë teen of ten gunste van die aansoek by die Direkteur ingedien moet word; en

(d) enige beperkings op die veilige gebruik van **[die]** 'n vliegveld."

(ff) die vervanging van die opskrif in regulasie 139.02.4 met die volgende opskrif:

“Beoordeling van aansoek om [lisensie of wysiging daarvan] vliegveldsertifisering of vliegveldlisensiëring”.

(gg) die vervanging van die opskrif in regulasie 139.02.5 met die volgende opskrif:

"Uitreiking van vliegveldsertifikaat of vliegveldlisensie";

(hh) die vervanging in regulasie 139.02.5 van die volgende regulasies:

“139.02.5 (1) 'n Vliegveldsertifikaat of **[V]** vliegveldlisensie moet op die toepaslike voorgeskrewe vorm uitgereik word.

(2) ‘n Vliegveldsertifikaat of **[V]** vliegveldlisensie moet die volgende spesifiseer—

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(a) 'n kategorie waarvoor 'n vliegveld gesertifiseer of gelisensieer is; en

(b) beperkings, indien enige, met betrekking tot nie-nakoming van, of afwykings van—

(i) toepaslike vliegveldontwerp, bedryf- of toerustingstandaarde wat in hierdie Deel voorgeskryf word; en

(ii) toepaslike lugruimklassifikasievereistes **[voorgeskryf]** soos bepaal in Deel 172.".

(ii) die vervanging van regulasie 139.02.6 met die volgende regulasie:

"139.02.6 (1) 'n Vliegveldsertifikaat of **[V]**vliegveldlisensie sal geldig wees vir 'n tydperk bepaal deur die Direkteur **[gebaseer op individuele vliegveldrisikobepaling]**, welke tydperk nie vyf jaar sal oorskry nie, bereken vanaf die datum van uitreiking **[of hernuwing]**.

(2) 'n Vliegveldsertifikaat of **[V]**vlieveldlisensie bly geldig totdat dit verval of opgeskort of afgegradeer word deur 'n gemagtigde beampte, inspekteur of gemagtigde persoon, of gekanselleer word deur die Direkteur.

(3) 'n Houer van 'n vliegveldsertifikaat of vliegveldlisensie wat opgeskort word, moet **[die]** 'n lisensie onverwyld aan die gemagtigde beampte, inspekteur of gemagtigde persoon oorhandig vir toepaslike endossering.

(4) 'n Houer van 'n vliegveldsertifikaat of vliegveldlisensie wat gekanselleer word, moet binne 30 dae vanaf die datum waarop **[die]** 'n sertifikaat of lisensie gekanselleer is, sodanige sertifikaat of lisensie aan die Direkteur oorhandig.".

(jj) die vervanging van regulasie 139.02.7 met die volgende regulasie:

"139.02.7 (1) 'n Vliegveldsertifikaat of **[V]**vliegveldlisensie is nie oordraagbaar nie.

(2)'n Verandering in eienaarskap van die houer van 'n vliegveldsertifikaat of vliegveldlisensie sal geag word 'n verandering van betekenis te wees en vereis 'n nuwe sertifikaat of lisensie."

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(kk) die vervanging van regulasie 139.02.8 met die volgende regulasie:

"Hernuwing van vliegveldsertifikaat of vliegveldlisensie

139.02.8 (1) 'n Aansoek om die hernuwing van 'n vliegveldsertifikaat of vliegveldlisensie moet in die toepaslike voorgeskrewe vorm aan die Direkteur gerig word en vergesel word van dokumente, soos voorgeskryf in Dokument SA-CATS 139.

(2) 'n Houer van 'n vliegveldsertifikaat of -lisensie moet, ten minste 60 dae onmiddellik voor die datum waarop sodanige lisensie verval, om die hernuwing van sodanige sertifikaat of lisensie aansoek doen.".

(ll) die vervanging van regulasie 139.02.10 met die volgende regulasie:

"Vliegvelddata

139.02.10 (1) 'n Aansoeker om 'n vliegveldsertifikaat of vliegveldlisensie moet verseker dat die volgende inligting aangaande vliegvelddata tydens aanvanklike sertifisering, lisensiëring en hernuwing aan die Direkteur gerapporteer word—

(a) lugvaartkundige data;

(b) vliegveldverwysingspunt;

(c) vliegveld en aanloopbaanhoogtes;

(d) vliegveldverwysingstemperatuur;

(e) vliegvelddimensie en verwante inligting;

(f) 'n sterkte van padoppervlaktes;

(g) voor-vlug altitemeter-toetsplek;

(h) verklaarde afstande;

(i) toestand van die bewegingsarea-verwante fasiliteite;

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(j) prosedures vir verwydering van onklaar lugvaartuie;

(k) redding en brandbestryding; en

(l) presisienadering padaanwyser.

(2) Vliegveldverwante lugvaartdata soos waarna in subregulasie (1) verwys word, sal bepaal en gerapporteer word in ooreenstemming met die akkuraatheid en integriteitsklassifikasie wat vereis word om aan die behoeftes van 'n eindgebruiker van lugvaartdata te voldoen en moet ingevolge vereistes vervat in Deel 175 wees.

(3) Vliegveldkarteringsdata sal verskaf word aan lugvaartinligtingsdiens vir 'n vliegveld wat deur die Direkteur as geskik geag word, waar veiligheids- of bedryfsgebaseerde bedrywighede moontlike voordele voorstel en moet ingevolge vereistes in Deel 175 bepaal word.

(4) Waar beskikbaar gestel word ooreenkomstig subregulasie (3) , moet die keuse van vliegveldkarteringsdatakenmerke wat ingesamel moet word, gemaak word met inagneming van die beoogde toepassings.

(5) Digitale datafoutopsporingstegnieke sal tydens die oordrag en berging van lugvaartdata en digitale datastelle gebruik word.

(6) Vliegveldverwysingspunt waarna in subregulasie (1) verwys word, sal vir 'n vliegveld ingestel word en moet wees soos voorgeskryf in Dokument SA-CATS 139.

(7) ’n Vliegveldhoogte en geoïde golwing by ’n vliegveldhoogteposisie waarna in subregulasie (1) verwys word, moet tot die akkuraatheid van 1.5 m gemeet word en aan die AIS gerapporteer word en moet wees soos voorgeskryf in Dokument SA-CATS 139.

(8) ’n Vliegvelddimensie en verwante inligting waarna in subregulasie (1) verwys word vir elke vliegveldfasiliteit moet gemeet of beskryf word soos voorgeskryf in Dokument SA-CATS 139.

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(9) 'n Drakrag van 'n pad moet gerapporteer word deur gebruik te maak van 'n lugvaartuigklassifikasiegraderings-plaveiselklassifikasiemetode, soos voorgeskryf in Dokument SA-CATS 139.

(10) 'n Voorvlug-altimeter-toetsplek waarna in subregulasie (1) verwys word, moet vir 'n vliegveld ingestel word en moet wees soos voorgeskryf in Dokument SA-CATS 139.

(11) Die volgende verklaarde afstande sal tot die naaste meter bereken word vir 'n aanloopbaan wat bedoel is vir gebruik deur internasionale kommersiële lugvervoer:

(a) opstygbaan beskikbaar;

(b) opstygafstand beskikbaar;

(c) versnel-stop-afstand beskikbaar; en

(d) landingsafstand beskikbaar.

(12) Inligting oor 'n toestand van die bewegingsarea en bedryfstatus van verwante fasiliteite waarna in subregulasie (1) verwys word, moet aan 'n verantwoordelike vliegveld-lugvaartinligtingsdiens verskaf word om sodanige verantwoordelike vliegveld-lugvaartinligtingsdiens in staat te stel om die inligting aan aankomende en vertrekkende lugvaartuie te verskaf.

(13) Inligting van bedryfsbetekenis wat soortgelyk is aan inligting waarna in subregulasie (11) verwys word, moet aan ATSU verskaf word om lugverkeereenhede in staat te stel om die nodige inligting aan aankomende en vertrekkende lugvaartuie te verskaf.

(14) Inligting waarna in subregulasie (11) en (12) verwys word, sal bygehou word en veranderinge in toestande sal onverwyld aan 'n verantwoordelike vliegveld-lugvaartinligtingsdienste en ATSU gerapporteer word.

(15) Toestand van die bewegingsgebied en die bedryfstatus van verwante fasiliteite waarna in subregulasie (11) verwys word, moet gemonitor word,

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(16) Indien sake van bedryfsbetekenis wat lugvaartuie en vliegveldbedrywighede raak geïdentifiseer word tydens monitering ingevolge subregulasie (14), moet 'n verslag verskaf word ten einde toepaslike stappe te neem met betrekking tot—

(a) konstruksie of instandhoudingswerk;

(b) growwe of gebreekte oppervlaktes op 'n aanloopbaan, 'n rybaan of 'n laaiblad;

(c) water, sneeu, slik, ys of ryp op 'n aanloopbaan, 'n rybaan of 'n laaiblad;

(d) teenverysings of ontdooiings- vloeibare chemikalieë of ander besoedeling op 'n aanloopbaan, rybaan of 'n laaiblad;

(e) sneeubanke of drifsels langs 'n aanloopbaan, 'n rybaan of 'n laaiblad;

(f) ander tydelike gevare, insluitend geparkeerde lugvaartuie;

(g) mislukking of onreëlmatige werking van deel van of van vliegveld- visuele hulpmiddels; en

(h) onderbreking van die normale of sekondêre kragtoevoer.

(17) 'n Inspeksie moet elke dag na aanmelding ingevolge subregulasie (15) uitgevoer word vir—

(a) 'n bewegingsarea, ten minste een keer waar 'n vliegveldverwysingskodenommer 1 of 2 is, en ten minste twee keer waar 'n vliegveldverwysingskodenommer 3 of 4 is; en

(b) 'n aanloopbaan, wanneer 'n aanloopbaan se oppervlaktoestande aansienlik verander het as gevolg van meteorologiese toestande.

(18) Personeel wat aanloopbaanoppervlaktoestande ingevolge subregulasie (15) assesseer en rapporteer, moet opgelei en bevoeg wees om hul pligte uit te voer.

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(19) Inligting aangaande 'n visuele naderingshellings-aanwyserstelsel-installasie waarna in subregulasie (1) verwys word, moet beskikbaar gestel word en gerapporteer word soos voorgeskryf in Dokument SA-CATS 139.

(20) ’n Verantwoordelike lughawe-lugvaartinligtingsdiens sal, sonder versuim en soos voorgeskryf in Dokument SA-CATS 139, aan die AIS rapporteer vir AIS om inligting te bekom wat die verskaffing van bygewerkte voorvlug-inligting moontlik maak en in die behoefte vir inligting tydens vlug te voldoen,

(21) 'n Verantwoordelike lughawe-lugvaartinligtingsdiens sal, voordat veranderinge aan lugnavigasiestelsels aangebring word, behoorlik rekening hou met die tyd wat AIS benodig vir die voorbereiding, vervaardiging en uitreiking van toepaslike materiaal vir publikasie van sulke veranderinge.

(23) AIS sal verseker dat veranderinge aan lugvaartinligting wat kaarte en rekenaargebaseerde navigasiestelsels raak, deur die AIRAC-stelsel in kennis gestel word.

(24) 'n Verantwoordelike lughawe-lugvaartinligtingsdiens moet, wanneer die rou data aan AIS voorgelê word, verseker dat voorafbepaalde internasionaal ooreengekome AIRAC-effektiewe datums nagekom word.

(25) 'n Vliegveldkoördineerder van bedrywighede moet verseker dat die telefoonnommers van die kantoor en inligting oor die vermoë om 'n lugvaartuig wat buite werking gestel is op of aangrensend tot die bewegingsarea te verwyder, aan 'n lugdiensoperateur beskikbaar gestel word waar daar 'n behoefte is vir die verwydering van sodanige 'n lugvaartuig.

(26) 'n Vliegveldoperateur moet verseker dat inligting aangaande die vlak van beskerming wat by 'n vliegveld verskaf word vir lugvaartuigreddings- en brandbestrydingsdoeleindes beskikbaar gestel word.

(27) Vlak van beskerming waarna in subregulasie (25) verwys word, word uitgedruk in terme van die kategorie van die reddings- en brandbestrydingsdienste in ooreenstemming met die tipes en hoeveelhede blusmiddels wat normaalweg by

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'n vliegveld beskikbaar is en moet wees soos voorgeskryf in Dokument SA -CATS 139.

(28)'n Vliegveldoperateur sal 'n toepaslike ATSU- en AIS-eenheid in kennis stel van veranderinge in die vlak van beskerming wat normaalweg by 'n vliegveld beskikbaar is vir redding en brandbestryding en implementering van sodanige veranderinge om daardie eenhede in staat te stel om die nodige inligting aan aankomende en vertrekkende lugvaartuie te verskaf.

(29) 'n Verandering waarna in subregulasie (27) verwys word, word uitgedruk in terme van die nuwe kategorie van die reddings- en brandbestrydingsdiens wat by 'n vliegveld beskikbaar is.

(mm) die invoeging na regulasie 139.02.10 van die volgende regulasie:

Fisiese eienskappe van vliegveld

1139.02.10A (1) 'n Aansoeker om 'n vliegveldsertifikaat of vliegveldlisensie moet verseker dat 'n vliegveld voorsien word van fisiese eienskappe, hindernis-beperkingsoppervlak, visuele hulpmiddels vir navigasie, visuele hulpmiddels vir hindernisse en visuele hulpmiddels vir beperkte gebiede, soos voorgeskryf in Dokument SA-CATS 139.

(2) Fisiese eienskappe waarna in subregulasie (1) verwys word, sluit in—

(a) aanloopbaan;

(b) aanloopbaanskouers;

(c) aanloopbaan-draaiblokke;

(d) aanloopbaanstroke;

(e) veiligheidsareas vir aanloopbaan-eindpunt;

(f) vrypaaie;

(h) stoppaaie;

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(i) radio-altimeter-bedryfsarea;

(j) rybane;

(k) rybaanskouers;

(l) rybaanstroke;

(m) houplekke, aanloopbaan-houposisies, tussentydse houposisies en pad-houposisies;

(n) laaiblaie;

(o) geïsoleerde lugvaartuigparkeerposisie; en

(p) fasiliteite vir ontdooiing en teen-ysing.

(3) Visuele hulpmiddels vir navigasie waarna in subregulasie (1) verwys word, sluit in:

(a) aanwysers en seintoestelle,

(b) merke, ligte, tekens en merkers.

(4) Visuele hulpmiddels vir hindernisse waarna in subregulasie (1) verwys word, sluit in—

(a) voorwerpe wat gemerk of belig moet word; en

(b) merk of beligting van voorwerpe.

(5) Visuele hulpmiddels vir beperkte gebiede waarna in subregulasie (1) verwys word, moet voorsien word vir—

(a) geslote aanloopbane en rybane of enige deel van geslote aanloopbane en rybane;

(b) nie-draende oppervlaktes;

(c) voordrempelgebiede; en

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(d) ondiensbare gebiede.

(6) 'n Aansoeker om 'n vliegveldsertifikaat of vliegveldlisensie moet verseker dat 'n vliegveld toegerus word met–

(a) toerusting en installasies;

(b) 'n lugruimklassifikasie waarna in Deel 172 verwys word;

(c) 'n toepaslike vlak van brandbestrydingsdiens wat ooreenstem met die eienskappe van lugvaartuie wat bedoel is om gediens te word;

(d) die laagste meteorologiese minima vir elke aanloopbaan, en die omgewingsligtoestande tydens die bedryf van lugvaartuie;

(e) voldoende primêre kragtoevoer vir die veilige funksionering van lugnavigasiefasiliteite wat so gereël moet word dat fasiliteite outomaties aan die sekondêre kragtoevoer gekoppel word by onderbreking van die primêre kragbron; en

(f) tydsinterval tussen onderbreking van die primêre kragbron en die volledige herstel van die dienste, soos voorgeskryf in Dokument SA-CATS 139.

(7) Fisiese eienskappe, hindernisbeperkingsoppervlaktes, visuele hulpmiddels, toerusting en installasies wat by 'n vliegveld voorsien word, moet voldoen aan die toepaslike vliegveldontwerpstandaarde en kleurspesifikasies, soos voorgeskryf in Dokument SA-CATS 139.

(8) Elektriese installasies en toerusting anders as dié wat deel uitmaak van vliegveldgrondbeligting moet voldoen aan toepaslike Suid-Afrikaanse Nasionale Standaarde en die Wet op Beroepsgesondheid en -veiligheid, 1993, (Wet Nr. 85 van 1993).

(9) ’n Houer van ’n vliegveldlisensie wat vir internasionale bedryf gebruik word, moet verseker dat ’n vliegveld ’n oppervlakbewegingsleidings-en-beheerstelsel het wat ooreenstem met die vlak van bedryf, soos bepaal deur die Direkteur en soos voorgeskryf in Dokument SA-CATS 139.

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(10) ’n Houer van ’n vliegveldlisensie wat vir internasionale bedryf gebruik word, moet verseker dat die intensiteit in rooi lig en straalverspreiding van stopbalk-ligte in ooreenstemming is met die spesifikasies soos voorgeskryf in Dokument SA-CATS 139, waar—

(a) stopbalke gespesifiseer word as komponente van 'n gevorderde oppervlakbewegingsleidings-en-beheerstelsel, en

(b) 'n hoër intensiteit vereis word om grondbewegings teen 'n sekere spoed in baie lae sigbaarheid of in helder dagtoestande te handhaaf.

(11) ’n Houer van ’n vliegveldlisensie wat vir internasionale bedryf gebruik word, moet verseker dat rybaan-middellynligte in ooreenstemming is met die spesifikasies soos voorgeskryf in Dokument SA-CATS 139, waar—

(a) rybaan-middellynligte gespesifiseer word as komponente van 'n gevorderde oppervlakbewegingsleidings-en-beheerstelsel, en

(b) 'n hoër intensiteit vereis word om grondbewegings teen 'n sekere spoed in baie lae sigbaarheid of in helder dagtoestande te handhaaf.

(12) 'n Houer van 'n vliegveldlisensie wat vir internasionale bedryf gebruik word, moet verseker dat oppervlaktes van lugvaartuigbewegingsarea wat by 'n vliegveld verskaf word, ontwerp is om die gewig van die swaarste lugvaartuig te kan dra wat toegelaat word om op daardie vliegveld te beweeg.

(13) 'n Houer van 'n vliegveldlisensie wat vir internasionale bedryf gebruik word, moet verseker dat 'n vliegveldverwysingskode, -kodenommer en -letter wat vir vliegveldbeplanningsdoeleindes gekies word, bepaal word in ooreenstemming met die eienskappe van 'n lugvaartuig waarvoor 'n vliegveldfasiliteit bedoel is, soos voorgeskryf in Dokument SA-CATS 139.

(nn) die vervanging in regulasie 139.02.11 vir subregulasie (1) met die volgende subregulasie:

139.02.11 (1) 'n Aansoeker om 'n vliegveldlisensie met 'n kategorie hoër as 3 of vir 'n vliegveld waar gereelde kommersiële bedrywighede uitgevoer moet word, moet,

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op grond van 'n risikobeoordeling, die Direkteur van 'n vliegveldhandleiding voorsien wat—

(a) 'n verklaring deur 'n aanspreeklike bestuurder en voldoeningsbeampte wat bevestig dat 'n vliegveldhandleiding en enige ingeslote handleidings die organisasie van 'n aansoeker definieer en die prosedures en metodes demonstreer om te verseker dat die bepalings van die regulasies in hierdie Deel te alle tye nagekom sal word;

(b) besonderhede van personeel waarna in regulasie 139.02.13 verwys word;

(c) 'n organogram wat verantwoordelikheidstrukture toon van personeel waarna in regulasie 139.02.13 verwys word;

(d) beperkings op die gebruik van 'n vliegveld opgelê ingevolge regulasie 139.01.3 of enige ander beperking wat deur die Direkteur nodig geag word;

(e) 'n beskrywing van die kenmerke van en infrastruktuur wat by 'n vliegveld beskikbaar is, wat, met inagneming van die beperkings of beperkings waarna in paragraaf (d) verwys word, voldoen aan vliegveldontwerpvereistes waarna in regulasie 139.02.10 verwys word;

(f) lughawe-noodbestuurstelsel waarna verwys word in regulasie 139.02.14;

(g) 'n beskrywing van sodanige vliegveld se reddings- en brandbestrydings-vermoë wat, met inagneming van beperkings of beperkings waarna in paragraaf (d) verwys word, voldoen aan die vereistes voorgeskryf in regulasie 139.02.15;

(h) lughawe-omgewingsbestuursprogram waarna verwys word in regulasie 139.02.19;

(i) prosedures vir die kennisgewing van vliegvelddata en inligting waarna in regulasie 139.02.21 verwys word;

(j) gehalteversekeringstelsel waarna verwys word in regulasie 139.02.12;

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(k) 'n beskrywing van veiligheidsmaatreëls wat by sodanige vliegveld getref is om aan die bepalings van die Wet te voldoen;

(l) prosedures om 'n vliegveldhandleiding te beheer, **[wysig en versprei]** versprei, periodiek hersien en wysig moet wees soos voorgeskryf in Dokument SA-CATS 139;

(m) beoogde lugverkeerdienste en gepaardgaande lugruimklassifikasie;

(n) veiligheidsprosedures met betrekking tot alle laaibladbedrywighede wat op sodanige vliegveld uitgevoer word; en

(o) alle tersaaklike inligting oor sodanige vliegveldterrein, fasiliteite, dienste, toerusting, bedryfsprosedures, organisasie en bestuur, insluitend ’n veiligheidsbestuurstelsel.”

(oo) die invoeging in regulasie 139.02.14 na subregulasie (3) met die volgende subregulasie:

“(4) 'n Beoordeling ingevolge regulasie 139.02.14 sal naderings- en vertrekgebiede binne 1 000 m van 'n aanloopbaandrempel in ag neem om opsies beskikbaar vir ingryping te bepaal.

(5) 'n Vliegveldoperateur moet 'n gesinsbystandsplan vir gesinne en slagoffers wat by 'n lugvaartuigongeluk en -voorval betrokke is, opstel en aan die Direkteur voorlê, soos voorgeskryf in Dokument SA-CATS 139.

(6) ’n Gesinsbystandsplan waarna in subregulasie (5) verwys word, moet in die noodbestuurstelselhandleiding ingesluit word en elke twee jaar hersien word.”.

(pp) die vervanging in regulasie 139.02.15 vir subregulasie (1) met die volgende subregulasie:

“**139.02.15** (1) 'n Aansoeker om, of 'n houer van 'n vliegveld**[lisensie met 'n Kategorie hoër as 2]** sertifikaat of vliegveldlisensie wanneer kommersiële lugvervoerbedrywighede bedien word, sal verseker dat 'n vliegveld voorsien word van 'n reddings- en brandbestrydingsdiens wat in staat is om die vereiste vlak van

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beskerming te bied wat nodig is vir die handhawing van die minimum vlak van beskerming wat vereis word vir die toepaslike kategorie van die vliegveld.”.

(qq) die skrapping vir regulasie 139.02.15 van subregulasie (2).

(rr) die invoeging in regulasie 139.02.19 na subregulasie (9) met die volgende subregulasie:

"(10) 'n Vliegveldoperateur sal 'n proses vestig en implementeer om 'n toename of potensiële toename in die wildsbotsingsgevaar te versag as gevolg van grondgebruikontwikkeling wat waarskynlik wild rondom 'n vliegveld sal lok, soos voorgeskryf in Dokument SA-CATS 139."

(ss) die skrapping vir regulasie 139.02.23 subregulasie (3) van paragraaf (g).

(tt) die skrapping vir regulasie 139.02.23 van subregulasie (4).

(uu) die invoeging in regulasie 139.02.23 na subregulasie (8) met die volgende subregulasie:

(9) ’n Houer van ’n vliegveldlisensie of vliegveldsertifikaat moet ’n aanloopbaanveiligheidsprogram ontwikkel, soos voorgeskryf in Dokument SA-CATS 139 en sal insluit—

(a) stigting van aanloopbaanveiligheidspan;

(b) identifikasie van gevare wat verband hou met aanloopbaanveiligheid;

(c) ontwikkeling en implementering van aksieplanne;

(d) voorvalverslagdoening, insameling van data en die bekendmaking van veiligheidsinligting wat bestaan uit—

(i) klassifikasie van die erns van aanloopbaan-indringings;

(ii) verslagdoening van voëls en wild;

(e) voorkoming van aanloopbaanindringing, uitbewegings en verwarring;

(f) opskorting of sluiting van aanloopbaanbedrywighede,

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(g) beste praktyk vir lugverkeerbeheer tydens opskorting of sluiting van aanloopbaanbedrywighede;

(h) identifikasie van brandpunte;

(i) verslagdoening van aanloopbaanoppervlaktoestande; en

(j) rybaanontwerpleiding om aanloopbaanuitbewegings tot die minimum te beperk.".

(vv) die vervanging van regulasie 139.02.36 met die volgende regulasie:

(1) Lughaweplanne vir die ontwikkeling van vliegveldinfrastruktuur moet, vir vliegvelde wat ingevolge hierdie subdeel gesertifiseer is, aan die Direkteur voorgelê word en moet—

(a) argitektoniese en infrastruktuurverwante vereistes vir die optimale implementering van internasionale burgerlugvaartveiligheidsmaatreëls insluit;

(b) fisiese beplanning insluit wat die ontwikkeling van fasiliteite insluit, soos voorgeskryf in Dokument SA-CATS 139;

(c) 'n skedule van prioriteite bevat, insluitend 'n gefaseerde implementeringsplan; en

(d) periodiek hersien word om huidige en toekomstige vliegveldverkeer in ag te neem.

(2) 'n Vliegveldoperateur sal met partye wat deur die lughawe geaffekteer word, konsulteer, insluitend lugdiensoperateurs, ten einde die meesterbeplanningsproses te fasiliteer deur die gebruik van 'n raadplegende en samewerkende benadering.".

Wysiging van Deel 171 van die Regulasies

9. Deel 171 van die regulasies word hiermee gewysig deur—

(a) die vervanging van regulasie 171.03.13 met die volgende regulasie:

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"171.03.13 (1) Navigasietoerusting is onderhewig aan ingebruikneming en periodieke vluginspeksie soos voorgeskryf in DokumentSA-CATS 171.

(2) Die Kommissaris kan, met grondige redes getoon, afstand doen van of die vereistes vir periodieke vluginspeksies opskort, soos voorgeskryf in Dokument SA-CATS 171, op aansoek deur 'n ANSP, met dien verstande dat sodanige ANSP—

(a) voorheen voldoen het aan die vereistes vir periodieke vluginspeksie;

(b) voldoen aan die voorwaardes uiteengesit in die goedkeuring vir die tydperk van die afstanddoening of skorsing; en

(c) bly voldoen aan aanvaarbare veiligheidsvlakke soos voorgeskryf in Dokument SA-CATS 171.".

Wysiging van Deel 173 van die Regulasies

10. Deel 173 van die regulasies word hiermee gewysig deur—

(a) die vervanging in regulasie 173.01.7 van subregulasie (10) met die volgende subregulasie:

"(10) **[Die]** 'n **[o]**Opleiding wat **[deur]** ingevolge subregulasie (8) **[(b)]** vereis word, sal op 'n herhalende basis verskaf word met tussenposes **[wat nie die tydsduur]** gespesifiseer in DokumentSA-CATS 173 **[oorskry nie]**.".

(b) die vervanging in regulasie 173.02.4 van subregulasie (3) met die volgende:

"(3) 'n Houer van 'n vlugprosedure-ontwerpgoedkeuring moet, onderhewig aan regulasie173.02.4, periodiek met tussenposes en op die voorwaardes voorgeskryf in DokumentSA-CATS 173, elke vlugprosedure handhaaf .".

Wysiging van Deel 185 van die Regulasies

11. Deel 185 van die Regulasies word hiermee gewysig deur:

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(a) die vervanging van regulasie 185.04.2 met die volgende regulasie:

"185.04.2 (1) 'n Persoon wie se regte nadelig geraak is deur 'n administratiewe optrede wat deur 'n inspekteur, gemagtigde beampte, gemagtigde persoon of toepassingsbeampte ingevolge die Wet of hierdie Deel geneem is, kan, na betaling van die fooi voorgeskryf in Deel 187, appelleer teen so 'n besluit.

(2) 'n Appèl ingevolge subregulasie (1) moet binne 30 dae na die verskaffing van redes vir die besluit by die **[Direkteur]** Kommissaris ingedien word.

(3) Die **[Direkteur]** Kommissaris moet, **[moet]** binne **[drie]** 14 dae vanaf ontvangs van **[sodanige]** appèl beoog in subregulasie (1), skriftelik bevestig, wysig of **[die]** 'n besluit waarteen geappelleer is, terugtrek.

(4) Die [Direkteur] Kommissaris moet binne 14 dae skriftelike redes aan die Appellant verskaf vir enige besluit geneem ingevolge [subregulasie] subregulasie (3).

(5) Enige persoon wat gegrief is deur 'n besluit geneem ingevolge subregulasie (3) kan teen sodanige besluit appelleer binne **[vyf]** 30 dae vanaf ontvangs van die redes waarna in [subregulasie] subregulasie (3) verwys word aan 'n appèlkomitee beoog ingevolge artikel 122 van die Wet.

(6) By die beslissing van die appèl beoog in subregulasie (3) kan die **[Direkteur]** Kommissaris **[die]** 'n Appellant die volgende toelaat—

(a) 'n redelike geleentheid om vertoë te rig;

(b) **[die]** 'n geleentheid om inligting en argumente aan te bied en te betwis; en

(c) **[die]** 'n geleentheid om persoonlik te verskyn.

(7) Die **[Direkteur]** Kommissaris kan met grondige redes getoon **[enige]** nienakoming van die tydperk beoog in subregulasie (2) goedkeur.

(8) (*a*) Indien die **[Direkteur]** Kommissaris enige besluit van 'n gemagtigde beampte, gemagtigde persoon, inspekteur of toepassingsbeampte tersyde stel, moet die fooi waarna in subregulasie (1) verwys word, terugbetaal word aan **[die]**

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'n Appellant.

(b) Indien die **[Direkteur]** Kommissaris enige sodanige besluit wysig, kan hy of sy gelas dat die hele of enige deel van **[sodanige]** fooie betaal met betrekking tot 'n appèl aan **[die]** 'n Appellant terugbetaal word.

(9) 'n Appèl wat ingevolge hierdie artikel aangeteken word, skort nie **[die]** 'n besluit van **[die]** 'n gemagtigde beampte, gemagtigde persoon, inspekteur of toepassingsbeampte op nie.".

(b) die vervanging van regulasie 185.04.3 met die volgende regulasie:

"**185.04.3** (1) **[Enige]** 'n **[p]**Persoon wat direk deur **[enige van]** die volgende besluite geraak word, kan 'n appèl aanteken by die **[Direkteur]** Kommissaris:

(a) 'n besluit deur 'n aangewese liggaam of instansie om sy of haar mediese sertifikaat te kanselleer;

(b) 'n besluit deur 'n DAME, wat hom of haar ongeskik of tydelik ongeskik verklaar; en

(c) 'n endossement gemaak deur 'n DAME of 'n aangewese liggaam of instansie op sy of haar mediese sertifikaat**[; of]**.

(2) 'n Appèl waarna verwys word in subregulasie (1) moet binne **[60]** 30 dae vanaf die datum van ontvangs van die redes vir sodanige besluit op die toepaslike vorm ingedien word en moet vergesel word van **[toepaslike fooie]** 'n toepaslike fooi voorgeskryf in Deel 187.

(3) By die oorweging van 'n appèl wat ingevolge hierdie regulasie aangeteken is, moett die **[Direkteur]** Kommissaris bygestaan word deur ten minste twee mediese praktisyns, waarvan een ondervinding in lugvaart-geneeskunde moet hê.

(4) Die **[Direkteur]** Kommissaris sal 'n appèl wat ingevolge subregulasie (2) aangeteken is, oorweeg binne 60 dae na ontvangs daarvan, en kan 'n besluit ten opsigte waarvan 'n appèl aangeteken is, tersyde stel of bevestig, of sodanige ander besluit neem soos die **[Direkteur]** Kommissaris mag oorweeg billik te wees.

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(5) Die **[Direkteur]** Kommissaris moet binne 14 dae skriftelike redes aan **[die]** 'n Appellant verskaf vir enige besluit geneem ingevolge subregulasie (4).

[(6) 'n Persoon wat ingevolge subregulasie (2) appelleer, is op sy of haar eie koste geregtig op regsverteenwoordiging.]

(6) Die Kommissaris kan, met gegronde redes, nie-nakoming van die tydperk vir die aanteken van 'n appèl goedkeur.

(7) 'n Appèl wat ingevolge hierdie regulasie aangeteken word, skort nie 'n besluit of endossement op ten opsigte waarvan sodanige appèl aangeteken word nie.".

Invoeging van Deel 186 van die Regulasies

12. Deel 186 word hiermee ná Deel 185 van die Regulasies ingevoeg—

"DEEL 186 REËLING VAN REGULASIES: PROSEDURES MET BETREKKING TOT APPELLE

SUBDEEL 1: ALGEMEEN

186.01.1 Toepaslikheid

186.01.2 Aanteken van appèl

186.01.3 Algemene bepalings met betrekking tot appèl

186.01.4 Tydraamwerke met betrekking tot appèl

186.01.5 Verteenwoordiging van partye

SUBDEEL 2: HANTERING VAN APPELLE

186.02.1 Bediening van kennisgewings en ander dokumente

186.02.2 Liassering, voorbereiding en insae van dokumente

186.02.3 Pleitstukke

186.02.4 Wysiging van pleitstukke

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186.02.5 Ontdekking van dokumente

186.02.6 Dagvaarding

SUBDEEL 3: VERHOOR, OPNAME, VERDAGING, PUNT *IN LIMINE* EN VOORKOMS

186.03.1 Voorbereiding van verhoor

186.03.2 Verhoor

186.03.3 Verdaging en uitstel

186.03.4 Punt *in limine*

186.03.5 Nie-verskyning van party

SUBDEEL 4: BESLUITE, REKORDS EN DRINGENDE APPELLE

186.04.1 Besluit

186.04.2 Rekord van verrigtinge

186.04.3 Dringende appèlle

SUBDEEL 1: ALGEMEEN

Toepaslikheid

186.01.1 (1) Hierdie Deel is van toepassing op 'n appèl teen 'n besluit van die Kommissaris om—

(a) 'n versoek toe te staan of te weier deur enige persoon wat aangestel is om 'n funksie ingevolge die Wet of die regulasies te verrig, vir goedkeuring om lugvaartverwante besigheid of aktiwiteit te bedryf, of om 'n finansiële belang in die lugvaartbedryf te hou, wat die Kommissaris as 'n botsing van belange beskou soos beoog in artikel 98 van die Wet;

(b) die volgende besluite ingevolge artikel 118(3) van die Wet te handhaaf:

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(i) goedkeuring of weiering van 'n aansoek om registrasie, lisensie, sertifikaat, goedkeuring of magtiging;

(ii) weiering om registrasie, lisensie, sertifikaat, goedkeuring of magtiging uit te reik; en

(iii) 'n registrasie, lisensie, sertifikaat, goedkeuring of magtiging op te skort, te kanselleer, te onderskryf of te verander;

(c) 'n grondingsbevel op te hef of weier om op te hef, soos beoog in artikel 115 (2) van die Wet.

(2) Nieteenstaande die bepalings van subregulasie (1), is hierdie Deel van toepassing op enige appèl wat deur die Appèlkomitee hanteer word.

Aanteken van appèl

186.01.2 (1) 'n Persoon of entiteit wat verontreg voel deur 'n besluit van die Kommissaris soos beoog in regulasie 186.01.1 mag 'n appèl aanteken by die Appèlkomitee deur 'n kennisgewing van appèl aan die Appèlkomitee-sekretariaat te lewer;

(2) ’n Appèl wat aangeteken word soos beoog in subregulasie (1) moet vergesel word van bewys—

(a) van betaling van die voorgeskrewe appèlgelde aan die Departement, soos voorsiening gemaak daarvoor in Deel 187; en

(b) dat 'n afskrif van kennisgewing van appèl aan die Kommissaris beteken is.

Algemene bepalings met betrekking tot appèl

186.01.3 (1) 'n Party tot 'n appèl kan deur 'n regspraktisyn verteenwoordig word.

(2) 'n Appèl kan aangeteken word deur 'n betrokke Appellant, 'n behoorlik gemagtigde werknemer, of 'n regsverteenwoordiger van so 'n Appellant.

(3) ’n Appèl sal uiteensit—

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(a) volle name en identifikasie- of registrasienommers van 'n Appellant;

(b) 'n Appellant se woon- of besigheidsadres;

(c) hoedanigheid waarin 'n Appellant sodanige appèl aanteken; en

(d) kontakbesonderhede van 'n Appellant, insluitend telefoonnommers, en waar beskikbaar, elektroniese poskommunikasie.

(4) Enige fooie wat ingevolge hierdie Deel betaal moet word, sal, tensy uitdruklik anders bepaal, in die bankrekening van die Departement betaal word soos deur die Appèlkomitee-sekretariaat voorsien.

Tydraamwerke met betrekking tot appèl

186.01.4 (1) 'n Kennisgewing van appèl moet binne 30 dae na ontvangs van die redes vir 'n besluit waarteen geappelleer word, by die Appèlkomitee ingedien word.

(2) Die Kommissaris sal binne 21 dae na ontvangs van 'n appèl 'n antwoord en argumente by die Appèlkomitee en 'n Appellant indien, tesame met alle toepaslike dokumente wat verband hou met 'n besluit waarteen geappelleer word.

(3) 'n Appellant kan binne 14 dae na ontvangs van die antwoord tesame met dokumente waarma in subregulasie (2) verwys word, aanvullende inligting by die Appèlkomitee en die Kommissaris indien.

(4) 'n Appellant wat versuim om 'n appèl aan te teken binne 'n tydperk beoog in subregulasie (1), mag by die Appèlkomitee aansoek doen om kwytskelding vir die laat indiening van 'n appèl en mag die Kommissaris met so 'n aansoek beteken.

(5) 'n Aansoek om kwytskelding beoog in subregulasie (4) moet redes bevat vir versuim om te voldoen en 'n bewys van indiening daarvan by die Kommissaris.

(6) Die Kommissaris kan binne 10 dae na ontvangs van 'n afskrif van 'n aansoek om kwytskelding voorlegging doen ter ondersteuning of teen sodanige kwytskelding.

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(7) Die Appèlkomitee sal 'n besluit neem of 'n aansoek om kwytskelding vir laat indiening van 'n appèl soos beoog in subregulasie (4) aanvaar of geweier moet word.

Verteenwoordiging van partye

186.01.5 (1) 'n Party kan sy of haar saak persoonlik voer of deur 'n regspraktisyn verteenwoordig word: Met dien verstande dat 'n regspersoon verteenwoordig kan word deur 'n behoorlik gemagtigde verteenwoordiger wat 'n regspraktisyn, 'n werknemer, lid of amptenaar van so 'n regspersoon is .

(2) 'n Persoon wat in 'n verteenwoordigende hoedanigheid voor die Appèlkomitee verskyn, moet 'n volmag indien.

SUBDEEL 2: HANTERING VAN APPELLE

Bediening van kennisgewings en ander dokumente

186.02.1 (1) 'n Party wat 'n kennisgewing of ander dokument aan die ander party beteken, moet die Appèlkomitee van 'n oorspronklike of 'n gesertifiseerde afskrif van sodanige kennisgewing of dokument voorsien en 'n afskrif aan die ander party beteken.

(2) Alle kennisgewings of dokumente sal aan 'n persoon wat daardeur geraak word, beteken word deur 'n afskrif daarvan op een of ander van die volgende maniere te lewer:

(a) aan sodanige persoon persoonlik of aan sy of haar behoorlik gemagtigde agent;

(b) by 'n woonadres of besigheidsadres van sodanige persoon of sy of haar behoorlik gemagtigde agent;

(c) 'n wyse soos ooreengekom met sodanige persoon;

(d) aan 'n regsverteenwoordiger wat behoorlik skriftelik gemagtig is om diens te aanvaar namens sodanige persoon of entiteit aan wie diens gedoen moet

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word op enige toepaslike wyse waarvoor in hierdie regulasie voorsiening gemaak word; of

(e) per elektroniese pos wat deur sodanige party vir daardie doel verskaf is.

Liassering, voorbereiding en insae van dokumente

186.02.2 (1) Alle dokumente wat by die Appèlkomitee ingedien word, behalwe bewysstukke, moet—

(a) duidelik en leesbaar gedruk of getik in permanente swart of blou ink slegs aan die een kant van 'n A4 standaard grootte papier wees; en

(b) geag word getik te wees indien dit duidelik en leesbaar op geskikte papier weergegee word deur duplisering, litografiese, fotografiese of enige ander metode van reproduksie.

(2) Gemelde sake, beëdigde verklarings, gronde van appèl en soortgelyke dokumente word in bondige paragrawe verdeel wat opeenvolgend genommer moet word.

(3) Elke kennisgewing wat ingedien word, sal die name van 'n liasseerparty dra of, indien sodanige party deur 'n regspraktisyn verteenwoordig word, die besonderhede van sodanige regspraktisyn.

(4) Die Appèlkomitee kan enige dokument wat nie aan die vereistes van hierdie Deel voldoen nie, verwerp.

Pleitstukke

186.02.3 (1) Pleitstukke word in paragrawe verdeel, wat, soveel as moontlik, elkeen 'n duidelike verklaring bevat en opeenvolgend genommer word.

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(2) 'n Pleitskrif bevat 'n duidelike en bondige verklaring van wesenlike feite waarop 'n party se bewering gebaseer is met voldoende besonderhede om die ander party in staat te stel om daarop te antwoord.

(3) Wanneer 'n party in enige pleit 'n bewering van feit ontken, sal sodanige party dit nie ontwykend doen nie, maar sal die punt van die saak beantwoord.

(4) 'n Party wat, in so 'n party se pleitstuk, op 'n dokument staatmaak, moet verseker dat 'n afskrif daarvan of van 'n gedeelte waarop gesteun word, by so 'n pleitstuk aangeheg word.

(5) 'n Party wat staatmaak op 'n ooreenkoms wat deur wetgewing beheer word, moet die aard en omvang van sodanige party se voldoening aan die tersaaklike bepalings van sodanige wetgewing vermeld.

Wysiging van pleitstukke

186. 02.4 (1) 'n Party wat 'n pleitstuk of dokument anders as 'n beëdigde verklaring wil wysig, wat in verband met 'n appèl ingedien is, moet alle ander partye in kennis stel van sy of haar voorneme om te wysig en moet die partye van besonderhede van sodanige wysiging voorsien.

(2) Die kennisgewing waarna in subregulasie (1) verwys word, sal meld dat tensy 'n skriftelike beswaar teen die voorgestelde wysiging gelewer word binne 10 dae na aflewering van 'n kennisgewing van wysiging, die wysiging aangebring sal word.

(3) 'n Beswaar teen 'n voorgestelde wysiging moet die gronde waarop sodanige beswaar gevestig is, duidelik en bondig aandui.

(4) Indien 'n beswaar teen wysiging van 'n pleitstuk binne 10 dae gelewer word, kan 'n party wat dit wil wysig, binne 10 dae, 'n aansoek om verlof tot wysiging by die Appèlkomitee indien.

(5) Tensy die Appèlkomitee anders gelas, moet 'n party wat toegelaat word om te wysig, sodanige wysiging aanbring deur die toepaslike bladsye in sy gewysigde vorm te lewer.

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(6) 'n Party wat deur 'n wysiging geraak word, kan binne 15 dae nadat sodanige wysiging aangebring is of binne sodanige tydperk as wat die Appèlkomitee bepaal, enige gevolglike aanpassing maak aan die dokumente wat deur hom of haar ingedien is.

Ontdekking van dokumente

186.02.5 (1) Die Appèlkomitee kan tydens enige verrigtinge gelas dat enige party daartoe enige dokument of opname onder sodanige party se beheer oorhandig met betrekking tot enige aangeleentheid ter sprake in sodanige verrigtinge as wat die Appèlkomitee goeddink.

(2) 'n Dokument of rekord waarna in subregulasie (1) verwys word, moet binne 'n redelike tyd en omstandighede soos deur die Appèlkomitee bepaal, voorgelê word.

Dagvaarding

186.02.6 (1) 'n Party wat die bywoning van enige persoon verlang om getuienis by 'n verhoor af te lê, kan die Appèlkomitee versoek om 'n dagvaarding uit te reik wat so 'n persoon oproep om op 'n bepaalde datum, tyd en plek voor die Appèlkomitee te verskyn.

(2) ’n Dagvaarding sal—

(a) bepaal hoe redelike koste van bywoning van 'n getuie gedek sal word deur die party wat sy of haar bywoning vereis;

(b) sover moontlik 'n dokument, instrument of voorwerp spesifiseer wat as bewys gelewer moet word; en

(c) bedien word deur 'n balju of 'n lid van die Suid-Afrikaanse Polisiediens.

(3) 'n Party wat die bywoning van 'n getuie versoek, moet verseker dat 'n dagvaarding beteken word soos waarna in subregulasie (2) verwys word en 'n bewys van betekening by die Appèlkomitee indien.

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SUBDEEL 3: VERHOOR, OPNAME, VERDAGING, PUNT *IN LIMINE* EN VOORKOMS

Voorbereiding van verhoor

186.03.1 (1) By die sluiting van pleitstukke, moet 'n Appellant binne die tydperk van 10 dae die appèlstukke pagineer en indekseer en ses afskrifte aan die Appèlkomitee-sekretariaat en 'n afskrif aan die Kommissaris lewer.

(2) Die Appèlkomitee-sekretariaat sal binne 'n tydperk van 30 dae na ontvangs van die lêers van gepagineerde en geïndekseerde appèldokumente 'n datum vir 'n verhoor skeduleer.

Verhoor

186.03.2 (1) 'n Verhoor van 'n appèl vind plaas by 'n plek of aanlyn soos deur die Appèlkomitee bepaal en soos deur die Appèlkomitee-sekretariaat gereël.

(2) Die Appèlkomitee-sekretariaat sal 'n datum van verhoor aan al die partye ten minste 10 dae voor sodanige verhoor kommunikeer.

(3) Die Appèlkomitee-sekretariaat sal die verloop van die appèl aanteken.

(4) 'n Appellant sal eers 'n geleentheid gegun word om sy of haar saak te stel, enige getuies te roep en getuienis te lewer.

(5) Die Kommissaris of sy of haar verteenwoordiger sal 'n geleentheid gegun word om enige getuie te kruisondervra wat getuienis gelewer het ter ondersteuning van 'n Appellant se saak.

(6) Na afsluiting van 'n Appellant se saak sal die Kommissaris of sy of haar verteenwoordiger 'n geleentheid gegun word om te reageer, enige getuie te roep en getuienis te lewer.

(7) 'n Appellant sal 'n geleentheid gebied word om enige getuie te kruisondervra wat getuienis gelewer het ter ondersteuning van die Kommissaris se saak.

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(8) Die Appèlkomitee kan enige getuie roep wat hulle voel hulle kan help om tot 'n regmatige en regverdige besluit te kom.

(9) Die lede van die Appèlkomitee kan enige van die partye en die getuies vrae vra om enige kwessie waaroor hulle duidelikheid benodig, op te klaar.

(10) Beide partye sal 'n geleentheid gegun word om slotbetoë te lewer.

(11) Die Appèlkomitee sal vereis dat 'n getuie 'n eed aflê of 'n bevestiging maak voordat hy getuig.

(12) 'n Getuie wat nie 'n party tot die verrigtinge is nie, kan deur die Appèlkomitee gelas word om 'n verhoor te verlaat totdat sy of haar getuienis vereis word of nadat sy of haar getuienis gelewer is.

(13) Die Appèlkomitee kan 'n getuie beveel om teenwoordig te bly totdat sodanige verhoor uitgestel is en, waar nodig, op 'n daaropvolgende dag wat deur die Appèlkomitee bepaal word, te verskyn.

(14) Die Appèlkomitee kan, voordat hulle voortgaan om getuienis aan te hoor, van die partye vereis om binnekort die feitekwessies of regsvrae wat in dispuut is, te meld en kan die kwessies wat aldus gestel is, opteken.

(15) Indien dit vir die Appèlkomitee blyk dat daar 'n regs- of feitevraag is wat gerieflik beslis kan word óf voordat enige getuienis gelei word óf afsonderlik van enige ander vraag, kan die Appèlkomitee besluit om sodanige vraag af te handel op so 'n wyse as wat dit gepas mag ag en kan beveel dat alle verdere verrigtinge uitgestel word totdat sodanige vraag afgehandel is.

(16) Indien 'n vraag in dispuut 'n regsvraag is en die partye is dit eens oor die feite, kan die feite in die verhoor erken word, óf *viva voce* of deur skriftelike verklaring deur die partye en aangeteken deur die Appèlkomitee en uitspraak kan daaroor gegee word sonder verdere getuienis.

(17) Wanneer 'n regs- of feitevraag in dieselfde saak ontstaan en die Appèlkomitee van mening is dat sodanige saak slegs oor 'n regsvraag afgehandel kan word, kan die Appèlkomitee van die partye vereis om slegs oor daardie vraag

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te argumenteer en kan sy besluit daaroor te gee voordat getuienis oor die feitekwessies geneem word en kan finaal oordeel sonder om die feitekwessies te hanteer.

(18) In 'n proses wat 'n regs- of feitevraag behels, moet 'n party met 'n bewyslas eers sy of haar argumente en getuienis aanvoer.

(19) In 'n geval van dispuut oor die party op wie die bewyslas rus, sal die Appèlkomitee gelas watter party eerste getuienis sal aanlewer.

(20) Enige party kan, met die verlof van die Appèlkomitee, te eniger tyd voor vonnis verdere getuienis aanvoer: Met dien verstande dat sodanige verlof nie toegestaan kan word as dit aan die Appèlkomitee blyk dat sodanige getuienis opsetlik weerhou is nie.

(21) Die Appèlkomitee kan te eniger tyd voor uitspraak, op aansoek van enige party of uit eie beweging, enige getuie herroep vir verdere ondersoek.

(22) Die Appèlkomitee kan te eniger tyd tydens die verrigtinge die Departement versoek om 'n verklaring af te lê of enige vraag oor beleid en wetgewende aangeleenthede te beantwoord.

(23) Die Appèlkomitee kan die verrigtinge te eniger tyd uitstel om onderling of met enige persoon te konsulteer oor enige aangeleentheid wat toepaslik is tot die verrigtinge.

(24) Die partye kan uitstel van die verrigtinge versoek om met mekaar te konsulteer met die doel om die kwessies wat oorweeg word te stroomlyn.

Verdaging en uitstel

186.03.3 (1) 'n Verhoor van 'n appèl kan deur ooreenkoms tussen die partye of deur die Appèlkomitee verdaag of uitgestel word, hetsy uit eie beweging, op aansoek of versoek deur die partye.

(2) Waar 'n verdaging of uitstel *sine die* gemaak word, kan enige party die Appèlkomitee versoek om die aangeleentheid vir verdere verhoor te herinstel.

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Punt *in limine*

186.03.4 (1) Indien enige van die partye 'n punt *in limine* wil opper, moet sodanige party voldoen aan die bepalings van hierdie Deel met betrekking tot betekening van dokumente en pleitstukke.

(2) Die Appèlkomitee sal oor 'n punt *in limine* beslis voordat voortgegaan om die meriete van 'n appèl aan te hoor.

(3) 'n Party wat gegrief is deur 'n besluit van die Appèlkomitee oor 'n punt *in limine* kan sodanige besluit by die finale afsluiting van 'n appèlverhoor betwis.

(4) Die Appèlkomitee kan summier oor 'n punt *in limine* beskik en voortgaan om 'n appèl oor die meriete aan te hoor.

Nie-verskyning van 'n party

186.03.5 (1) Indien 'n Appellant versuim om op die gekommunikeerde tyd en plek vir 'n aanhoor van 'n appèl te verskyn en versuim om die Appèlkomitee skriftelik of op enige ander wyse in te lig oor sy of haar rede vir sodanige nie-verskyning, mag sodanige appèl van die hand gewys word en die appèlgelde verbeur word.

(2) Indien die Kommissaris of sy of haar verteenwoordiger versuim om op 'n gekommunikeerde tyd en plek vir 'n aanhoor van 'n appèl te verskyn en versuim om die Appèlkomitee skriftelik of op enige ander wyse in te lig oor sy of haar rede vir sodanige nie-verskyning, mag die Appèlkomitee 'n gepaste bevel maak soos dit goeddink, insluitend 'n bevel vir die Kommissaris om die appèlgeld aan 'n Appellant terug te betaal.

SUBDEEL 4: BESLISSING, REKORDS EN DRINGENDE APPELLE

Beslissing

186.04.1 (1) Die Appèlkomitee moet sy uitspraak maak binne 21 dae na afloop van 'n verhoor.

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(2) Die Appèlkomitee kan enige besluit waarteen appèl aangeteken is, bevestig, wysig of tersyde stel.

(3) Indien die Appèlkomitee besluit om 'n besluit van die Kommissaris geheel en al ter syde te stel, sal die appèlgeld deur die Kommissaris aan 'n Appellant terugbetaal word.

(4) Waar die Appèlkomitee besluit om 'n appèl af te wys, word die appèlgeld deur 'n Appellant verbeur.

(5) Waar die Appèlkomitee die aangeleentheid na die Kommissaris verwys vir heroorweging of herroeping van sy of haar oorspronklike besluit, sal die appèlgeld deur die Kommissaris aan 'n Appellant terugbetaal word.

(6) 'n Besluit van die Appèlkomitee sal skriftelik aan elkeen van die partye gelewer word binne 7 dae, nadat 'n besluit geneem is, met behulp van enige van die voorgeskrewe metodes.

Rekord van verrigtinge

186.04.2 (1) Die Appèlkomitee-sekretariaat sal rekords hou van–

(a) verrigtinge van die Appèlkomiteeverhore;

(b) appèllêers; en

(c) uitsprake gegee deur die Appèlkomitee.

(2) Die Appèlkomitee-sekretariaat sal 'n transkripsie van 'n appèlverhoor lewer indien so versoek deur enige van die partye, die Appèlkomitee, of enige ander tribunaal wat gemagtig is om sodanige transkripsie aan te vra.

(3) 'n Afskrif van 'n transkripsie van 'n appèlverhoor sal aan 'n versoekende party verskaf word by ontvangs van bewys van betaling van die voorgeskrewe fooi, tensy anders deur 'n geregshof gelas.

Dringende appèlle

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186.04.3 Die Appèlkomitee kan, indien tevrede is dat 'n aangeleentheid dringend is, 'n bevel maak wat van die voorgeskrewe tydsraamwerk afsien en sodanige appèl aanhoor op 'n tyd en plek en in ooreenstemming met sodanige prosedures wat die Appèlkomitee toepaslik ag: Met dien verstande dat sodanige prosedures sover prakties moontlik ingevolge hierdie regulasies sal wees.".

Wysiging van Deel 187 van die Regulasies

13. Deel 187 van die regulasies word hiermee gewysig deur die volgende regulasie na regulasie 187.02.3 in te voeg:

"Oopmaak van trustrekening

187,03. 1 (1) 'n Persoon of organisasie wat enige geld, fooie, kostes of heffings namens die Owerheid invorder, moet 'n trustrekening opstel waar sodanige geld, fooie, kostes of heffings gehou sal word vir oordrag of versending na die Owerheid.

(2) 'n Trustrekening wat ingevolge subregulasie (1) gestig is, sal as 'n afsonderlike rentedraende rekening by 'n handelsbank in stand gehou word wat ingevolge Bankwet, 1990 (Wet Nr. 94 van 1990) in die Republiek geregistreer is.

(3) 'n Persoon of organisasie waarna in subregulasie (1) verwys word, moet die geld, fooie, kostes of heffings wat namens die Owerheid ingevorder is, binne 10 werksdae na invordering in 'n trustrekening deponeer.

(4) Die geld, fooie, kostes of heffings wat ingevolge subregulasie (3) ingevorder word, met uitsluiting van die passasiersveiligheidsheffing, moet oorbetaal of versend word aan die Owerheid binne 21 dae vanaf die einde van die maand waartydens sodanige geld, fooie, kostes, of heffings in 'n trustrekening gedeponeer is.

(5) In die geval van 'n passasiersveiligheidsheffing, moet die geld wat ingevolge subregulasie (3) ingevorder word, oorbetaal of versend word aan die Owerheid binne 21 dae vanaf die einde van die maand waartydens 'n passasier vertrek het op 'n vlug waarvoor 'n passasiersveiligheid heffing betaalbaar is.

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(6) 'n Trustrekening wat ingevolge subregulasie (2) gestig is, moet die naam of beskrywing dra wat die woorde "SACAA Trust" insluit vir maklike identifikasie van 'n trustrekening.

(7) Versuim om die geld, fooie, kostes of heffings ingevolge subregulasie (3) in 'n trustrekening te deponeer of versuim om sodanige geld, fooie, kostes of heffings wat ingevorder is aan die Owerheid oor te betaal of te versend soos bepaal ingevolge hierdie regulasie, sal 'n misdryf ingevolge regulasie 185.01.2 uitmaak en die Owerheid kan—

(a) 'n boete van 10% op die waarde van die geld wat ingevorder of verskuldig is aan die Owerheid oplê na die verstryking van 21 dae waarna in subregulasies (4) en (5) verwys is; en

(b) siviele aksie in 'n bevoegde hof instel om sodanige geld, fooie, kostes of heffings van sodanige persoon of organisasie te verhaal tesame met enige verdere administratiewe boete en aksie opgelê soos bepaal in artikel 144 van die Wet.

(8) Die geld, fooie, kostes of heffings wat in hierdie regulasie aan die Owerheid betaal word, sal vry van rente en bankkoste betaal word.

(9) 'n Persoon of organisasie waarna in subregulasie (1) verwys word, mag nie enige geld, fooie, kostes of heffings wat namens die Owerheid ingevorder word, belê of aanwend vir enige ander doel as wat in hierdie regulasie bepaal word nie.

(10) 'n Maandelikse bankstaat asook 'n maandelikse rekonsiliasie van 'n trustrekening moet binne 21 dae na die laaste dag van elke maand by die Owerheid ingedien word en sodanige rekonsiliasie sal die volgende bevat, maar nie beperk word nie tot:

(a) openingsaldo;

(b) kwitansies;

(c) terugbetalings;

(d) rente ontvang;

(e) bankkoste;

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(f) betalings aan die Owerheid gemaak; en

(g) sluitingsbalans.

(11) 'n Trustrekening wat deur enige persone of organisasie waarna in subregulasie (1) verwys word, geopen en bedryf word, sal van tyd tot tyd aan 'n oudit deur die Owerheid of sy genomineerde onderwerp word.".

Vervanging van sekere woorde en uitdrukkings

14. Die Regulasies word hiermee gewysig deur die woord "Direkteur" met betrekking tot Direkteur van Burgerlugvaart, waar dit ook al in die regulasies voorkom, deur die woord "Kommissaris" te vervang.

Kort titel en begin

Hierdie Regulasies word die Een-en-dertigste Wysiging van die Burgerlugvaartregulasies, 2025 genoem en sal in werking tree op die Proklamasie deur die President van die Wysigingswet op Burgerlugvaart (Wet Nr. 22 van 2021) behalwe vir Deel 139 wat in werking tree op 'n datum van publikasie in die *Staatskoerant*.

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

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NOTICE 3086 OF 2025

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LEGAL PRACTICE COUNCIL

PRACTICAL VOCATIONAL TRAINING (PVT) STRUCTURED COURSEWORK PROGRAMME FOR CANDIDATE LEGAL PRACTITIONERS (CANDIDATE ATTORNEYS) IN TERMS OF REGULATION 6(10) OF THE LEGAL PRACTICE ACT 28 of 2014 FOR THE 2026 PVT STRUCTURED COURSEWORK PROGRAMME ONWARDS

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Executive Committee: Adv Pule Seleka (SC) – Chairperson, Dr Llewelyn Curlewis - Deputy Chairperson, Adv Craig Watt-Pringle (SC), Mr Martus De Wet,
Ms Nonduduzo Khanyile, Mr Sello Phajane, Adv. Matshoge Chabedi (SC), Executive Officer: Ms. Charity Nzuza

INTRODUCTION

1. **Background**

Following the Legal Education Forum held in July 2022, and the Legal Education Colloquium held in November 2023, it was resolved that candidate attorneys sitting for the competency-based examinations required an examinations curriculum that would serve as a guide on what to prepare and focus on for the examinations. The curriculum and syllabus document is prepared in terms of Regulation 6(10) of the Legal Practice Act, as well as the approved Norms and Standards guidelines published by the LPC in the Government Gazette on 11 December 2020.

The syllabus and curriculum document have been finalised. They are published below. The syllabus and curriculum will come into effect in 2026. From 2026 all future assessments of candidate attorneys will be subject to the syllabus and curriculum document set out below.

In order to be admitted as an attorney, a candidate will need to complete the PVT contract with their principal (previously called articles); complete the 150-notional or 400-notional hour PVT structured coursework programme through an LPC-accredited training provider; and pass the five competency-based, admission examinations. This document deals with the latter two requirements (being the PVT structured coursework, and the examinations).

Regulation 6(10) provides that:

(10) The programme of structured course work referred to in sub-regulation (1)(a) and (b) must be standardised and uniform throughout the Republic and comprise the following modules:

(a) constitutional practice;
(b) professional legal ethics;
(c) personal injury claims;
(d) high court practice;
(e) magistrate's court practice;
(f) criminal court practice;
(g) labour dispute resolution;
(h) alternative dispute resolution;
(i) attorneys' bookkeeping;
(j) wills and estates;
(k) matrimonial law;
(l) legal costs;
(m) drafting of contracts;

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(n) information and communication technology for practice, and associated aspects of cyber law; and

(o) introduction to practice management.

2. The LPC-accredited training providers are required to provide training and assessment of all of the abovementioned modules in the 150-notional hour and 400-notional hour PVT structured coursework programme. If a candidate successfully completes all the abovementioned modules (attendance and assessment as required), the candidate will be entitled to receive the certificate confirming their successful completion, and their competence in the abovementioned modules.

3. The examinations are provided for in ***Rule 21 Competency-based examinations or assessments*** **[section 95(1)(n) read with section 26(1)(d), (2) and (3)]**

21.1 A person wishing to qualify to be admitted and enrolled as a legal practitioner will be required to have passed a competency based assessment in terms of this rule 21, read with any rule made by the Council or the National Forum concerning levels of competence required for the admission and enrolment of legal practitioners.

21.2 The assessment of a person wishing to be admitted and enrolled as an attorney shall comprise assessment at least in relation to-

21.2.1 the practice and procedure in the High Court and in courts established under the Magistrates' Courts Act, 32 of 1944;

21.2.2 the practice and procedure relating to the winding up and distribution of the estates of deceased persons;

21.2.3 the practice, functions, and duties of an attorney, including the ethical duties of an attorney;

21.2.4 a knowledge of accounting necessary for the keeping of accounting records referred to in section 87 of the Act, and compliance with accounting rules published by the Council from time to time.

4. The examinations provided for in Rule 21 above are reconstituted into five examinations explained in the Table below.

FIVE EXAMS
IN TERMS OF THE MODULES IN REGULATION 6 (10)

Regulation 6 (10)	**Current Rule 21 (2) exams' assessment in relation to the modules listed below**	**Exams *per* module in Reg 6(10) under the FIVE exam format**

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(10) The programme of structured course work referred to in subregulation (1)*(a)* and *(b)* must be standardised and uniform throughout the Republic and comprise the following modules: *(a)* Constitutional practice; *(b)* professional legal ethics; *(c)* personal injury claims; *(d)* high court practice; *(e)* magistrate's court practice; *(f)* criminal court practice; *(g)* labour dispute resolution; *(h)* alternative dispute resolution *(i)* attorneys' bookkeeping; *(j)* wills and estates; *(k)* matrimonial law; *(l)* legal costs; *(m)* drafting of contracts; *(n)* information and communication technology for practice, and associated aspects of cyber law; and *(o)* introduction to practice management.	Currently candidate attorneys write four exams. Pupils write five. Total exam time is 9 hours for both sets of exams. Some modules in Reg 6 (10) are currently not examined. **The old exams were**: **Paper 1**: Court procedures **Paper 2**: Wills and Estates **Paper 3**: Professional Ethics and Attorneys' Practice **Paper 4**: Legal Practitioners' Bookkeeping *(a)* Constitutional practice; **NOT examined** *(b)* professional legal ethics; (**Paper 3**) *(c)* personal injury claims; (**Paper 3**) *(d)* high court practice; (Paper 1) *(e)* magistrate's court practice; (Paper 1) *(f)* criminal court practice; (Paper 1) *(g)* labour dispute resolution; (**Paper 3**) *(h)* alternative dispute resolution; (**Paper 3**) *(i)* attorneys' bookkeeping; (Paper 4) *(j)* wills and estates; (Paper 2) *(k)* matrimonial law; (**Paper 3**) *(l)* legal costs; (**Paper 3**) *(m)* drafting of contracts; (**Paper 3**) *(n)* information and communication technology for practice, and associated aspects of cyber law; (**Paper 3**) *(o)* intro to practice management. (**Paper 3**)	**Paper 1 – two hours** *(d)* high court practice *(e)* magistrate's court practice *(c)* personal injury claims *(m)* drafting of contracts **Paper 2 – one hour** *(f)* criminal court practice *(n)* information and com tech for practice, and associated aspects of cyber law **Paper 3 – two hours** *(j)* wills and estates *(k)* matrimonial law **Paper 4 – two hours** *(b)* professional legal ethics *(a)* constitutional practice *(g)* labour dispute resolution; *(h)* ADR **Paper 5 – two hours** *(i)* attorneys' bookkeeping *(l)* legal costs *(o)* introduction to practice management

5. The profession, stakeholders, and interested persons are requested to consider the proposed revised curriculum and examination syllabus and provide comment by no later than **28 April 2025.** All comments must be sent to the following email address: comments@lpc.org.za.

Signed at Midrand on **17 March 2025**



Ms C Nzuza

Executive Officer: Legal Practice Council

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PAPER 1 – NEW SYLLABUS 2026

PAPER 1: COURT PRACTICE AND PROCEDURES (High Court Practice, Magistrates' Court Practice, Personal Injury Claims, Drafting of Contracts)		
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
High Court practice Reg 6 (10)(d) **The principles of drafting apply to all Courts both civil and criminal and to all ADR, tribunals and other formal forums**. .	**Introduction to the High Court** High Court jurisdiction and courts of similar jurisdiction Superior Courts Act 10 of 2013. Uniform Rules of Court (the Rules). There will be emphasis on those rules that are in regular use in practice; such rules will be set out in the reading list. <u>Mediation</u> The impact of and compliance with Rule 41A of the Uniform Rules of Court. <u>Contingency Litigation:</u> Contingency litigation and how to decide whether to take a matter on contingency. How to charge contingency fees. How to carry out a risk analysis when requested to take a matter on contingency. <u>Case management:</u> Case Management in practice. Candidates must know how to refer a matter to case management, the process and procedures in case management. Section 60 in Part VI of the Code of Conduct: Commitment of legal practitioner to an effective court process.	**PRINCIPAL WORKS:** • Erasmus: Superior Court Practice Vol 2 ("Erasmus") • Hussain: Practical Drafting Skills • Hussain: Trial Advocacy: The Art of Persuasion • Marnewick: Litigation Skills for South African Lawyers • Schmidt & Others: Law of Evidence • Zeffertt & Paizes: The South African Law of Evidence To avoid prolixity, for the detail on the law of evidence see the module on Magistrate's Court Practice. For example remember the parol evidence rule: *KPMG Chartered Accountants (SA) v Securefin Ltd and Another* 2009 (4) SA 399 (SCA) ([2009] 2 All SA 523) at para [39]. **COMPULSORY READING** "The ethics of the hopeless case", by Owen Rogers, in the Advocate magazine, December 2017 especially the summary at pages 50 and 51. <u>https://gcbsa.co.za/law-journals/2017/december/2017-december-vol030-no3-pp46-51.pdf</u> • *Children's Resource Centre Trust and Others v Pioneer Food (Pty) Ltd and Others* 2013 (2) SA 213 (SCA) at para [35]. • Superior Courts Act 10 of 2013 • Uniform Rules of Court **1. GENERAL** 1.1. *Character of application proceedings* Rule 6; *Fakie NO v CCII Systems (Pty) Ltd* 2006 (4) SA 326 (SCA) at para [55] *Gold Fields Ltd v Motley Rice LLC* 2015 (4) SA 299 (GJ) at paras [121] to [125]

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	Certification: How the trial certification process works according to the directives of the court where the action is brought. How to discern triable issues. Trial Preparation: Candidates **must** understand that there is a duty on a practitioner to settle a matter at any stage. The earlier the matter gets settled, the better. Candidates must acquire the following skills: How to obtain all the relevant facts and documents How to carry out an effective fact analysis * How to analyse pleadings. * How to determine triable issues. * How to limit the issues for trial. * How to initiate case conferences for certification and for trial readiness. * How to do pre-trial conferences, how to achieve the purpose of the conference and how to draft the agenda. * How to carry out a proof analysis. What is meant by "proof of a fact" and how to discharge the onus. * How to carry out witness and documentation analysis. * How to prepare chronology documents. Discovery: * Latest developments on how to obtain, preserve and present relevant documentation including Electronic Documents. What is meta data and how to use it to authenticate documents. How to use secondary evidence to prove a document where the meta data is unavailable. * The concept of narrow discovery and proportionality. * How to prepare trial bundles. The importance of sequencing.	Form of notice of motion: *Mynhardt v Mynhardt* 1986 (1) SA 456 (T) at 463H *Arendsnes Sweefspoor CC v Botha* 2013 (5) SA 399 (SCA) at para [18] and *Eke v Parsons* 2016 (3) SA 37 (CC) at paras [25], [26] and [39] to [42] and Ekurhuleni City v Rohlandt Holdings CC 2025 (1) SA 1 (CC) at paras [99] to [103] 1.2 *Ex parte* applications ***See the section under the corresponding heading in ethics***: Herbstein & Van Winsen p290 *Mynhardt v Mynhardt* 1986 (1) SA 456 (T) at 458H–I *Mahomed NO & others v NDPP* 2002 (4) SA 366 (W) at 373B-374B. Rules *nisi* 1.3 *Disputes of fact in application proceedings* The distinction between motion proceedings and actions: In motion proceedings, the affidavits constitute both the pleadings and the evidence. See *Kham v Electoral Commission* 2016 (2) SA 338 (CC) at para [46]. This rule applies to all the affidavits: founding, answering and replying. See *Transnet Ltd v Rubenstein* 2006 (1) SA 591 (SCA) at para [28]. However, an applicant may not make out a new cause of action in the replying affidavit. See *Airports Company South Africa Ltd v Airport Bookshops (Pty) Ltd t/a Exclusive Books* 2016 (1) SA 473 (GJ) at para [17]: case confirmed on appeal. *Mostert and Others v FirstRand Bank Ltd t/a RMB Private Bank and Another* 2018 (4) SA 443 (SCA) at para [13]. *Room Hire Co (Pty) Ltd v Jeppe Street Mansions (Pty) Ltd* 1949 (3) SA 1155 (T) at the Headnote and pages 1162 to 1163 *Soffiantini v Mould* 1956 (4) SA 150 (E) at page 154 E-H; Cf *Metallurgical and Commercial Consultants v Metal Sales Co* 1971 (2) SA 388 (W) at page 390F *Economic Freedom Fighters v Manuel* 2021 (3) SA 425 (SCA) at para [92] Referral to trial or to oral evidence: 1971 (2) SA 388 (W) at pages 396D to 397B for the form of order; *Kalil v Decotex (Pty) Ltd and Another* 1988 (1) SA 943 (A) at 981D-F *Lekup Prop Co No 4 (Pty) Ltd v Wright* 2012 (5) SA 246 (SCA) at para [32]

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	Trial or hearing What is "the Case Concept: how to proceed with the hearing and discharge the onus. * Witness briefing. Candidates must know how to prepare a witness for court appearances. * Opening Statement. * Leading a witness in chief. * Cross examination. * Re-examination. * Presenting argument. Heads of Argument. * When are heads required. * What are "main heads of argument". * What are Short or Concise heads. * What are Comprehensive heads. * How to draft heads of argument Appeal procedures Enforcement of judgments and orders Execution of process Superior Courts Act 10 of 2013 section 43 Uniform Rules of Court: rules 45, 45A, 46, 46A The following rules in the Uniform Rules of Court will not be examined. If candidate legal practitioners, candidate attorneys or pupils ever need to use the rules below, the rules can be mastered in practice by reading and applying the rule. **Drafting Legal Documents – Pleadings and Motions** Drafting pleadings a) Drafting on one's own without precedents and AI. b) Understand and apply rules 18 and 22 of the Uniform Rules. c) How to establish a "cause of action" or "defence" from a set of facts or instructions. d) Particulars of claim and a plea	*Hotz v University of Cape Town* 2017 (2) SA 485 (SCA) at para [29] and paras [36] and [39] *Director-General, Depart of Rural Development and Land Reform, and Another v Mwelase and Others* 2019 (2) SA 81 (SCA) at para [64] *Murray NO and Others v Humansdorp Co-Operative Ltd* 2023 (3) SA 66 (SCA) at paras [21] to [23] 1.4 *Approach to disputes of fact in applications for final relief*: *Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd* 1984 (3) SA 623 (A) at 634E-635D. *Stellenbosch Farmers' Winery Ltd v Stellenvale Winery (Pty) Ltd* 1957 (4) SA 234 (C) at page 235 *Director-General, Department of Rural Development and Land Reform v Mwelase* 2019 (2) SA 81 (SCA) (overturned on appeal) at para [64] for a crisp statement of Plascon-Evans (para [64] was not overturned on appeal) 1.5 Character of trial and motion proceedings Uniform Rules of Court The vital aspect of jurisdiction *Standard Bank of SA Ltd v Mpongo* 2021 (6) SA 403 (SCA) *South African Human Rights Commission v Standard Bank of South Africa Ltd and Others* 2023 (3) SA 36 (CC) **2. INSTITUTING APPLICATIONS** ***General provisions*** 2.1 *Notice of motion and founding affidavit* *Hlophe v Freedom Under Law, and Other Matters* 2022 (2) SA 523 (GJ) at para [28] Rule 6 and commentary thereon on Erasmus and Harms - Annexures to affidavits (numbering and reference to content) Avoid the **sloppy method** identified in para [31] of *Drift Supersand (Pty) Ltd v Mogale City Local Municipality and Another* [2017] 4 All SA 624 (SCA) ([2017] ZASCA 118) and the **slovenly practice** identified in para [3] of *Eskom Holdings SOC Ltd v Masinda* 2019 (5) SA 386 (SCA) ([2019] ZASCA 98) Important to set out the whole case in the founding affidavit: *Advertising Regulatory Board NPC and Others v Bliss Brands (Pty) Ltd* 2022 (4) SA 57 (SCA) at para [39]. See also Esau v Minister of Co-op Governance & Traditional Affairs 2021 (3) SA 593 (SCA) ([2021] 2 All SA 357; [2021] ZASCA 9) at para [60].

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	in contract, delict and divorce. The focus is on contract and delict. e) The correct lay-out of pleadings with proper paragraph numbering, appropriate spacing, font types, use of headings and point first drafting. f) No pleading may be vague: each pleading must disclose a cause of action or a defence and must be based on the peculiar facts of your case. g) A plea must comply with Rule 22 of the Uniform Rules. Bare denials are not allowed. Candidates must plead their client's version, which, if proved, will amount to a defence to plaintiff's claim. h) Candidates must be able to draft a Special Plea and know when and how to draft a Special Plea. See the Crompton Street Motors CC t/a Wallers Garage Service Station v Bright Idea Projects 66 (Pty) Ltd t/a All Fuels 2022 (1) SA 317 (CC) at para [33] below. <u>Drafting Notices of Motion and three sets of affidavits</u> a) Candidates must learn the different types of notices of motion and when each is used. This must include a long form notice of motion, a short form notice of motion and a Two-Part notice of motion. b) Candidates must know when and how each of the three types is used. c) Candidates must understand what is a provisional order, interim order, a rule nisi, and a final order. d) Candidates must learn to draft founding, answering and	- Annexures to affidavits (numbering and reference to content) - pleadings and evidence: *Mostert v FirstRand Bank t/a RMB Private Bank* 2018 (4) SA 443 (SCA) ([2018] ZASCA 54) at paras [13]; *Fischer and Another v Ramahlele and Others* 2014 (4) SA 614 (SCA) ([2014] 3 All SA 395; [2014] ZASCA 88) at para [13] affirmed by the *Constitutional Court in Public Protector v South African Reserve Bank* 2019 (6) SA 253 (CC) (2019 (9) BCLR 1113; [2019] ZACC 29) at para [234]. - Institution of Legal Proceedings against Certain Organs of State Act 40 of 2002 - Applications that raise constitutional issues Rule 16A ▪ *Shaik v Minister of Justice and Constitutional Development* 2004 (3) SA 599 (CC) at para [24]] and *Sarrahwitz v Maritz NO* 2015 (4) SA 491 (CC) at paras [28] to [31]. 2.2 *Joinder under rule 10A and Joinder of respondents* - Who must be joined? - Joint and several liability *Alberts and Others v Minister of Justice and Correctional Services* 2022 (6) SA 59 (SCA) at paras [17] to [21] 2.3 *Service generally Rule 4* Candidates should know the essential requirements and procedure involved in applications for substituted service Rule 4(2) Proceedings against firms, etc. Rule 14 Change of parties Rule 15 Substituted service Edictal citation (rules 5 and 63) Attachment to found or confirm jurisdiction **3. URGENT APPLICATIONS** Rule 6(12): refer to the practice directives where you intend to bring an application *Luna Meubel Vervaardigers (Edms) Bpk v Makin* 1977 (4) SA 135 (W) at page 137A-F (paras 1 to 4) *Sikwe v SA Mutual Fire & General Insurance Co Ltd* 1977 (3) SA 438 (W) at 440H on the substance of the affidavit over its form. Not to be confused with the *CSARS* case below. *Nelson Mandela MM v Greyvenouw CC* 2004 (2) SA 81 (SE) at para [37] *CSARS v Hawker Air Services (Pty) Ltd; CSARS v Hawker Aviation Partnership* 2006 (4) SA 292 (SCA) at paras [9] to [11].

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	replying affidavits. e) Candidates must know the required lay-out of each of the affidavits with reference to the requirements in the Uniform Rules and directives. f) Candidates must know how to index and paginate court files. g) Candidates must know how to prepare draft orders. h) Candidates must know how to draft interdicts. <u>Managing Fact:</u> a) How to obtain relevant facts. b) What are the sources of fact. c) Obtaining documents including electronic documents. d) How to preserve documents. e) Obtaining witness statements. f) Carrying out *in loco* inspections: how to record the evidence. g) How to obtain and preserve relevant exhibits: what is Visual Evidence and how to use it. <u>Analysing Fact.</u> h) Candidates must demonstrate logical sequencing of facts and documents and the use of chronology documents. i) Candidates must demonstrate their ability to analyse facts: only relevant facts must be obtained, retained and presented at a hearing; only facts that are admissible, in terms of the rules of evidence, can be relied on. j) Candidates must demonstrate that any version of facts on which they intend to rely, must be probable in the circumstances of the case. k) Candidates must know that they cannot rely in court on a version that is improbable, implausible or impossible. l) Candidates must be able to work out what facts support	See especially para [9]: "Urgency is a reason that may justify deviation from the times and forms the Rules prescribe. It relates to form, not substance, and is not a prerequisite to a claim for substantive relief." **4. ANSWERING AND REPLYING AFFIDAVITS** Content and form Answering affidavits cannot contain mere bald denials. This principle is similar to rule 22 concerning pleas. See Skog NO v Agullus 2024 (1) SA 72 (SCA) at paras [23] – [24] Points *in limine* *Gcaba v Minister for Safety and Security* 2010 (1) SA 238 (CC) at para [75] Late filing, barring and condonation *Motloung v Sheriff, Pretoria East* 2020 (5) SA 123 (SCA) at paras [10] to [17], [23] to [25] and para [28] - Rule 26 - Rule 27 Raising new matters in the replying affidavit – not normally permitted However, see *Mostert v FirstRand Bank t/a RMB Private Bank* 2018 (4) SA 443 (SCA) ([2018] ZASCA 54) at paras [13] to [15] **5. ADDITIONAL AFFIDAVITS** Leave required *NM v John Wesley School and Another* 2019 (2) SA 557 (KZD) at paras [56] and [57] Form and content **6. DISCOVERY IN MOTION PROCEEDINGS** Obligation to put up evidence on which party intends to rely *MV Alina II: Transnet Ltd v MV Alina II* 2013 (6) SA 556 (WCC) at paras [19] to [26] *STT Sales (Pty) Ltd v Fourie* 2010 (6) SA 272 (GSJ) at paras [13] to [17]: note para [17] Rules 35(12) and (14) Non-application of Promotion of Access to Information Act 2 of 2000 Cf *Arena Holdings (Pty) Ltd t/a Financial Mail v South African Revenue Service and Others* [2023] ZACC 13; 2023 (8) BCLR 905 (CC) at paras [147] to [150] and [155] to [157] and [170] to [172], Authentication of documents Rule 63 **7. OBJECTIONS TO PROCESS OR PLEADINGS** Failure to deliver pleadings - barring Rule 26 Extension of time periods Rule 27 Amendments Rule 28 Irregular proceedings Rule 30

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	their client's version and what facts do not support their client's version. <u>Working out the case concept</u> (or theory of the case) a) What happened according to your client's version of the facts? b) What are the issues, factual and legal, that emerge from the facts? c) What are you going to tell the judge at the hearing? d) What version are you going to present in your papers? e) How will you present evidence? f) Who will be the witnesses and what documents will you need? g) How will you run the case from pleadings to final argument? h) This process has to be applied **before** any papers are drafted. **<u>Candidates will need and know the following:</u>** * Candidates will know how to analyse three sets of affidavits in motion matters. * Candidates will know how to grasp findings of facts on affidavits, including the *Plascon-Evans* test. The *Plascon-Evans* test is best understood by asking the question: what are the probabilities concerning the allegations in the respective affidavits bearing in mind the undisputed facts ? * Candidates need good literacy skills to pass exams. * Candidates are not allowed access to the internet during the exams. * Candidates must not rely on AI, like ChatGPT, when drafting legal	*Afrocentrics Projects and Services (Pty) Ltd t/a Innovative Distribution v State Information Technology Agency (SITA) SOC Ltd and Others* [2023] ZACC 2; 2023 (4) BCLR 361 (CC) especially at para [30] Non-compliance with Rules Rule 30A Vexatious proceedings and abuse of process *Mineral Sands Resources (Pty) Ltd v Reddell* 2023 (2) SA 68 (CC) at paras [2] and [89] to [100] *South African Human Rights Commission v Standard Bank of South Africa Ltd* 2023 (3) SA 36 (CC) at paras [29] to [33], and [38] *PFC Properties (Pty) Ltd v Commissioner for the South African Revenue Services and Others* and *Brita De Robillard NO and Another v PFC properties (Pty) Ltd and Others* [2023] ZASCA 111 Applications to strike out Security for costs **8. PARTICIPATION BY OTHER PARTIES** Intervention applications Rule 12 Joinder and consolidation Rule 10 Third party procedures Rule 13 Interpleaders Rule 58 and commentary thereon in Erasmus *The Fonarun Naree: Trustees, Copenship Bulkers A/S (in Liquidation) and Others v Afri Grain Marketing (Pty) Ltd and Others* 2020 (4) SA 188 (GJ) at paras [24] and [34] and [35] Curators Rule 57 **9. AFTER PLEADINGS CLOSE** Heads and practice note (check the practice directives for these requirements) Set down Hearing Settlement and/or withdrawal Rule 41 **10. ORDERS** Interim and final orders The finality of judgments Skog NO v Agullus 2024 (1) SA 72 (SCA) at paras [63] to [75] The *functus officio* doctrine See Public Investment Corporation Soc Ltd and Another v Trencon Construction (Pty) Ltd and Another 2024 (1) SA 66 (SCA) at para [12] Rescission Rule 42, Rule 31(2)(b), Common law

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	documents. To draft well requires personal agency not the crutch of an AI programme or a set of precedents. * Candidates will be examined and need to draft pleadings and affidavits without the assistance of the internet during the exams. * **Most importantly**, candidates must understand and apply the ethical precepts discussed in the article by Judge Owen Rogers in the reading list under the title: "The ethics of the hopeless case", Owen Rogers, Advocate December 2017. Candidates will apply the principles of drafting set out below. The principles commence with a grasp of the facts and end with the case concept. Writing involves thinking. There is a method in this. Candidates must apply their minds before putting pen to paper. **The importance of remaining within the case pleaded** *City of Cape Town v Sanral* 2015 (3) SA 386 (SCA) ([2015] 2 All SA 517; 2015 (5) BCLR 560; [2015] ZASCA 58) at para [10] on page 397 **Candidates will learn to think before they ink**. *University of South Africa v Socikwa and Others* (J 675/23; J 680/23) [2023] ZALCJHB 172 (7 June 2023) especially at paras [1], [4] and [45]	requirements Candidates are particularly required to understand the differences between applications in terms of Rule 31, Rule 42 and the common law. See *Ellis v Eden* 2023 (1) SA 544 (WCC) at paras [25] to [38] o *Colyn v Tiger Food Industries Ltd t/a Meadow Feed Mills (Cape)* 2003 (6) SA 1 (SCA) at para [12] at page 9F and *HLB Intl (SA) v MWRK Accountants & Consultants* 2022 (5) SA 373 (SCA) at paras [19] to [28] and *Ingosstrakh v Global Aviation Investments (Pty) Ltd* 2021 (6) SA 352 (SCA) at para [21] Claims for interest Sections 1, 2, 2A and 4 of the Prescribed Rate of Interest Act 55 of 1975. Cf Da Cruz v Bernardo 2022 (2) SA 185 (GJ) at paras [17] to [62] **HOW TO EXECUTE JUDGMENTS** Rule 45 Execution - general and movables 45A Suspension of orders by the court *BP Southern Africa (Pty) Ltd v Mega Burst Oils & Fuels (Pty) Ltd & Similar Matter* 2022 (1) SA 162 (GJ) *MEC, Dept of Public Works v Ikamva Architects* 2022 (6) SA 275 (ECB) at paras [81] to [93] 46 Execution – immovable property 46A Execution against residential immovable property *Bestbier and Others NNO v Nedbank Ltd* 2024 (4) SA 331 (CC) at paras [54] to [82] **11. COSTS** Ordinary rule of costs Costs in interlocutory applications Punitive costs *Borcherds v Duxbury and Others* 2021 (1) SA 410 (ECP) at paras [40] to [43] The *Biowatch* rule compared to the public function rule, the conduct of the parties rule, the abuse of process rule and the SLAPP suit rule: *Biowatch Trust v Registrar, Genetic Resources* 2009 (6) SA 232 (CC) in paras [28] to [31] and at paras [42] to [49] and [56] and [60] Compared to the public function rule *Minister of Water and Sanitation v Sembcorp Siza Water (Pty) Ltd* 2023 (1) SA 1 (CC) at para [91] Compared to the conduct of the parties rule Esorfranki Pipelines (Pty) Ltd v Mopani District Municipality 2023 (2) SA 31 (CC) at para [59]

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		Compared to the abuse of process rule *Mineral Sands Resources (Pty) Ltd v Reddell* 2023 (2) SA 68 (CC) at paras [69] and [70] Which rule includes SLAPP suits *Mineral Sands Resources (Pty) Ltd v Reddell* 2023 (2) SA 68 (CC) at paras [76], [77], [90] and [98] **12. PARTICULAR KINDS OF APPLICATIONS** 12.1. *Default judgment I Judgment by confession* Rule 31 and commentary thereon in Erasmus Rule 26; and see paras 15 and 20 below. *Havenga v Parker* 1993 (3) SA 724 (T). *Nedbank Ltd v Fraser & Four Other Cases* 2011 (4) SA 363 (GSJ) at para [47] Relevance of the National Credit Act, 2005 Special requirements for declaring property specially executable - Form of notice of motion - Content of affidavits - Service requirements *Sebola and Another v Standard Bank of South Africa Ltd and Another* 2012 (5) SA 142 (CC) (2012 (8) BCLR 785; [2012] ZACC 11) o Sale in execution values (Rule 43A) o Jaftha v Schoeman & Others; van Rooyen v Stoltz & Others 2005 (2) SA 140 (CC) o Standard Bank of South Africa Ltd v Saunderson & Others 2006 (2) SA 264 (SCA) o Gundwana v Steko Development & Others 2011 (3) SA 608 (CC) o Nkata v FRB 2016 (4) SA 257 (CC) at paras [94] to [126] o *NPGS Protection and Security Services CC v Firstrand Bank* 2020 (1) SA 494 (SCA) o *Bayport Securitisation Ltd and Another v University of Stellenbosch Law Clinic and Others* 2022 (2) SA 343 (SCA) at para [3] o *Bestbier and Others NNO v Nedbank Ltd* 2023 (4) SA 25 (SCA) at paras [26] to [28] and [32] 12.2. *Eviction applications* Difference between commercial and residential evictions Requirements under PIE *Grobler v Phillips and Others* 2023 (1) SA 321 (CC) at paras [23] and [34] **read with** para [36], then paras [37] to [48] Meme-Akpta and Another v Unlawful Occupiers at 44 Nugget Street 2023 (3) SA 649 (GJ) – **the entire case** *Cape Killarney Property Investments (Pty) Ltd v*

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		Mahamba 2000 (2) SA 67 (C) at paras [13] to [21], especially para [18] *Cape Killarney Property Investments (Pty) Ltd v Mahamba and Others* 2001 (4) SA 1222 (SCA) at para [16] - Municipal joinder - Service - Risk of homelessness - Process *Stay At South Point Properties (Pty) Ltd v Mqulwana and Others (UCT intervening as amicus curiae)* [2023] ZASCA 108 at paras [11], [18] and [19] 12.3. *Summary judgment* Rule 32 (as amended) *FirstRand Bank Ltd t/a First National Bank v Moonsammy t/a Synka Liquors* 2021 (1) SA 225 (GJ) *Ingenuity Property Investments (Pty) Ltd v Ignite Fitness (Pty) Ltd* 2023 (5) SA 439 (WCC) *Absa Bank Ltd v Meiring* 2022 (3) SA 449 (WCC). The whole of this case is profoundly important for all lawyers in South Africa. Vital to understand about this case is the concept of **pleading over** despite the temporary advantage a litigant may gain by a special plea or point *in limine*. **Pupils must read this case**. *City Square Trading 522 (Pty) Ltd v Gunzenhauser Attorneys (Pty) Ltd* 2022 (3) SA 458 (GJ) at para [29] *Hennie Ehlers Boerdery CC v APL Cartons (Pty) Ltd* 2024 (1) SA 149 (ECGq) 12.4. *Interdicts* (LAWSA, Volume 11, 2nd edition, paras 389 to 428 and 429 to 435) *Interdicts and mandamenten van spolie* *Ngqukumba v Minister of Safety and Security and Others* 2014 (5) SA 112 (CC) 2014 (2) SACR 325; 2014 (7) BCLR 788; [2014] ZACC 14 Interim interdicts: Candidates are particularly required to understand the distinctions between: (a) applications for final relief; (b) applications for interim relief; (c) rules *nisi*; and (d) orders operating as interim interdicts, and to be able to draft appropriate prayers and draft orders illustrating same. *Public Protector of South Africa v Speaker, National Assembly and Others* 2023 (4) SA 205 (WCC) at paras [3] to [7] *Saharawi Arab Democratic Republic v Owners & Charterers of The Cherry Blossom* 2017 (5) SA 105 at paras [49] – [50]. *Camps Bay Residents and Ratepayers Association v*

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		Augoustides 2009 (6) SA 190 (WCC) paras [7] – [8]. 12.5. *Insolvency* (LAWSA Volume 11, 2nd edition paras 199 to 365) Candidates are required to know: (a) The essential requirements and differences between; and (b) The procedures and requirements involved in the following applications: Provisional sequestration – section 10 of the Insolvency Act 24 of 1936 Sequestration – sections 9 to 17 of the Insolvency Act – **Investec Bank Ltd v NS 2025 (1) SA 210 (GP)** **With regard to availability of evidence, see Wiese and Others v Commissioner, SARS 2025 (1) SA 127 (SCA) at paras [63] and [64]** Friendly sequestration – *Ex parte Arntzen (Nedbank Ltd as Intervening Creditor)* 2013 (1) SA 49 (KZP) at para [12] Surrender – sections 3 to 17 of the Insolvency Act Rehabilitation – sections 124 to 130 of the Insolvency Act Liquidation *Afgri Operations Ltd v Hamba Fleet (Pty) Ltd* 2022 (1) SA 91 (SCA) Business rescue – section 131 as part of Chapter 6 of the Companies Act 71 of 2008 - Purpose - Requirements - Process, service and publication - Ending business rescue 12.6. *Applications for Anton Piller (search & seizure) orders* Erasmus, Anton Piller Type Orders See the Notice of Motion in the Practice Directives for the Gauteng Divisions *Viziya Corporation v Collaborit Holdings (Pty) Ltd and Others* 2019 (3) SA 173 (SCA) 12.7. *De lunatico inquirendo*, curators *ad litem*, *ad personam* and *boni**s*** Rule 57. 12.8. *Rule 43 procedures* Rule 43 *TS v TS* 2018 (3) SA 572 (GJ) see the court order on 573 *E v E* 2019 (5) SA 566 (GJ) 12.9. *Reviews* Rule 53. Sections 3, 5, 6, 7 and 8 of the Promotion of

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		Administrative Justice Act 3 of 2000. *Oudekraal Estates (Pty) Ltd v City of Cape Town and Others* 2004 (6) SA 222 (SCA) at para [26] *Van Zyl v Govt of the RSA* 2008 (3) SA 294 (SCA) at paras [54] and [55] *Mamadi v Premier, Limpopo 2024 (1) SA 1 (CC)* 12.10. *Interpleaders* Rule 58. 12.11. *National Credit Act* National Credit Act sections 65, 86, 88, 129 and 130; *Collett v First Rand Bank* 2011 (3) SA 585 (SCA); *Nedbank v National Credit Regulator* 2011 [4] All SA 131 (SCA); *Rossouw v First Rand Bank* [2011 All SA 56 (SCA); *Sebola v Standard Bank* 2012 (5) SA 142 (CC); *Kubyana v Standard Bank* 2014 (3) SA 56 (CC). In respect of 12.5 to 12.11 above, candidates are expected to consult the practice directives in their respective divisions. **NOTE WELL**: Practice Directives will not be examined unless a copy of the relevant directive is supplied to candidates writing the exams.
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Magistrates' Courts Practice Reg 6 (10)(e)	**Introduction to the Magistrates' Courts and their jurisdiction** Candidates must have knowledge of the rules in the Magistrates' Courts and how the rules are the same in some instances and how the rules differ in other instances from the powers and functions in the High Court. Pleadings, motions, and discovery Trial practice and courtroom advocacy Appellate practice and procedure Enforcement of judgments and orders	**PRINCIPAL WORKS:** • Hussain: Practical Drafting Skills • Hussain: Trial Advocacy: The Art of Persuasion • Jones & Buckle: Civil Practice of the Magistrates' Court in South Africa Vol 1 and 2 • Marnewick: Litigation Skills for South African Lawyers • Schmidt & Others: Law of Evidence • Zeffertt & Paizes: The South African Law of Evidence **COMPULSORY READING MATERIAL** "The ethics of the hopeless case", by Owen Rogers, in the Advocate magazine, December 2017 especially the summary at pages 50 and 51. **1. GENERAL** 1.1. *Character of Action Proceedings* - When to bring an action - Difference from application proceedings - Matters that must be brought by way of action - Requirements of pleadings

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		1.2 *Onus* 1.3 *Jurisdiction* Magistrates' Courts Sections 26, 28, 29, 30, 45, 46(2) and 110 of the Magistrates' Courts Act 32 of 1944 *South African Human Rights Commission v Standard Bank of South Africa Ltd and Others* 2023 (3) SA 36 (CC) at paras [1] and [31] and paras [42] to [45]. The Constitutional Court dismissed the appeal against, explained the decision in, *Standard Bank of South Africa Ltd v Mpongo* 2021 (6) SA 403 (SCA). **2. THE PLEADING PHASE OF ACTIONS** 2.1. *Instituting Actions* - Rule 5 – Summons - Rule 6 – Pleadings: Commentary on Rule in *Jones & Buckle* - Rule 7 – Amendment of summons: Commentary in *Jones & Buckle* *Limpopo Provincial Council of the South African Legal Practice Council v Chueu Incorporated Attorneys and Others* [2023] ZASCA 112 at paras [20] to [23] - Rule 15 – Declaration: Commentary in *Jones & Buckle* 2.2. *Parties* 2.2.1. *Intervention, joinder, and consolidation of actions* - Rule 28 – Commentary on Rule 28 in *Jones & Buckle*. 2.2.2. *Third party procedure* - Rule 28A - Commentary in *Jones & Buckle*. 2.2.3. *Proceedings against non-juristic persons as a matter of procedural convenience* - Rule 54 – Commentary in *Jones & Buckle*. 2.3. *Competent Responses to Particulars of Claim* - Notice of intention to defend - Calling for pre-pleading discovery - Objections that pleadings are irregular: Rule 60A - Exceptions: Rule 19 *Ocean Echo Properties 327 CC and Another v Old Mutual Life Assurance Company (SA) Ltd* 2018 (3) SA 405 (SCA) at paras [9] and [10]. - Pleas and special pleas: Rule 17 and the common law (case law) *Fairvest Property Holdings v Valdimax CC t/a Fish & Chips Co and Others* 2020 (3) SA 202 (GJ) paras [21] to [26] Crompton Street Motors CC t/a Wallers Garage

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		Service Station v Bright Idea Projects 66 (Pty) Ltd t/a All Fuels 2022 (1) SA 317 (CC) at para [33] Commentary in *Jones & Buckle* - Claims-in-reconvention: Rule 20 - Commentary on Rules 21 to 22 in *Jones & Buckle* - Failure to respond, barring and default judgment: Rule 21B - Commentary in *Jones & Buckle* 2.4. *Note on pleadings in general* - Remember: generally the principles of pleadings in the High Court apply to the Magistrates' Courts: 2.5. *Close of Pleadings and Set Down* 2.6. *Changes to Pleadings/amendments* 2.7 **THE FOLLOWING RULES REQUIRE ATTENTION: note this is the introduction to case management in the Magistrates' Courts** 2.7.1 Rule 22A – Meeting between parties to prepare for pre-trial conference or trial 2.7.2 Rule 25 – Judicial Case Management and pre-trial Conference 2.7.3 Rule 38 – Security by execution creditor 2.7.4 Rule 54 – Proceedings against non-juristic persons as a matter of procedural convenience (mentioned above) 2.7.5 Rule 60 – Non-compliance with rules and court orders, including time limits and errors **3. PREPARATION FOR TRIAL** 3.1. *Further particulars* - Rule 16 – Commentary in *Jones & Buckle* 3.2. *Discovery* - Notice to discover and discovery affidavits: Rule 35 - Rule 23 – Commentary in *Jones & Buckle* - Different kinds of discovery - Consequences of a failure to discover - Applications to compel 3.3. *Inspection, Examination and Experts* - Rule 24 – Commentary in *Jones & Buckle* **4. SPECIAL PRE-TRIAL PROCEDURES** 4.1. *Meeting between parties to prepare for pre-trial conference or trial* - Rule 22A - Commentary in *Jones & Buckle* 4.2. *Offer to Settle* - Rule 18 - Commentary in *Jones & Buckle*

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		5. CONDUCT OF CIVIL TRIALS 5.1. *Trial Procedure* Rule 29 - Commentary in *Jones & Buckle* 5.2. *Discontinuing a Trial* - Withdrawal, dismissal and settlement - Rule 27 - Commentary in *Jones & Buckle* - Postponements and other mid-trial applications 5.3. *Costs* - Rule 33 - Commentary in *Jones & Buckle* 5.4. *Interest* - Sections 1, 1, 2A and 4 of the Prescribed Rate of Interest Act No 55 of 1975 Cf Da Cruz v Bernardo 2022 (2) SA 185 (GJ) at paras [17] to [62] 5.5. *Judgments and orders* **6. AFTER JUDGMENT** 6.1. *Rescission and variation of judgments* - Rule 49 - Commentary in *Jones & Buckle* 6.2 Sections 58A, 65, 65A to 65M, 66 Candidate attorneys need to know how these rules operate. **NOTE WELL**: Any questions posed in exams concerning any rules will be accompanied by a copy of the relevant rule. 6.3. *Appeals* - Rules 50 and 51 - Commentary in *Jones & Buckle* - Sections 83 and 84 of the Magistrates' Courts Act - *Caterham Car Sales & Coachworks Ltd v Birkin Cars (Pty) Ltd* 1998 (3) SA 938 (SCA) at paras [36] to [38]. Harms, LTC *Heads of argument in courts of appeal*, Advocate 2009 **7. LAW OF EVIDENCE** 7.1. *The burden of proof and duty to begin (in civil cases only)* - *Schmidt & others* Chapters 2 and 9 - *Zeffertt & Paizes* chapters 3 and 5.1-5.3 7.2. *The assessment/weight of evidence* - *Schmidt & others* Chapter 3.1 - *Zeffertt & Paizes* chapter 5 7.3. *Real evidence and documentary evidence* - *Schmidt & others* Chapters 10 and 11 - *Zeffertt & Paizes* chapters 19, 20 and 21

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		7.4. *Oral evidence* - *Schmidt & others* Chapter 9 - *Zeffertt & Paizes* chapter 7.5. *Relevance and admissibility* - *Schmidt & others* Chapter 13 - *Zeffertt & Paizes* chapter 7 7.6. *Hearsay evidence* - The Law of Evidence Amendment Act 45 of 1988, § 3 - *Schmidt & others* Chapter 18 - *Zeffertt & Paizes* chapter 13 7.7. *Admissions (civil cases only)* - *Schmidt & others* Chapter 7 - *Zeffertt & Paizes* pp. 475-499 7.8. *Opinion evidence* - *Schmidt & others* Chapter 17 - *Zeffertt & Paizes* chapter 10 *Schneider NO and Others v AA and Another* 2010 (5) SA 203 (WCC) at 211J – 212B 7.9. *Similar fact evidence (civil cases only)* - *Schmidt & others* Chapter 15 - *Zeffertt & Paizes* chapter 9 7.10. *Character evidence (civil cases only)* - *Schmidt & others* Chapter 16 - *Zeffertt & Paizes* chapter 8 parts C and D 7.11. *Privilege* - *Schmidt & others* Chapter 20 - *Zeffertt & Paizes* chapter 17 7.12. *Parol evidence* - *Schmidt & others* Chapter 1 - *Zeffertt & Paizes* chapter 11 *KPMG Chartered Accountants (SA) v Securefin Ltd and Another* 2009 (4) SA 399 (SCA) ([2009] 2 All SA 523) at para [39]. 7.13. *The leading of witnesses* - *Schmidt & others* Chapter 9.2.4.1 - *Zeffertt & Paizes* chapter 24 7.14. *Cross-examination* - *Schmidt & others* Chapter 9.2.4.2 - *Zeffertt & Paizes* chapter 24 7.15. *Re-examination* - *Schmidt & others* Chapter 9.2.4.3

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		- *Zeffertt & Paizes* chapter 24 7.16. *Examination by the court* - *Schmidt & others* Chapter 9.2.4.4 - *Zeffertt & Paizes* chapter 24
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Personal Injury Claims Reg 6 (10)(c)	Introduction to personal injury law. How to plead a claim in Delict. • Wrongfulness • Fault • Causation • Damages Road Accident Fund law. Consumer protection law. A module on medical negligence claims. Pleadings and defences allowed under the law of Delict. Pleadings must comply with the rules of the High Court and Magistrates' Courts set out under Regs 6 (10)(d) and 6 (10)(e) below. Section 60 in Part VI of the Code of Conduct concerning RAF matters. Trial preparation, practice, and settlement are part of High Court and Magistrates' Court curricula. The practice directives peculiar to personal injury cases, including RAF claims. **NOTE WELL**: Practice Directives will not be examined unless a copy of the relevant directive is supplied to candidates writing the exams.	Road Accident Fund Act 56 of 1996 *Access to court – time bar* *Engelbrecht v RAF* 2007 (6) SA 96 (CC) at paras [23] to [45] *Causation* *Road Accident Appeal Tribunal v Gouws* 2018 (3) SA 413 (SCA) at paras [32] to [40] *Nonkwali v Road Accident Fund* 2009 (4) SA 333 (SCA) at para [8] *Claimants* *RAF v Vogel* 2004 (5) SA 1 (SCA) at para [24] *Du Plessis v RAF* 2004 (1) SA 359 (SCA) at paras [11] to [16] and [42] and [43] *RAF v Ngubane* 2008 (1) SA 432 (SCA) at para [12] *Contingency* *Ronald Bobroff & Partners Inc v De La Guerre* 2014 (3) SA 134 (CC) *Masango v RAF* 2016 (6) SA 508 (GJ) *TM obo MM v MEC for Health, Mpumalanga* 2023 (3) SA 173 (MM) *Hit and run (lodge within two years)* *Geldenhuys & Joubert v Van Wyk; Van Wyk v Geldenhuys & Joubert* 2005 (2) SA 512 (SCA) at paras [23] and [28] and [30] *Employee* *RAF v Monjane* 2010 (3) SA 641 (SCA) at para [12] *Prescription* *RAF v Mdeyide (Min of Transport Intervening)* 2008 (1) SA 535 (CC) at paras [35] to [46] *RAF v Masindi* 2018 (6) SA 481 (SCA) at paras [19] to [21] *Jones v Road Accident Fund* 2020 (2) SA 83 (SCA) at paras [17] to [23] *Van Zyl NO v Road Accident Fund* 2022 (3) SA 45

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		(CC) at paras [126] and [127] – mental incapacity *Road Accident Fund* *RAF v Legal Practice Council* 2021 (6) SA 230 (GP) – headnote only *Single vehicle collision* *Road Accident Fund v Abrahams* 2018 (5) SA 169 (SCA) at especially para [13] *Tribunal* *Road Accident Appeal Tribunal v Gouws* 2018 (3) SA 413 (SCA) – headnote
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Drafting of Contracts Reg 6 (10)(m)	Introduction to contract law and principles of drafting contracts Principles of drafting contracts are similar to drafting pleadings, except: Must know the difference between essential, material and natural elements of a contract; Concentrate on advice re the underlying transaction. Due diligence is important. Focus on this. Types of contracts to consider: Sale of business; Sale of shares; Lease of immovable property; Lease of movable property, like motor vehicles; Partnership; Joint venture; Employment of an independent contractor. Cession (rights); Delegation (duties); and Assignment (obligations). Service Level Agreement Boilerplate clauses The impact of technology on contract drafting and the available software currently being used by attorneys.	Candidates are NOT required to memorise precedents of the contracts. Candidates must understand the principles of drafting and how to use precedents. Natal Joint Municipal Pension Fund v Endumeni Municipality 2012 (4) SA 593 (SCA) ([2012] 2 All SA 262; [2012] ZASCA 13) at para [18] KPMG Chartered Accountants (SA) v Securefin Ltd 2009 (4) SA 399 (SCA) at para [39]. Christie's Law of Contract in South Africa 8th Edition *Pacta sunt servanda* Beadica 231 CC v Trustees, Oregon Trust 2020 (5) SA 247 (CC) at paras [41] and [58] Barkhuizen v Napier 2007 (5) SA 323 (CC) at paras [28] to [35] read with para [70] Mohamed's Leisure Holdings v Southern Sun Hotel Interests (Pty) Ltd 2018 (2) SA 314 (SCA) at para [30] Liberty Group Ltd and Others v Mall Space Management CC 2020 (1) SA 30 (SCA) at paras [27] to [31]

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PAPER 2 – NEW SYLLABUS 2026

PAPER 2: CRIMINAL COURT PRACTICE & ICT (Criminal Court Practice, Information and Communication Technology for Practice, and associated aspects of Cyber Law)		
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Criminal Court Practice Reg 6 (10)(f)	Introduction to criminal law and procedure <u>Course Content</u> * How to obtain and analyse the charge sheet and docket. * How to take instructions and obtain your client's version. * How to obtain witness statements & ensure witness presence in court. * How to engage prosecution and client in plea bargaining. * How to do bail applications. * How to plead effectively, including when to make a Plea explanation. * Candidates must know how to draft statements in terms of Section 112 and 115. * How to attend trial and pre-trial conferences. * How to cross-examine state witnesses. * How to present your client's version to a state witness. * How to lead evidence in chief and the decision to call your client. * How to manage experts in criminal cases * How to present argument * How to present sentencing options and evidence in mitigation. * Understand that the onus is on the state and how that onus is discharged. In particular candidates must have a practical understanding of what is entailed with regard to discharging the onus and how it differs from the burden of proof both in	**PRINCIPAL REFERENCES:** • Criminal Procedure Act 51 of 1977 (CPA) • The Constitution of the Republic of South Africa, 1996 **ADDITIONAL REFERENCES**: • Du Toit, et al *Commentary on the Criminal Procedure Act* Section 60 in Part VI: Commitment of legal practitioner to an effective court process. The Stalingrad defence is inappropriate. It is a violation of the rule of law. *Zuma v Downer and Another* (788/2023) [2023] ZASCA 132 (13 October 2023) especially at paras [6], [11] and [28] to [30] **1. GENERAL** *Right to legal representation* - Constitution Section 35(3)(f) and (g) - CPA Section 73 *Arrest* - Constitution Section 14, 35(1)(d), 35(2)(a) and 35(4) - CPA Sections 39–53 - *Mahlongwana v Kwatinidubu Town Committee* 1991 (1) SACR 669 (E) - *Minister of Safety and Security v Sekhoto and Another* 2010 (1) SACR 388 (FB) *Bail* - Constitution Section 35(1)(f) - Chapter 9 and 10 of the CPA - CPA Sections 307 and 309 - *S v Dlamini; S v Dladla and others; S v Joubert; S v Schietekat* 1999 (4) SA 623 (CC) (1999 (2) SACR 51; 1999 (7) BCLR 771; [1999] ZACC 8) *S v Mabena and another* 2007 (1) SACR 482 (SA) paras [3] to [7]

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	criminal and civil cases: **Bail**: Chapters 9 and 10 of the CPA. Section 35(1)(f) of the Constitution, 1996. **The charge**: ss 80 to 104 of the CPA **The plea**: ss 105 to 122 of the CPA How pleas are drafted (form and content) and plea and sentence agreements **Conduct of proceedings**: ss 144 to 146 and Chapter 22 of the CPA **Discharge applications** at the close of the State's case: section 174 of the CPA **Competent verdicts**: Chapter 26 of the CPA **Sentencing**: Chapter 28 and 29 of the CPA **Appeals and reviews**: Chapters 30 and 31 of the CPA (sections 302-324) Chapter 24 evidence **Private prosecutions**: s 7 of Chapter 1 of the CPA Section 8(5) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 and section 426 of the Companies Act 61 of 1973 read with section 224 of the Companies Act 71 of 2008 and section 63 (1)(i) of the Legal Practice Act 28 of 2014. This section on private prosecutions will not be examined. National Prosecuting Authority Act 32 of 1998 Representations in terms of section 22 How to make representations	*S v Viljoen* 2002 (2) SACR 550 (SCA) paras [10] to [15] *S v Botha and another* 2002 (1) SACR 222 (SCA) (2002 (2) SA 680 paras [2] to [21] *S v Bruintjies* 2003 (2) SACR 575 (SCA) ([2003] ZASCA 4) paras [4], [5] and [8] to [10] **2. CRIMINAL TRIAL** 2.1. *Indictments and charges* - General Sections 80 – 104 of the CPA *S v Wannenburg* 2007 (1) SACR 27 (C) at 32J - 34C *S v Whitehead and others* 2008 (1) SACR 431 (SCA) para [10] o CPA Chapter 14, particularly sections 54 & 55 & 144 o *Shabalala and Others v Attorney-General of Transvaal and Another* 1995 (2) SACR 761 (CC) (1996 (1) SA 725 the headnote and para [72] containing the order - Joinder of Persons and Counts o CPA Sections 81, 155, 156, 157 - Splitting of Charges o CPA Sections 336, 83 - Particulars of Offence o CPA Sections 84, 85, 86–92, 104 Representations Section 22 of the National Prosecuting Authority Act 32 of 1998 *National Director of Public Prosecutions v Zuma* 2009 (2) SA 277 (SCA) at paras [15] and [16], paras [23] to [26] and especially paras [35] to [38]. Consider also the remarks in para [44]. 2.2. *Pleas* - Ordinary Pleas o Constitution Section 35(3)(h) o CPA ss 105, 106, 112, 113, 114, 115, 116, 117 Inclusive of how pleas should be drafted (form and content) and plea and sentence agreements - section 105A *S v Esterhuizen* 2005 (1) SACR 490 (T) - Exceptional Pleas o CPA Sections 57, 77, 79, 109, 85 - Autrefois Acquit and Convict o Constitution Section 35(3)(m) o CPA Sections 106 and 324 - Unreasonable delay/ permanent stay o CPA Sections 168 and 342A

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		o *Sanderson v Attorney-General, Eastern Cape* 1998 (1) SACR 227 (CC) the headnote o *DPP, Transvaal v Mtshweni* 2007 (2) SACR 217 (SCA) the headnote o *Magmoed v Janse Van Rensburg and Others* 1993 (1) SACR 67 (A) the headnote o *S v Basson* 2004 (1) SACR 285 (CC) the headnote o *S v Basson* 2007 (1) SACR 566 (CC) the headnote 2.3. *The conduct of the trial* - Conduct Sections 144 - 146 and Chapter 22 of the CPA - Discharge: CPA section 174 *Commentary on the Criminal Procedure Act* by Du Toit *et al* *S v Lubaxa* 2001 (2) SACR 703 (SCA) paras [8] to [23] - Specific issues around admissibility of evidence Entrapment ▪ Section 252A of Act 51 of 1977 Law of Evidence Amendment Act 45 of 1988, section 3 *Kapa v The State* 2023 (1) SACR 583 (CC) at paras [18], [77] and [99] to [108] Admissions and confessions ▪ Constitution Sections 35 and 36 ▪ CPA Sections 217 to 220 o Unlawfully obtained Evidence ▪ *Key v Attorney-General, Cape Provincial Division and Another* 1996 (4) SA 187 (CC) the headnote ▪ *Director of Public Prosecutions, Western Cape v Killian* 2008 (1) SACR 247 (SCA) the headnote ▪ *S v Mthembu* 2008 (2) SACR 407 (SCA) the entire case ▪ *S v Tandwa and Others* 2008 (1) SACR 613 (SCA) the headnote ▪ *S v Shaik and Others* 2008 (1) SACR 1 (CC) the headnote and paras [16] to [23] and [65] to [68] 2.4. *Conclusion of the trial* - Competent Verdicts o CPA Chapter 26 - Previous Convictions: CPA Chapter 27 - Procedure of Judgment

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		o CPA Sections 152, 274, 275–299 o *S v Lubaxa* 2001 (2) SACR 703 (SCA) **3. SENTENCING** 3.1. *Principles of sentencing* Chapter 28 and 29 of the CPA Sections 51-53 of the Criminal Law Amendment Act 105 of 1997 *S v Malgas* 2001 (1) SAR 469 (SCA) *S v Karolia* 2006 (2) SACR 75 (SCA) *S v Mthimkulu* 2013 (2) SACR 89 (SCA) 3.2. *Types of sentences* - Section 276 - Imprisonment - Committal to a treatment centre - Fine - Correctional supervision - Sentencing of juveniles o Sections 290 and 297 of the Code o Suspension of sentence of various conditions o Conditional/unconditional postponement of sentence o Caution and discharge 3.3. *Sentencing discretion* - Mandatory minimum sentencing: Criminal Law Amendment Act 105 of 1997 - *S v Malgas* 2001 (1) SACR 469 (SCA) - Mitigating and aggravating factors **4. APPEALS AND REVIEWS** 4.1. REVIEW - Constitution Section 35(3)(o) - CPA Chapter 30 (i) the difference between appeals and reviews (ii) powers of the court on appeal and review *R v Dhlumayo* 1948 (2) SA 677 (A) at 705-706 *S v Rabie* 1975 (4) SA 855 (A) *S v Van Aswegen* 2001 (2) SACR 97 (SCA) – all evidence to be taken into account *S v S* 1999 (1) SACR 608 (W) - review *S v Bogaards* 2013 (1) SACR 1 (CC) – paras [37] and [41] 4.2. APPEAL - Constitution Section 35(3)(o) - CPA Chapters 30 and 31 - From Lower Courts o CPA Sections 309 and 310 o Magistrates' Courts: Rule 67

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		- From the High Courts o CPA Sections 315–322 **5. THE ADMISSIBILITY/ INADMISSIBILITY OF RELEVANT EVIDENCE** 5.1. *Hearsay evidence* - Common law exceptions - The Law of Evidence Amendment Act 45 of 1988 5.2. *The parol evidence rule* - Hoffmann & Zeffertt, chapter 14 *KPMG Chartered Accountants (SA) v Securefin Ltd* 2009 (4) SA 399 (SCA) at para [39]. 5.3. *Similar fact evidence* (SFE) (SCH – CHP 7) (ZEF - CHP 9) - Rationale for the exclusion of SFE - Rule for the admissibility of SFE: the Makin formulation & the Boardman formulation 5.4. *Character evidence* (SCH – CHP 6) (ZEF – CHP 8) - Introduction to character evidence - Character in criminal cases o Sections 197, 211 of the CPA - Character in civil cases 5.5. *Opinion evidence* (SCH – 8)(ZEF - CHP 10) - The Hollington rule - Opinion of a lay person - Expert witness *Menday v Protea Assurance Co Ltd 1*976 (1) SA 565 (E) the headnote *Coopers (SA) Pty Ltd v Deutsche Gesselschaff Fur Schadlingsbekampfung Mbh* 1976 (3) SA 352 (A) the headnote *Schneider NO and Others v AA and Another* 2010 (5) SA 203 (WCC) at 211J – 212B 5.6. *Previous consistent statements* (PCS) (SCH – CHP 9) (ZEF - CHP 14) - Reason for the exclusion of previous consistent statements - Exceptions to the general rule o To rebut a suggestion of recent fabrication o Complainant in a sexual case o Identification **6. EVIDENCE** 6.1. *Confirmation or cautionary rules in regard to*:

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		(i) Single witnesses: Section 208 of the CPA; (ii) Evidence of identification: *S v Mthetwa* 1972 (3) SA 766 (A) at 768A—C (iii) Complaints in matters of a sexual nature: *S v Jackson* 1998 (1) SACR 470 (SCA); (iv) Children; (v) Confessions: Section 209 of the CPA; (vi) Accomplices; (vii) Traps See, generally, the commentary on the cautionary rule in *Commentary on the Criminal Procedure Act* by Du Toit *et al* under Section 208 of the CPA 6.2. *Presumptions* (i) Onus (on criminal cases in respect of defences pleaded); (ii) Particular presumptions (a) Drugs and Drug Trafficking Act 140 of 1992; (b) The CPA; (c) Sections 65(3) and (4) of the National Road Traffic Act 93 of 1996; (iii) The effect of Section 35 read with Section 36 of the Constitution, 108 of 1996, and statutory presumptions. *S v Coetzee and others* 1997 (3) SA 527 (CC). 6.3. ***Admissions and confessions*** (i) Sections 217—220 of the CPA; (ii) The effect of Section 35 read with Section 36 of the Constitution on admissions and confessions. 6.4. *Documentary evidence* Section 212, particularly ss 212(1), (4), (8), (9), (11) and (12); and Sections 213, 221, 233, 234 and 236 of the CPA. 6.5. *Mental capacity of accused persons* Chapter 13 of the CPA; Criminal Law Amendment Act 1 of 1988. 6.6. Search and seizures Sections 20-22 of the CPA 6.7. *Entrapment* Section 252A of the CPA. Case law references in the commentary (Du Toit *et al*), including: 6.8. *The status of evidence illegally obtained* (Having regard to Sections 35 and 36 of the

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		Constitution and the commentary under Section 225 of the CPA in Du Toit *et al*) 6.9. *Unreasonable delay / Permanent stay* Sections 168 and 342A of the CPA **7. LEGISLATION** 7.1. Constitution of the Republic of South Africa, 1996 Sections 35 and 36 7.2. The Law of Evidence Amendment Act 45 of 1988 (Hearsay) *Kapa v The State* 2023 (1) SACR 583 (CC) at paras [18], [77] and [99] to [108] 7.3. Accused's right of access to information contained in the State brief / Police docket (Having regard to the provisions of Sections 35 and 36 of the Constitution.) *Shabalala and others v Attorney General, Transvaal and another* 1996 (1) SA 725 (CC) 1995 (2) SACR 761 (CC) the headnote 7.4. Preservation, confiscation, restraint and forfeiture orders Sections 34 and 35 of the CPA
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Information and communication technology for practice, and associated aspects of cyber law Reg 6 (10)(n)	Introduction to information and communication technology for legal professionals Awareness of cyberattacks. Security of personal information Protective risk management strategy. Awareness and protecting against fraudulent transfers out of the trust account. Data response plan in the IBA cybersecurity guideline published in October 2018 Chapter 1: Technology Chapter 2: Organisational processes Chapter 3: Staff training Responsibility for personal/ commercial information. Specific cyber security tips. The future of artificial intelligence as a	International Bar Association's Cybersecurity Guidelines published in October 2018. See https://www.ibanet.org/LPRU/cybersecurity-guidelines.aspx The Guidelines cover the required information and communication technology for practice, and associated aspects of cyber law in detail. However, the Guidelines are for general information for practitioners. The Guidelines are not being examined. For examination purposes read the following: Electronic Communications and Transactions Act 25 of 2002, Chapter III, Part 1, sections 11 to 20. Spring Forest Trading CC v Wilberry (Pty) Ltd t/a Ecowash 2015 (2) SA 118 (SCA) Borcherds and Another v Duxbury and Others 2021 (1) SA 410 (ECP) at paras [22] to [38]

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	boon and a threat to legal practitioners. The use of technology in the legal industry, including electronic discovery and case management systems The legal framework for cyber law in South Africa, including the Electronic Communications and Transactions Act and the Protection of Personal Information Act Cybersecurity and data privacy considerations for legal professionals and their clients Ethical and professional considerations when using technology in practice Drafting policies and procedures for technology use in a law firm	Aarifah Security Services CC v Jakoita Properties (Pty) Ltd and Others 2021 (5) SA 207 (GJ) at para [63] Compare and contrast: Global & Local Inv Advisors (Pty) Ltd v Fouche 2021 (1) SA 371 (SCA) ([2019] ZASCA 8) at paras [15] and [16] Hawarden v Edward Nathan Sonnenbergs Inc 2023 (4) SA 152 (GJ) at paras [1] to [4] and paras [63] to [97] and [108]. **Reversed on appeal**: Edward Nathan Sonnenberg Inc v Hawarden 2024 (5) SA 9 (SCA) – the headnote Consider paragraph [17] in Mosselbaai Boeredienste (Pty) Ltd v OKB Motors CC (Case no 1216/21) [2023] ZASCA 91 (09 June 2023).

PAPER 3 – NEW SYLLABUS 2026

PAPER 3: WILLS AND ESTATES and MATRIMONIAL LAW		
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Wills and Estates Reg 6 (10)(j)	Introduction to Wills and Estates **<u>Wills</u>** The Wills Act 7 of 1953 The Trust Property Control Act 57 of 1988. Drafting Wills. Using plain language, avoid old precedents. Taking instructions, what one needs to know to draft a will. Proper consultation. The role of sound literacy skills. Interpreting (archaic) Wills. Capacity to benefit under a Will Incompetency of a person involved in the execution of a Will to inherit and the maxim of "de bloedige hand erft niet". Formalities and the Execution of Wills - Section 2(1)(a) Amendments of Wills - Section 2(1)(b); Codicils The Court's overriding discretion	**Legislation** The Wills Act 7 of 1953 *Van der Merwe v The Master and Another* 2010 (6) SA 544 (SCA) especially at paras [14] to [19] *Delport v Le Roux* 2022 ZAKZD 51 Intestate Succession Act 81 of 1987 Maintenance of Surviving Spouses Act 27 of 1990 Recognition of Customary Marriages Act 120 of 1998 Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009. Administration of Estates Act 66 of 1965 Estate Duty Act 45 of 1955 The Trust Property Control Act 57 of 1988 National Health Act 61 of 2003 **PRINCIPAL WORKS** • Jamneck & Rautenbach *The Law of Succession in South Africa*, 3rd Edition, (2017) Oxford University Press, Cape Town

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	regarding the validity of wills - (Section 2(3)) Drafting Living Wills. Does the National Health Act 61 of 2003 make provision for a living will? Testate and Intestate Succession. Intestate Succession Act 81 of 1987. Maintenance of Surviving Spouses Act 27 of 1990 Recognition of Customary Marriages Act 120 of 1998 Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009. Administration of deceased estates. **Drafting liquidation and distribution accounts** Administration of Estates Act 66 of 1965 **Estate duty.** Estate Duty Act 45 of 1955. What to do when the validity of a will is contested. Drafting wills and trusts and estate administration Intestacy and inheritance law Estate planning and tax considerations Ethics and professional responsibility in wills and estates practice	• Testamentary Succession in General • *Ngubane v RAF* 2022 (5) SA 231 (GJ) especially at para [27] • Formalities and the Execution of Wills, Amendments of Wills, and Incorporation by Reference • Capacity to make a will and to witness a will • Capacity to Benefit under a Will or on Intestacy • Invalidity of Wills Generally: Mistake, Fraud, Duress and Undue Influence; Revocation and Revival • Custody and Registration of Wills • Appointment of Heirs and Legatees: Dies, Conditions • Vesting • Substitution • Legacies • Accrual • Interpretation: Principles o Canons of Construction and Presumptions o Specific Words and Phrases • Intestate Succession *Wilkinson and Another v Crawford NO and Others* 2021 (4) SA 323 (CC) at paras [1] to [12], [23], [31] to [33], and especially paras [67] to [78]
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Matrimonial Law Reg 6 (10)(k)	Taking instructions in detail. Advice on marriage and its consequences Ante-nuptial contracts Advice on out of community of property with or without the accrual system and marriage in community of property Divorce and its consequences Complying with Rule 41A Redistribution orders Drafting particulars of claim / defence. Drafting Rule 43 Applications: *E v E*	**Legislation** Candidates must read the legislation listed below. Candidates are NOT required to memorise the contents of the legislation. Candidates will be assessed on their ability to understand and apply the legislation and regulations published in terms of that legislation. In the exams, candidates will be required to read the legislation provided in the question and demonstrate their ability to understand and apply the legislation and regulations. The case law below is part of the PVT curriculum

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	2019 (5) SA 566 (GJ) How to settle matrimonial disputes outside Court. ADR in Family Law. Advice on rights and duties concerning children, including: Birth and registration of births Recognition of the unborn child Adoptive children: Step-children: and, Children in foster care. The best interests of the child principle. Chapter 3 of the Children's Act 38 of 2005 sections 18 to 41 Drafting particulars of claim and a plea. **NOTE WELL**: Practice Directives will not be examined unless a copy of the relevant directive is supplied to candidates writing the exams. A discussion on the judgment in B v B. The duty of a practitioner in all family matters to resolve disputes quickly and cheaply. That practitioners are not to adopt an adversarial approach in family law cases. Domestic violence and abuse Alternative dispute resolution in family law	AND will be examined. Candidates are not required to know the statutes or case law by heart. Candidates must understand the principles in the cases and the legislation. Births and Deaths Registration Act 51 of 1992 Child Justice Act 75 of 2008 Children's Act 38 of 2005 and Regulations Civil Union Act 17 of 2006 Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 Divorce Act 70 of 1979 EB (born S) v ER (born B) and Others; KG v Minister of Home Affairs and Others (CCT 364/21; CCT 158/22) [2023] ZACC 32 (10 October 2023) especially at paras [108], [109], [120] to [133], [145] and [149] Domestic Violence Act 116 of 1998 Domicile Act 3 of 1992 Hague Convention on International Child Abduction 72 of 1996 – repealed and re-enacted in Act 38 of 2005 Maintenance Act 99 of 1998 Maintenance of Surviving Spouses Act 27 of 1990 Marriage Act 25 of 1961 Matrimonial Property Act 88 of 1984 Mediation in Certain Divorce Matters Act 24 of 1987 Prevention and Combating of Trafficking in Persons Act 7 of 2013 Protection from Harassment Act 17 of 2011 Pottas v Plath 2022 (4) SA 301 (GJ) at para [1] Recognition of Customary Marriages Act 120 of 1998 Reciprocal Enforcement of Maintenance Orders (Countries in Africa) Act 6 of 1989 South African Citizenship Act 88 of 1995 South African Passports and Travel Documents Act 4 of 1994 Accrual system Honey v Honey 1992 (3) SA 609 (W) at 612 B – D Odendaal v Odendaal 2002 (1) SA 763 (W) ST v CT 2018 (5) SA 479 (SCA) at paras [33] to [36] and [39] EB (born S) v ER (born B) and Others; KG v Minister of Home Affairs and Others (CCT 364/21; CCT 158/22) [2023] ZACC 32 (10 October 2023) especially at paras [108], [109], [120] to [133], [145] and [149]

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		Antenuptial contracts CB v DB 2023 (1) SA 381 (SCA) at para [7] EB (born S) v ER (born B) and Others, op cit. Damages claim based on adultery RH v DE 2014 (6) SA 436 (SCA) confirmed on appeal in DE v RH 2015 (5) SA 83 (CC) Customary marriage Gumede v President of the Republic of South Africa 2009 (3) SA 152 (CC) Netshituka v Netshituka 2011 (5) SA 453 (SCA) at para [15] MM v MN and Another 2013 (4) SA 415 (CC) Muslim marriages Women's Legal Centre Trust v President of the Republic of South Africa 2022 (5) SA 323 (CC) Change of matrimonial regime Sithole v Sithole 2021 (5) SA 34 (CC) at paras [47] and [50] Divorce Irretrievable breakdown of marriage Schwartz v Schwartz 1984 (4) SA 467 (A) Interpretation of divorce order concerning pension fund MN v FN 2020 (2) SA 410 (SCA) Old Mutual Life Assurance Company (SA) Ltd and Another v Swemmer 2004 (5) SA 373 (SCA) Maintenance Kruger NO v Goss 2010 (2) SA 507 (SCA) Best interests of the child J v J 2008 (6) SA 30 (C) the entire case Views of the children HG v CG 2010 (3) SA 352 (ECP) Redistribution orders GKR v Minister of Home Affairs 2022 (5) SA 478 (GP) DM v CM 2022 (6) SA 255 (GJ) at para [180] Adoption TT v Minister of Social Development 2023 (2) SA 565 (GJ) at paras [80] to [91] Births

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		EJ and Others v Haupt 2022 (1) SA 514 (GP) Centre For Child Law v Director-General, Department of Home Affairs and Others 2022 (2) SA 131 (CC) Children FS v JJ 2011 (3) SA 126 (SCA) – very important case for many reasons – this case will feature in the candidates' examinations often For example: "the court pointed out that the present litigation had not been in any of the parties' interests. It endorsed the views expressed in MB v NB 2010 (3) SA 220 (GSJ) that mediation in family matters is a useful way of avoiding protracted and expensive legal battles, and that litigation should not necessarily be a first resort. (Paragraph [54].)" Martens v Martens 1991 (4) SA 287 (T) at 295 D-E the court held it is not bound by the decision of a foreign Court where the interests of minor children are at stake Removal of child to temporary safe care C v Dept of Health & Social Dev, Gauteng 2012 (2) SA 208 (CC) Rights of unmarried father FS v JJ 2011 (3) SA 126 (SCA) – very important case for many reasons – this case will feature in the candidates' examinations often

PAPER 4 – NEW SYLLABUS 2026

PAPER 4: PROFESSIONAL LEGAL ETHICS, CONSTITUTIONAL PRACTICE, LABOUR DISPUTE RESOLUTION and ADR		
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Professional Legal Ethics Reg 6 (10)(b)	Introduction to legal ethics and professional responsibility Lewis Golden Rule: all legal practitioners must avoid conduct which could damage their reputation as honourable people and honourable lawyers. The seven universal ethical principles	Legal Practice Act 28 of 2014: ss 33 - 35 ("LPA") **The South African Legal Practice Council Code of Conduct in terms of s 36(1) of the LPA** **- Part I: Definitions** **- Part II: Code of Conduct: General Provisions**

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	The current Code of Conduct of 29 March 2019 applicable to attorneys: Section 3 in Part II of the general provisions in the Code of Conduct. Section 56 in Part VI: Scope and limits of legitimate cross-examination especially in the Magistrates' Courts. Section 60 in Part VI: Commitment of legal practitioner to an effective court process. Conflicts of interest, legal privilege, and confidentiality. What to do when client's instructions amount to "a hopeless case". How fiduciary duties are based on the principles and precepts of ethics. Consider: *Limpopo Provincial Council of the South African Legal Practice Council v Chueu Incorporated Attorneys and Others* [2023] ZASCA 112 at paras [26] to [28]	**- Part III: Conduct of Attorneys** **- Part VI: Conduct of legal practitioners and candidate legal practitioners in relation to appearances in court and before tribunals** **- Part VII: Conduct of legal practitioners not in private practice.** *University of South Africa v Socikwa and Others* (J 675/23; J 680/23) [2023] ZALCJHB 172 (7 June 2023) *Freedom Under Law v Judicial Service Commission and Another* (550/2022) [2023] ZASCA 103; [2023] 3 All SA 631 (SCA) (22 June 2023) Ex Parte Minister of Home Affairs and Another 2024 (2) SA 58 (CC) at paras [105] to [118] **All legal practitioners and candidate legal practitioners have their essential ethical duties enumerated in the Code of Conduct published in March 2019.** **Candidate attorneys are required to know those parts of the Code that relate to all legal practitioners and specifically to attorneys.** Candidate attorneys will be assessed accordingly. Principles governing the hopeless case "The ethics of the hopeless case", Owen Rogers, Advocate December 2017 *Motswai v Road Accident Fund* 2013 (3) SA 8 (GSJ) at paras [26]-[37] *University of South Africa v Socikwa and Others* (J 675/23; J 680/23) [2023] ZALCJHB 172 (7 June 2023) *Freedom Under Law v Judicial Service Commission and Another* (550/2022) [2023] ZASCA 103; [2023] 3 All SA 631 (SCA) (22 June 2023) To exercise the duty of care and skill Code of conduct section 18.14
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Constitutional Practice Reg 6 (10)(a)	Introduction to Constitutional Law What is "the rule of law"	Constitution of the Republic of South Africa, 1996

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	How the Constitution is transformative in nature Jurisdiction of our courts to hear constitutional matters: the 2013 change to the jurisdiction of the Constitutional Court. Rules and Directives: Constitutional Court. Eleven ways to the Constitutional Court. Advising clients about their Constitutional rights, duties and obligations. Advising clients on the Constitutional Court's stance on legal standing Advising clients on the remedies that can be awarded by the Constitutional Court How to apply Chapter 2 of the Bill of Rights and the limitations clause. How to apply the rest of the Constitution in giving advice to clients. Candidates must be up to date with case law from the Constitutional Court and the Supreme Court of Appeal to within one week before their exams. 1. GENERAL 1.1. Historical approach to customary law - Law of Evidence Amendment Act 1988 s 1(1), (2) 1.2. Customary law under the constitution - The Constitution, sections 30, 31, 39, 211 o Alexkor Ltd and Another v Richtersveld Community and Others 2004 (5) SA 460 (CC) (2003 (12) BCLR 1301; [2003] ZACC 18) at para [51] o Bhe and Others v Magistrate, Khayelitsha and Others; Shibi v Sithole and Others; SA Human Rights Commission and Another v President of the RSA and Another 2005 (1) BCLR 1 (CC) 2005 o Shilubana and Others v Nwamitwa and Others 2009 (2) SA 66 (CC) (2008 (9) BCLR 914; [2008] ZACC 9)	Rules of the Constitutional Court, 2003 Directives of the Constitutional Court 1. GENERAL This course will prepare candidates to understand the principles, concepts and the procedure of Constitutional litigation. 1.1. Access to the Constitutional Court - Superior Courts Act, sections 16 and 17 - Constitutional Court Rule 19 What is a "constitutional matter"? S v Boesak 2001 (1) SA 912 (CC) especially paras [10] to [15]. 1.2. The Bill of Rights, Constitutional matters & any other matter that raises an arguable point of law of general public importance which ought to be considered - Constitution, section 167(3)(b) & 167(6)(a) & (b) CC Rule 18. CC Rule 19. Jurisdiction of the Constitutional Court University of Johannesburg v Auckland Park Theological Seminary and Another 2021 (6) SA 1 (CC); 2021 (8) BCLR 807; [2021] ZACC 13 at paras [39] to [52] - Intervention in the Constitutional Court CC Rule 8. - Confirmation proceedings in the Constitutional Court Section 167(5) of Constitution. CC Rule 16. - The exclusive jurisdiction of the Constitutional Court CC Rules 14 to 1. Section 167(4) of Constitution Content and limitation of rights Chapter 2 of the Constitution, especially section 36. NM and Others v Smith 2007 (5) SA 250 (CC) especially paras [33] to [45]. Government of the Republic of South Africa and Others v Grootboom 2001 (1) SA 46 (CC) especially paragraphs [39] to [46]. 1.3. Costs in Constitutional matters - Biowatch Trust v Registrar Genetic Resources and Others 2009 (6) SA 232 (CC) paras [16]

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		and [20] to [24] and [56] 2. SPECIFIC PROCEDURES 2.1. Direct access applications - Constitutional Court Rule 18 - Lesbian & Gay Equality Project v Minister of Home Affairs 2006 1 SA 524 (CC) par 39 Ashebo v Minister of Home Affairs and Others [2023] ZACC 16 at footnote 1 and paras [57] and [60] - Mazibuko v Sisulu 2013 6 SA 249 (CC) - SA Informal Traders Forum v City of Johannesburg; SA National Traders Retail Assoc. v City of Johannesburg 2014 4 SA 371 (CC) UDM v Speaker, NA 2017 (5) SA 300 (CC) (2017 (8) BCLR 1061; [2017] ZACC 21) at para [23] - Urgent applications Constitutional Court Rule 12 2.2. Declaration of constitutional invalidity - Constitution, section 172(2) - Constitutional Court Rules 15 and 16 - Director of Public Prosecutions v Mohamed 2003 (4) SA 1 (CC) at para [56] - Arena Holdings (Pty) Ltd t/a Financial Mail and Others v South African Revenue Service and Others [2023] ZACC 13; 2023 (8) BCLR 905 (CC) especially at paras [141], [147], [158] and [193] to [195] 2.3. Amicus curiae and joinder applications - Constitutional amicus interventions in the High Court Uniform Rule 16A. Constitutional amicus interventions in the the SCA SCA Rule 16. - Constitutional Court Rules 5, 8 and 10 Ex parte Institute for Security Studies: In re S v Basson 2006 (6) SA 195 (CC) especially at paras [5] to [11] 3. CONSTITUTIONAL REMEDIES Minister of Health and Others v Treatment Action Campaign and Others (No 2) 2002 (5) SA 721 (CC) especially paras [96] to [114]. Mwelase v Director General, Department of Rural Development & Land Reform 2019 (6) SA 597 (CC) at para [51].

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		3.1. Declaration of invalidity, reading down, reading in & severance - Hierarchy of remedies Van Rooyen v The State 2002 (5) SA 246 (CC) - Declarations of invalidity S v Makwanyane 1995 (3) SA 391 (CC) par 151 National Coalition for Gay and Lesbian Equality & Others v Minister of Home Affairs & Others 2000 (2) SA 1 (CC) par 73–76 - Reading down & Severance Investigating Directorate: Serious Economic Offences & Others v Hyundai Motor Distributors (Pty) Ltd & Others: In re Hyundai Motor Distributors (Pty) Ltd v Smit NO & Others 2001 (1) SA 545 (CC) Lawyers for Human Rights & Another v Minister of Home Affairs & Another 2004 (4) SA 125 (CC) Coetzee v Government of the Republic of South Africa; Matiso & Others v Commanding Officer, Port Elizabeth Prison 1995 (4) SA 631 (CC) par [51] Minister of Home Affairs v National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) & Others 2005 (3) SA 280 (CC) National Coalition for Gay and Lesbian Equality & Others v Minister of Home Affairs & Others 2000 (2) SA 1 (CC) par 63-64 - Reading In National Coalition for Gay and Lesbian Equality & Others v Minister of Home Affairs & Others 2000 (2) SA 1 (CC) par 67-68 Khosa & Others v Minister of Social Development & Others; Mahlaule & Others v Minster of Social Development & Others 2004 (6) SA 505 (CC) Bhe & Others v Magistrate, Khayelitsha & Others; Shibi v Sithole & Others; SA Human Rights Commission & Another v President of the RSA & Another 2005 (1) SA 580 (CC) 3.2. Retrospectivity and suspension of invalidity - Nyathi v MEC of the Department of Health & Another 2008 (5) SA 94 (CC) - Matatiele Municipality & Others v President of the Republic of South Africa & Others 2007 (1) BCLR 47 (CC) par 96 - Ex Parte Women's Legal Centre: In re Moise v Greater Germiston TLC 2001 (4) SA 1288 (CC) par 13 - Masiya v Director of Public Prosecutions,

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		Pretoria & Another (Centre for Applied Legal Studies & Another, Amici Curiae) 2007 (5) SA 30 (CC) par 47-57 3.3. Interdicts, interim orders and supervisory orders - Black Sash Trust v Minister of Social Development and Others (Freedom Under Law NPC Intervening) 2017 (3) SA 335 (CC) 3.4. Constitutional damages - Fose v Minister of Safety and Security 1997 (3) SA 786 (CC) paras [60] and [67] - Minister of Safety and Security & Another v Carmichele 2004 (3) SA 305 (SCA) - Minister of Safety and Security v Van Duivenboden 2003 (1) SA 389 (SCA) para [21] - President of the Republic of South Africa and Another v Modderklip Boerdery (Pty) Ltd (Agri SA and Others, Amici Curiae) 2005 (5) SA 3 (CC)
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Labour Dispute Resolution Reg 6 (10)(g) **NOTE WELL**: Practice Directives will not be examined unless a copy of the relevant directive is supplied to candidates writing the exams.	Introduction to the Industrial Relations Framework. Identification of an employee. Permanent employees. Temporary employees. Disciplinary Proceedings and Hearings. Unfair labour practices and Dismissals. Bargaining Agents, Forums and Collective Bargaining. Dispute resolution including disputes about collective agreements The process of conciliation. How to prepare and move an interdict in the labour court. How to differentiate between a sufficiently representative trade union, majority and minority unions How to determine the validity of an extension of a collective agreement to members not party to the collective agreement How to ensure a strike is protected	PRINCIPAL WORKS • Grogan, Workplace Law Juta, 13th Edition 2020 • Grogan, Dismissal, Juta, 4th Edition COIDA and domestic workers Mahlangu and Another v Minister of Labour and Others 2021 (2) SA 54 (CC) at paras [71] to [107] Suspension Limpopo Provincial Council of the South African Legal Practice Council v Chueu Incorporated Attorneys and Others [2023] ZASCA 112 at paras [31] to [33] Strikes and lockouts National Union of Metalworkers of South Africa v Trenstar (Pty) Ltd [2023] ZACC 11; (2023) 44 ILJ 1189 (CC); 2023 (7) BCLR 814 (CC); [2023] 7 BLLR 609 (CC); 2023 (4) SA 449 (CC) at paras [47] and [48] Numsa obo Dhludhlu and Others v Marley Pipe Systems (SA) (Pty) Ltd 2023 (1) SA 338 (CC) Disciplinary proceedings

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	Labour Relations Act 66 of 1995 (LRA) Chapter II Freedom of Association and General Protections – sections 4 to 10 Employees' right to freedom of association Protection of employees and persons seeking employment Employers' right to freedom of association Protection of employers' rights Rights of trade unions and employers' organisations Procedure for disputes Burden of proof Chapter III Collective Bargaining Part A Organisational rights – sections 11 to 22 Part B Collective agreements – sections 23 to 26 CHAPTER VII DISPUTE RESOLUTION Part A Commission for Conciliation, Mediation and Arbitration – sections 112 to 114 Part C Resolution of disputes under auspices of Commission – sections 133 to 135 Rules for the Conduct of Proceedings before the CCMA: GN R3318 of 2023 IN GG 48445 of 21 Apr 2023 Part D Labour Court – sections 151 and 156 to 166 Part E Labour Appeal Court – sections 172 to 180 and 182 and 183 Labour Appeal Court Rules and Labour Court Rules GN 4775 of 2024 GG 50608 of 3 May 2024 Chapter VIII Unfair Dismissal And Unfair Labour Practice – sections 185 to 197B	Hamata v Chairperson, Peninsula Technikon Internal Disciplinary Committee 2002 (5) SA 449 (SCA) ([2002] ZASCA 44) at para [5] and the important nuances at paras [12] and [20] to [22] Dyantyi v Rhodes University 2023 (1) SA 32 (SCA) at paras [21] to [23] Dismissal Amcu v Royal Bafokeng Platinum Ltd 2020 (3) SA 1 (CC) at paras [102] to [126] Collective Bargaining and Organisational rights CCMA rules NUMSA v Bader Bop (Pty) Ltd & another [2003] 2 BLLR 103 (CC) Solidarity & others v Eskom Holdings Ltd (2012) 33 ILJ 464 (LC) Growthpoint Properties (Pty) Ltd v SACCAWU (2010) 31 ILJ 2539 (KZD). The Occupational Health and Safety Act 85 of 1993 (OHSA) and the Unemployment Insurance Act 63 of 2001 (UIA) Gunter v Compensation Commissioner 2009 (30) ILJ 2341 (0). Twalo v Minister of Safety and Security and Another 2009 (30) ILJ 1578 (Ck). Mahlangu and Another v Minister of Labour and Others 2021 (1) BCLR 1 (CC); [2021] 2 BLLR 123 (CC). Association of Mineworkers and Construction Union and Others v Chamber of Mines of South Africa and Others 2017 (3) SA 242 (CC) Securicor (SA) (Pty) Ltd v Lotter 2005 (5) SA 540 (E)

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	Basic Conditions of Employment Act 75 of 1997 (BCEA) Chapters Two, Three, Four and Five Employment Equity Act 55 of 1998. Chapters II and III	
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Alternative Dispute Resolution Reg 6 (10)(h)	Introduction to alternative dispute resolution (ADR) The impact of Rule 41A of the Uniform Rules of Court Understand that courts expect actual compliance with Rule 41A and not mere lip service. Defining and understanding: - what is a conflict. Negotiation. Conciliation Mediation. Protection of Investment Act 22 of 2015, section 13. Arbitration. Arbitration Act 42 of 1965 and the International Arbitration Act 15 of 2017. The role of ADR in litigation.	PRINCIPAL WORKS: • Grogan, Workplace Law Juta (2015) chapter 20 • Ramsden McKenzie's Law of Building and Engineering Contracts and Arbitration Juta (2014) Tobie Wiese Alternative dispute resolution in South Africa, Negotiation, Mediation and Arbitration 2021 Juta 1. INTRODUCTION 1.1. Distinction between adversarial proceedings and facilitative / consensus-building processes. The role of a mediator. 1.2. Conflict management and dispute resolution - LSSA Manual on Alternative Dispute Resolution - Access to justice and social justice - Rights vs interest disputes - Rights vs position-based negotiation - Ethics involved in conciliation (conflicts of interest, confidentiality, mediator liability) - Drafting certificates, outcome reports, settlement agreements 2. COURT-ANNEXED MEDIATION PROCESSES 2.1. Rule 41A, Uniform Rules of Court 2.2. Magistrates court - Rules of Voluntary Court-Annexed Mediation, 2014 - Rules: Conduct of proceedings of Magistrate's Courts of South Africa, 2019 2.3. Divorce Mediation - Function of the mediator

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		- Children's Act, Brownlee v Brownlee Gauteng Local Division 2008/25274 - Best interests of the child, parenting plan, maintenance, division of assets, Memorandum of Understanding Mediation in Certain Divorce Matters Act 24 of 1987 Centre For Child Law v TS and Others 2023 (6) SA 1 (CC) 3. ARBITRATION 3.1. Arbitration Agreements - Jurisdiction Dis-Chem Pharmacies Limited v Dainfern Square (Pty) Ltd & Others [2023] ZASCA 115 and the general principle in favour of pleading over and the consequences of failing to plead over in all adversarial litigation Close-Up Mining and Others v Boruchowitz NO and Another 2023 (4) SA 38 (SCA) especially at paras [10] to [16], [23] and [34] to [36] - Competence-competence principle - Enforcement of arbitral awards: o Domestic - Arbitration Act 42 of 1965 o International - International Arbitration Act 15 of 2017 - Section 13 of the Protection of Investment Act 22 of 2015 3.2. Role of chairperson (presiding officer) and participant 3.3. Employment arbitration - CCMA or bargaining council o Issues for mediation/ conciliation o Issues for arbitration - Private arbitration 3.4. Construction Arbitration - Charter of Disputes - ICC recommendations - FIDIC & JBCC contracts

PAPER 5 – NEW SYLLABUS 2026

PAPER 5: ATTORNEYS BOOKKEEPING (INCLUDING TRUST ACCOUNT MANAGEMENT), LEGAL COSTS and INTRODUCTION TO PRACTICE MANAGEMENT		
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**

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Attorneys' Bookkeeping Reg 6 (10)(i)	**Introduction to bookkeeping and accounting principles** Candidates will not be examined on their ability to carry out double entry accounting and their ability to manually write a set of books from prime entry to balance sheets. This includes manual entry into cashbooks, ledgers and journals. The course content must integrate modern accounting technologies. This will better equip practitioners to handle financial management within a modern digital landscape. **Note that manual transaction recording has been eliminated within the profession.** **GENERAL** Candidates must be introduced to the following: - Electronic banking as used by attorneys' practice - The available software commonly used by attorneys to comply with the accounting requirements of the LPA and Regulations and Rules e.g., Xero, QuickBooks, Pastel. Law74, Winlaw, Practice Manager etc. - How to enter daily transactions into the system - Monitoring the trust account using the available software - A brief introduction to AI and Blockchain in Legal Accounting The role of the LPFF Law firm financial management - Handling trust money in accordance with client instructions - The principle that funds held in trust do not belong to the firm/practice and an attorney is compelled to account for every cent - You must never have an overdrawn trust account - Under no circumstances can a trust account be used as a business or personal account. The trust account is not a piggybank. - Properly and accurately accounting	A sound understanding of Chapter 7 of the LPA. In particular Sections 84, 86, 87, 88 and 91. An understanding of: Part XII of the rules as gazetted. In particular Sections 54.6, 54.7, 54.8, 54.9, 54.10, 54.11, 54.12, 54.13, 54.14, 54.14.7.1, 54.14.7.2, 54.14.8, 54.14.9, 54.14.10 and 11, 54.14.12, 54.14.13, 54.14.14, 54.15, 54.16, 54.19, 54.20 Where must the records be kept in order to comply with the rule? How to electronically store accounting records and to preserve them. How historic data may be retrieved and presented for inspection when required. Retention of accounting records Rule 54.9 The use and application of firewalls and anti-virus software for the firms accounting system. What is an asset? What is a liability? What is income? What is an expense? What is a fixed cost? What is a variable cost? What is a business expense? What is a private expense? Consider paragraph [17] in Mosselbaai Boeredienste (Pty) Ltd v OKB Motors CC (Case no 1216/21) [2023] ZASCA 91 (09 June 2023) **1. Introduction** Legislation Section 34 of the Legal Practice Act 28 of 2014 Chapter 6 Part 1 of the Legal Practice Act Section 84 of the Legal Practice Act Section 86 of the LPA Section 87 of the Legal Practice Act Financial Intelligence Centre Act 38 of 2001 Rules Rule 54.1, 54.6 and 54.7 Caselaw Supreme Court of Appeal Judgment of Hewetson v The Law Society of the Free State 2020 (5) SA 86 (SCA)

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	for all trust account monies; client by client - Reconciling the trust account on a monthly basis Use recurring EFTs from the business account to pay the trust account bank charges and fees - Interest on trust money - Reporting compliance. **Trust accounting and record keeping** Candidates must learn that the following are the fundamental obligations: - Deposit and/or receipt all trust money received into the trust bank account; - Hold it exclusively for the relevant client; - To be paid to that client or as the client directs; - Account properly to that client for such trust money; - Trust account records must be maintained which clearly disclose the position of the money in the trust account; software is available which will automatically display this information whenever the attorney or any regulatory authority requires it; - They must be kept in such a manner as to enable them to be conveniently and properly reviewed by the LPC and the LPFF; - They must be up to date, clearly show the amount of trust money held for each client; - As far as practicable, they must be secure against retrospective alteration or deletion. - Firms will need to have systems and controls in place to ensure compliance with these rules and the nature of those systems must be appropriate to the nature and volumes of client transactions dealt with and the amount of client money held or received. Candidates must know how to deal with client investment funds. Know what is an investment practice – see rule 55. **Financial reporting and analysis**	Cirota and Another v Law Society of Transvaal (3578) 1978 ZASCA 112 Law Society, Transvaal v Matthews 1989 (4) SA 389 (T) Botha and others v Law Society, Northern Provinces 2009 (3) SA 329 (SCA) read the head note Incorporated Law Society, Transvaal v K 1959 (2) SA 386 (T) read head note Law Society, Cape v Koch 1985 (4) 379 refer to head note Law Society of the Cape of Good Hope v Budricks 2003(2) SA 11 (SCA) at 171 I-J Law Society of Cape of Good Hope v Dippenaar (715/04) [2006] ZAWCHC 51 Law Society of the Northern Provinces v Mabunda and Another (LEGODI JP) [2019] ZAMPMBHC 8; 2734/2018 **2. Cashbooks (Books of Prime Entry for Cash/Banking transactions) and the respective Banking Accounts** Candidates must be introduced to cloud-based accounting systems that automate transaction recording. How modern software can import bank statements directly into the cashbook, analyse and process them and automatically post to the client's ledgers. How software can automatically collate Client Business Ledger with Client Trust Ledger to determine the amount to be transferred at the end of the month and how to minimise the risk of overdrawn Trust Accounts. Brief introduction to AI-driven accounting tools which can analyse transaction patterns, detect anomalies, flag suspicious activity in trust accounts, reducing human oversight and other errors and misappropriation of Trust funds. Brief introduction to how transactions recorded on Blockchain are immutable and publicly verifiable, preventing unauthorised alterations and ensuring accountability. Candidates are expected to understand **Part XII of The Rules** Rule 54.8 and 54.14.7.2 Rule 54.9, 54.10 and 54.19 Rule 54.11 Rule 54.14.15

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	Compliance with legal and regulatory requirements **Technology tools for bookkeeping** Differentiate between a Legal Practice and a Legal Practitioner. Differentiate between Bookkeeping and Accounting and the importance thereof in the Legal Profession. Acceptable financial reporting - International Financial Reporting Standards (IFRS). Legal Practitioners must have proficient numeracy skills. Financial Intelligence Centre Act (FICA). - Purpose of FICA? - Duties and obligations placed on a Legal Practice by the Act. Legal Practitioners' Fidelity Fund (LPFF). - Establishment of the fund. - The role of the LPFF. - Trust Account and Investment interest payable to the fund. - Trust Account bank charges. - Refundable audit fees. - Payment of unclaimed/unknown Trust monies. Opening a Legal Practice Closure of a Firm.	Rule 54.14.15.2 and 54.14.15.3 Rule 54.14.16.1 Rule 54.14.16.1 and 54.14.16.2 Rule 54.14.7.2 Rule 54.16 Rule 54.34 and 54.35. **3. Bank Reconciliation** Manual bank reconciliation methods have become redundant. Candidates are not expected to learn these methods and will not be examined on bank reconciliation. Candidates are expected to be familiar with automated bank reconciliation tools. **4. Value Added Tax (VAT)** Legislation Value-Added Tax Act 89 of 1991 Candidates are required to understand the following: - What is value added tax? - What is output VAT? - What is Input VAT? - Offset by practice of output and input VAT? - Who must register for VAT? - How to calculate VAT - Software required to manage VAT **5. The Trust Position** Rules Rule 54.14.8 Rule 54.15.1, 54.15.2 and 54.15.3. **6. Miscellaneous** Rules Rule 54.9 Rule 54.14.10, 54.14.11, 54.19, 54.20, 54.21, 54.22, 54.23, 54.24, 54.25, 54.26, 54.27, 54.28, 54.29 and 54.30 Rule 54.36. Rule 54.31, 54.32 and 54.33.
MODULES	**CURRICULUM AND COURSE CONTENT**	**READING LISTS**
Legal Costs Reg 6 (10)(l)	**Introduction to legal costs and fee structures**	Costs in the normal course of litigation Limpopo Provincial Council of the South

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	Section 35(4) of the Legal Practice Act provides that the SALRC must investigate legal costs and report to the Minister within two years. Until then the tariffs determined by the Rules Board for Courts of Law apply. In the interim the module is: The concept of "legal costs" non-litigious matters civil litigious matters Advice to client and estimate of costs Estimate of fees and disbursements Mandate – Taking a deposit Agreed fees Contingency fees Retainers Ethics in relation to costs Overreaching vs undercharging recovery / attempted recovery of costs for work not strictly necessary Keeping proper accounting records Failure to render accounts Different cost orders party and party costs attorney and client costs costs de bonis propriis wasted costs reserved costs / costs to stand over costs in the cause costs of the day all costs/costs/taxed costs no order made / no order as to costs specific cost orders Settlement agreements Payments into court and tenders Cost consultants settling of bills of cost formal requirements for taxation notice of taxation taxability of costs appearance on taxation interest on a taxed allocatur consent to taxation Attending Taxation Review of taxation Billing and timekeeping Retainers and fee agreements Fee disputes and collection Taxation of legal fees Ethics and professional responsibility in legal costs The role of tax consultants	African Legal Practice Council v Chueu Incorporated Attorneys and Others [2023] ZASCA 112 at paras [37] and [38] Contingency fees Ronald Bobroff & Partners Inc v De La Guerre 2014 (3) SA 134 (CC) Masango v RAF 2016 (6) SA 508 (GJ) TM obo MM v MEC for Health, Mpumalanga 2023 (3) SA 173 (MM) Costs – punitive costs on scale as between attorney and client – discussion on the meaning of attorney and own client Moropa and Others v Chemical Industries National Provident Fund and Others 2021 (1) SA 499 (GJ) at paragraphs [80] to [90]. Public Protector v CSARS 2022 (1) SA 340 (CC) at para [33]

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MODULES	CURRICULUM AND COURSE CONTENT	READING LISTS
Introduction to practice management Reg 6 (10)(o)	Overview of the legal profession in South Africa The transformative provisions of the LPA - Attorneys - Advocates – referral and non-referral (section 34) - Distinction between practicing and non-practicing attorneys and advocates. The role of the Legal Practitioners' Fidelity Fund Legal practice as a business The role of efficient management Business plan Marketing – ethical marketing Financial management - Business - Personal Administration - The use of technology - Deploying the appropriate technology tools bearing in mind budgets Risk management • Risks in accounting • Cyber fraud • Business email compromise • Interception of payments from trust account • Fake instructions affecting the trust account • FICA • RICA • FAIS compliance • Money laundering • Illegal funding Personal and professional time management Starting a practice Introduction to digitising legal practice The attorney and insurance The role of AI Deploying AI tools according to the needs and budget of the practice.	Legal Practice Act 28 of 2014 See Chapters 2, 3 and 4 Regulations 6 and 7 to the Legal Practice Act Rules to the Legal Practice Act Rules Part V Part VI Part VII Part VIII Hawarden v Edward Nathan Sonnenbergs Inc 2023 (4) SA 152 (GJ) at paras [1] to [4] and paras [63] to [97] and [108]. **Reversed on appeal**: Edward Nathan Sonnenberg Inc v Hawarden 2024 (5) SA 9 (SCA) – the headnote

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NON-GOVERNMENTAL ORGANIZATION

NOTICE 3087 OF 2025

Application for derogation for the use of Boron in fertilizer products in South Africa

This notice serves to inform the public of an administrative action being taken in relation to the approval of an essential micro-nutrient in fertilizer formulations under the Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act (Act No. 36 of 1947).

The fertilizer Association of Southern Africa (FERTASA) hereby informs the public of their intention to submit an application for derogation for the continued use of boric acid products, as applies to all registered fertilizer products in South Africa.

FERTILIZER ASSOCIATION OF SOUTHERN AFRICA	WEBSITE	GOVERNMENT GAZETTE AND NOTICE NO.
Representing the fertilizer industry in South Africa	www.fertasa.co.za	Details to be included once we have published the Notification in Government Gazette

Boron is internationally recognized as an essential micro-nutrient for the growth of all plants (and most organisms). Without the inclusion of Boron-containing products in a soil-fertility programme, growth and yield would be seriously compromised with devastating ramifications.

The functions that it performs cannot be substituted by any other chemical substance. However, according to the Globally Harmonized System of Classification and Labelling of Chemicals, Boron has been identified as a substance of concern in the Reproductive Toxicity category 1B.

As per the "Derogation Guideline for Fertilizers", FERTASA, on behalf of the fertilizer industry in South Africa, had a Toxicology Risk Assessment conducted for the continued usage of Boron as for all other fertilizers regulated by Act No. 36 of 1947. The Risk Assessment was conducted by INFOTOX (Pty) Ltd, who concluded that there were insignificant health risks associated with Boron-containing fertilizer products and as a result, no additional precautionary statements are required on the labelling of such fertilizer products.

More information on the proposed application and administrative procedure can be obtained from the Government Gazette or by contacting:

Mr. David Motloi

Head of Administration: 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 X343, Pretoria, 0001

Room LB-FF-02

Agriculture Place, 20 Steve Biko Street, Arcadia, Pretoria, 0002

Tel No: 012 319 6889

Email: DavidM@Dalrrd.gov.za

Office hours 08:00 – 16:00 (excluding weekends and public holidays).

Interested parties must submit comments or objections in relation to this application within 30 days of the publication of this notice. Comments received after this date might not be considered.

DEPARTMENT OF POLICE

NOTICE 3088 OF 2025

NOTICE CALLING FOR PUBLIC COMMENTS

PRIVATE SECURITY INDUSTRY REGULATION ACT, 2001 (ACT NO 56. OF 2001) DRAFT AMENDMENT TO THE PRIVATE SECURITY INDUSTRY REGULATIONS, 2002

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.

The draft amendments are contained in the Schedule to this Notice and are hereby published for general information and written comment from interested and / or affected persons.

Any written comment must be submitted to the Office of the Director: Private Security Industry Regulatory Authority. The comment must reach the said office not later than four weeks from the date of this 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@info.co.za

MR. ES MCHUNU, MP
Minister of Police
Date: 07 / 03 / 2025

SCHEDULE

GENERAL EXPLANATORY NOTE:

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

Definition

1. In this Schedule, "the Regulations" means the Private Security Industry Regulations published under Government Notice No. R.190, in Government Gazette No. 23120 of 14 February 2002.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended-

(a) by the insertion of the following definition:

'ammunition' means ammunition as defined in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000);

(b) by insertion after the definition of 'Board' of the following definition:

'bolt action rifle' means a type of firearm action where the handling of cartridges into and out of the weapon's barrel chamber is operated by manually manipulating the bolt directly via a handle, which is most commonly placed on the right-hand side of the weapon;

(c) by insertion after the definition of 'director' of the following definitions:

'**firearm'** means a firearm as defined in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000);

'Firearms Control Act' means the Firearms Control Act, 2000 (Act No. 60 of 2000);

'handgun' mean a handgun as defined in section 1 of the Firearms Control Act;

(d) by the insertion after the definition of "repealed legislation" of the following definition:

'security business' includes an employer of in-house security officers to the extent that these regulations apply to such a person as contemplated in the Act;

'semi-automatic' means a semi-automatic as defined in section 1 of the Firearms Control Act;

(e) by the insertion after the definition of "these Regulations" of the following definition:

'weapon' means a weapon as defined in item 4 of the Code of Conduct for Security Service Providers, 2003 and includes -
(a) any object other than a firearm;
(b) a dangerous weapon; and
(c) handcuffs and any similar device, object or equipment manufactured, designed or adapted to restrain a person who is under arrest.

Insertion of regulations 13A , 13B and 13C in the Regulations

3. The following Regulations are hereby inserted after Regulation 13:

13A. Firearms and ammunition

Issuing of firearms and ammunition to security officers and duties relating thereto.

13A. (1) A security business may only issue a firearm to a security officer employed by it for the rendering of a security service if -

(a) the issuing of the firearm by the security business is in accordance with all applicable laws;

(b) the receipt and possession of the firearm by the security officer is in accordance with all applicable laws;

(c) the firearm is in good working condition and free from any defect which may render it an inherent source of danger to any person;

(d) the security business and the security officer are both registered as security service providers in terms of the Act and their respective registrations are not suspended or withdrawn;

(e) the security business is not deregistered;

(f) the security officer is in possession of his or her certificate of identification as contemplated in regulation 9(2) of these regulations;

(g) the security officer is in possession of an original document from the security business, signed by the licence holder of the firearm or a person authorized thereto in writing by the licence holder, containing the name, address, firearm licence particulars and registration number of the security business as well as the name and employment address of the security officer, and stating that the possession of the firearm by the security officer is authorized for rendering a security service as described in the document and for the period and place specified in the document;

(h) the security officer is on 'duty or standby duty, or is about to perform duty or standby duty;

(i) the necessary particulars of the issuing of the firearm and ammunition are entered into all the registers that must be kept by the security business in terms of law;

(j) the security business and the security officer are not under State investigation in respect of an offence specified in the Schedule to the Act relating to the unlawful use of force or an offence provided for in Schedule 2 of the Firearms Control Act, or are not being criminally prosecuted in respect of such an offence;

(k) there is no pending improper conduct enquiry initiated by the Authority into an alleged violation of the Code of Conduct, by the security business or the security officer relating to an offence contemplated in paragraph (i);

(l) the possession of the firearm by the security officer is reasonably necessary for rendering a security service, taking into account the nature of the security service, the contract between the security business and its client, the circumstances under which the Service is rendered, the nature of the firearm and any other relevant fact;

(m) the security officer has successfully completed the security training required for the rendering of the security service in question, any training, instruction or guidance required by law in respect of a possession, handling and use of the firearm, as well as any further or additional training necessary or required to handle the firearm in a proper and safe manner;

(n) the security officer is not under the influence of a substance which has an intoxicating or narcotic effect;

(o) the security officer is in a mentally stable condition and the security business has no reason to believe that he or she will use the firearm for an unlawful purpose or in an unlawful or negligent manner;

(p) the firearm is to be carried in a public place, the security officer is in possession of the holster, holder or other container required in terms of the Firearms Control Act for the carrying of the firearm in the public place;

(q) such issuing does not include security officers possessing firearms at the following public places:

(i) Taxi rank;

(ii) Cemetery;

(iii) Stadium;

(iv) Shopping Malls;

(v) Church;

(vi) Restaurants;

(vii) Parks;

(viii) Hospital

(ix) Public and Private Schools; or

(x) Any other similar public establishments.

(r) the security officer is under proper control and supervision in the rendering of the security service for the purposes of which a firearm is provided;

(s) the security officer, is provided with no more than a reasonable quantity of ammunition for the purposes of rendering the relevant security service and the ammunition meets any applicable requirements contemplated in the Firearms Control Act;

(t) the security officer signs for receipt of the firearm and all ammunition provided to him or her immediately upon such receipt; and

(u) A security service provider using or intending to use firearms in a public place as envisaged in sub-regulation (1) of this regulation must meet the following requirements-

(i) the public place must not be declared a firearm free zone as by the Minister in terms of Section 140 of the Firearms Controls Act;

(ii) the use of firearms must be in the interest of public safety;

(iii) firearms must not be used unless a risk assessment report has been submitted to the Authority;

(iv) steps must be taken to mitigate identified risks in terms of paragraph (b) of this regulation; and

(v) there is no other alternative means of protection without using high calibre firearms.

(2) A person applying in terms of section 23(1) of the Act for registration as a security service provider must include in the application form for registration as security service provider, information relating to its intention to render security services requiring the use of firearms and if applicable, the number and type of firearms to be used.

(3) The Registrar of Firearms when considering an application in terms of section 20(2)(a) of the Firearms Control Act, must in the prescribed form:

(a) Request the Authority to confirm the registration status of the applicant security service provider in line with regulations 13(5)(d) and 21(2) of the Regulations of the Firearms Control Act; and

(b) Provide the Authority with the information relating to the type, calibre, make, model and all marked serial numbers of the firearms the applicant intends to use.

(4) The Registrar must also include, in the request for verification the details of the proposed responsible person by the security service provider for the Authority to verify his or her registration status with the Authority.

(5) The Authority shall issue a form contemplated in sub-regulation (3) to the Registrar against payment of a fee to be determined by the Authority from time to time.

(6) The Authority shall upon receipt of the request for verification by the Registrar as contemplated in sub-regulation (3), assess and issue its recommendation in respect of the status of registration of the security business against the records of the Authority.

(7) (1) A security business which is using firearms or intending to use firearms to render security services must, within 30 days of being issued with the firearm licence, provide the Authority with the following particulars-

(a) details of competency certificates issued to security service provider in terms of the Firearms Control Act;

(b) details of firearm licence issued to security service provider in terms of the Firearms Control Act;

(c) the total number of firearms and ammunition issued to the security officers for purposes of rendering security services;

(d) full particulars of security officers issued with firearms and ammunition; and

(e) any additional information that the Authority may require.

(8) A security business providing firearms to security officers employed by it must –

(a) maintain all firearms licensed to it and which are provided to security officers in a proper working condition, free of any defects which may render them an inherent source of danger;

(b) have and adhere to proper and safe procedures in respect of the issuing and returning of and control over firearms and ammunition provided to security officers and must have and enforce a-proper disciplinary code in respect of the conduct of security officers regarding their receipt, possession, carrying, use, safekeeping and return of the firearms and ammunition, and in respect of the conduct of all its other personnel involved with such functions;

(c) ensure that firearms and ammunition provided to security officers are returned for safekeeping as soon as possible after completion of their duties or work shifts;

(d) actively monitor whether security officers who are provided with firearms and ammunition are trained, instructed and guided as contemplated in sub-regulation (1);

(e) actively monitor whether security officers also possess their own firearms or is provided with firearms by any other person while rendering a security service, and take any appropriate steps in this regard to ensure compliance with the Act;

(f) ensure that security officers provided with firearms are properly assessed to the satisfaction of the Authority, including an assessment of their visual and audio capacity, locomotive system, neurological system and general mental and emotional condition at the cost of the security business, at least every 12 months, or within a shorter period which may be reasonably necessary in the circumstances, to verify that they do not suffer from any physical or mental condition that would render their continued possession of a firearm and ammunition as posing an unreasonable risk or as undesirable;

(g) ensure that the security officers provided with firearms undergo at least one proper practical training session acceptable to the Authority, at the cost of the security business, at least every 12 months, or within a shorter period as may be reasonably necessary relevant firearm and ammunition;

(h) ensure that the security officers provided with firearms attend at least one briefing session acceptable to the Authority, at the cost of the security business, every 12 months, or within a shorter period as may be reasonably necessary in the circumstances, during which they are properly informed of the relevant legal aspects and procedures and of their legal duties regarding the possession, carrying, safekeeping and use of firearms and ammunition provided to them;

(i) timeously inform a client of the security business on whose premises a security officer is rendering a security service of the possession of a firearm by the security officer unless the contract between the security business and its client provides for the possession of a firearm;

(j) properly investigate to establish all the relevant facts, or cause to be properly investigated, and keep a full record of such investigation, every incident involving the discharge of a firearm by a security officer;

(k) take all relevant steps provided for in law and all steps that may be necessary or prudent in the circumstances, in regard to the discharge of a firearm by a security officer, and

(l) inform the director in writing within 10 days after the use of a firearm by a security officer if such use caused any death, personal injury or damage, providing the particulars within the knowledge of the security business.

(9) The director may direct a security business to furnish the director within such a reasonable time as may be determined by the director with information in writing regarding its procedures and disciplinary code contemplated in sub regulation (8)(b) and its compliance with any other duty contemplated in sub regulation (8).

(10) A security business which requires the use of a handgun or shotgun must issue such firearm to a security officer as contemplated in sub-regulation (1) only for the rendering of one or more of the following security services-

(a) Reaction services or armed response services;

(b) Protection of valuables which are being transported (cash-in-transit);

(c) Private investigator services;

(d) Environmental protection or anti-poaching services;

(e) Close protection services;

(f) Protection and security services at Critical Infrastructure;

(g) Static guard and guard on site; or

(h) Escort services and vehicle recovery.

(11) A security business which requires the use of a bolt action rifle must issue such firearm to a security officer as contemplated in sub-regulation (1) only for the rendering of one or both of the following security services –

(a) Environmental protection services; or

(b) Anti-poaching services.

(12) A security business which requires the use of a semi-automatic rifle must issue such firearm to a security officer as contemplated in sub-regulation (1) only for the rendering of one or more of the following services -

(a) Protection of valuables which are being transported (cash-in-transit);

(b) Protection and security services at Critical Infrastructure; or

(c) Anti-poaching services.

(13) The Authority may recommend and approve the use of firearms contemplated in sub-regulations (10), (11) and (12) where there are good grounds compelling the issuing of such firearms by a security business belonging to a different category or class specified in the mentioned sub-paragraphs.

(14) A security business is prohibited from issuing firearms to security service providers whose details have not been disclosed or recorded in accordance with regulation 10 of these regulations.

(15) A security business which is in possession of and using firearms to render security services must notify the Authority in writing within 14 days of the number and details of firearms lost by, stolen from, sold by or transferred by security businesses or destroyed in terms of the Firearms Control Act.

(16) Every security business which is in possession of, and using firearms to render security services must install a tracking device in every firearm to track possession and use of such firearms as part of the reporting procedures contemplated in section 4(b) of the Act.

(17) The installation of the tracking device shall be conducted by a service provider authorised and approved by the Authority.

(18) The Director may cause an audit of all firearms in issuing, possession of or presumably in possession of a security business to be performed as often as may be necessary.

(19) For the purposes of an audit contemplated in sub-regulation (19) every security business must provide the information required by the Director in the prescribed form, for the purposes of an audit and return such properly completed form to the Authority within the time period determined by the Director.

(20) (1) A security business must store every firearm in respect of which it has a licence and all ammunition in a safe and secure place in the manner required by the Firearms Control Act, as well as in accordance with any directives which the director may issue in terms of these regulations.

(21) A security officer may only carry and use a firearm provided to him or her by the security business by which he or she is employed in accordance with all applicable legal provisions and must –

(a) report to a responsible official of the security business any discharge of the firearm, as well as the loss of the firearm or any ammunition, as soon as reasonably possible after the event and furnish the necessary particulars to enable the security business to complete any relevant register contemplated in these regulations;

(b) report to a responsible official of the security business any information which he or she has regarding the discharge of a firearm as well as the loss of a firearm, issued to any other security officer by that security business, as soon as reasonably possible after the event and furnish the necessary particulars to enable the security business to complete any relevant register;

(c) at all times take reasonable steps to prevent the loss, theft or unauthorized possession or use of the firearm and ammunition provided to him or her;

(d) return the firearm and ammunition provided to him or her to a responsible official of the security business as soon as reasonably possible after the completion of his or her duties or work. shift in the rendering of a security service; and

(e) return to a responsible official of the security business, when so requested, any document provided by it in terms of law to authorize the possession of the firearm by the security officer.

(22) The director may, if there is a sound reason for such a step, through a notice served on a security business, or with the approval of the Minister if the notice is of general application —

(a) determine conditions, in addition to those already contained in any applicable law, regarding the storage and safekeeping of firearms and ammunition by a security business, or any class or category of security businesses;

(b) prohibit the issuing of a firearm or a particular type of firearm to a security officer employed by the security business for the rendering of a particular security service, whether generally or in a specific instance;

(c) prohibit the issuing of a particular type of firearm to a security officer employed by the security business for the rendering of a security service in a defined place or area, whether generally or in a specific instance, and

(d) determine that the conditions as stated by the director in the notice must be complied with by the security business regarding the issuing, possession, carrying or use of firearms by a security officer employed by it.

(23) A security business must, for the purposes of these regulations, keep all the registers, records and documentation that it is obliged to keep in terms of regulation 10(f)(vi) and (vii) of these regulations at its administrative offices.

(24) Every register contemplated in this regulation must comply with the following requirements:

(a) it must be kept safely, available for inspection by the Authority for a period of 4 years from the date of the last entry that is made in the register;

(b) it must consist of pages which are all numbered in sequence and all information recorded in it must be written or printed in permanent ink;

(c) no changes to the information recorded must be made;

(d) no recording or information may be deleted;

(e) a new entry must be made to correct any information that may have been captured incorrectly and cross-referencing to the relevant provision made; and

(f) an entry of any action that must be recorded in it, must be made without undue delay.

(25) A security business issuing firearms to security officers employed by it must keep a register containing the following particulars:

(a) all the firearms in respect of which the security business has a licence specified by make, type, calibre and serial number as well as the date and other particulars of the acquisition, disposal, transfer, loss, theft or destruction thereof, and

(b) a detailed record of the issuing of such firearms and of ammunition to security officers, describing the firearm and ammunition, the

date, time and place of such issuing, particulars of the security service and where it is to be rendered, the name, registration number and signature of the security officer, the return of the firearm and ammunition and the name of the person issuing the firearm and ammunition.

(26) (a) A security business must keep a register with sufficient information of every instance where a firearm issued to a security officer employed by it was discharged by that security officer or any other security officer employed by it for any purpose whatsoever.

(b) The register contemplated in paragraph (a) must contain at least the following -

(i) name and registration number of the security officer discharging the firearm;

(ii) full particulars of the firearm and ammunition;

(iii) the date, time, place and circumstances pertaining to the discharge of the firearm;

(iv) particulars of any damage, injury or death caused by the discharge of the firearm;

(v) the report of the security officer contemplated in sub - regulation 22(a) and (b);

(vi) information and documentation regarding the investigation by the security business into the discharge of the firearm; and

(vii) any further relevant facts regarding the incident.

(27) A security business must keep a register regarding the performance of its functions contemplated in sub- regulation (8)(f), (g) and (h), containing at least –

(a) the time, date and venue of the assessment session, the practical training session and the briefing session;

(b) the names of the persons and institutions handling the sessions contemplated in paragraph (a), and their contact particulars;

(c) the names and signatures of security officers attending the sessions contemplated in paragraph (a);

(d) the results, outcomes and findings, as the case may be, of the assessment session, practical session and briefing session; and

(e) types of firearms and the number of ammunition used during assessment, training and briefing sessions.

(28) In performing any function contemplated in this regulation an inspector has all the powers of entry, search and seizure contemplated in section 34 of the Act, as well as all the powers provided for in this regulation.

(29) An inspector may at any reasonable time without prior notice, require from a person contemplated in section 34(1)(d) of the Act the production to him or her all or any registers, records, files or documents that a security business must keep in terms of any law relating to the issuing, return, possession, use or storage of firearms and ammunition, as well as any further information that an inspector may require to ascertain compliance with the provisions of these regulations by a security business, its officials or its security officers.

(30) A security business having firearms or providing firearms to security officers employed by it must, at the request of an inspector, produce for inspection and examination all firearms and ammunition under its control and every licence to possess a firearm issued to it.

(31) An inspector who has reasonable grounds to believe that a person is a security officer and has or recently had a firearm or ammunition in his or her possession, may direct such person to:-

(a) provide his or her full name and employment address;

(b) provide the name and contact particulars of his or her employer;

(c) produce the document contemplated in sub-regulation 13(1)(f) in respect of the possession of the firearm;

(d) produce a licence if the security officer is in possession of a firearm licensed to him or her;

(e) answer questions regarding the whereabouts of the firearm, and

(f) furnish any other information reasonably required by the inspector for the purposes of these regulations.

(32)(a) An inspector may without warrant seize any firearm or ammunition in possession of a security service provider if the inspector has reasonable grounds to suspect that the security service provider is not in lawful possession of the firearm or ammunition, and, in the case of a security officer, the security officer is not in possession of the documentation required in terms of sub-regulation 13(1)(e) and (f) in respect of such firearm.

(b) The inspector seizing a firearm or ammunition contemplated in paragraph (a) must as soon as possible thereafter hand the firearm and ammunition to a member of the Service at a police station, who has to receive such firearm and ammunition and keep it in safe custody pending a further investigation, subject to the applicable provisions in chapter 14 of the Firearms Control Act.

13B Weapons

Issuing of weapons to and possession of weapons by security officers

(1) A security business may only issue a weapon to a security officer employed by it for the rendering of a security service if the -

(a) requirements, with the necessary changes, contemplated in sub-regulation (1)(a), (b), (d), (e), (g), (k), (m), (n) and (p) are complied with,

(b) requirements with the necessary changes, contemplated in sub-regulation (1)(i) and (j) are complied with in the case of a dangerous weapon;

(c) security officer is well-trained in the proper handling and use of the weapon and successfully trained in accordance with any applicable standards imposed by law; and

(d) weapon is free of any defect or characteristic which may render it an inherent source of danger or capable of easily causing excessive personal harm or damage.

(2) The security business must register such weapons with the Authority including the evidence supporting the training of security officers in the use of such weapons.

(3) The Authority may issue a certificate of registration which contains particulars of the security business in the use of weapons, including such further information as the Authority may determine under the seal of the Director.

(4) The provisions of sub-regulation (1) apply, with the necessary changes, to a security business allowing a security officer employed by it to possess a weapon provided by the security officer or by a person other than the security business, or who should reasonably be aware that the security officer is in possession of a weapon while rendering a security service.

(5) A security business issuing a weapon to a security officer employed by it, or allowing the security officer to possess a weapon provided by the security officer or by a person other than the security business, must –

(a) comply, with the necessary changes, with sub-regulation (2)(b)

(b) actively monitor whether, and ensure that, a security officer who possesses a dangerous weapon, complies with sub-regulation 13B(1)(c);

(c) comply, with the necessary changes, with sub-regulation (8) (e) and (f) in the case of a dangerous weapon; and

(d) keep a written record of and properly investigate to establish the relevant facts of every incident involving the use of a weapon causing any death, personal injury or damage, in order to enable the security business to take all steps that are reasonably necessary in this regard and to provide the director with all relevant information required in terms of these regulations.

(6) The provisions of sub-regulation 13A(9) are applicable, with the necessary changes, in regard to the compliance by a security business with the duties contained in this regulation.

(7) A weapon may be used by a security service provider only when it is necessary for self-defence, the defence of another person, or the protection of property.

(8) A security service provider must not use a weapon during assemblies, demonstrations or protests, meetings or any other incidents classified as crowd management under the Regulation of Gatherings Act 1993 (Act No. 205 of 1993), unless the use of such weapon is authorised and permitted in terms of law.

(9) The security service provider must conduct a risk assessment prior issuing the security officer with any weapon in terms of sub-regulation (1), including a firearm, to ensure that the weapon is free from any defect or characteristic which may render it inherent source of danger or capable of easily causing excessive possible harm, injury or damage.

(10) The security officer issued with a weapon in terms of sub-regulation (1), must be actively monitored to ensure that he or she complies with these regulations and other applicable laws, including conditions and rules of a contract concluded between the security service provider and client.

(11) The security business using or intending to use any weapon other than a firearm, to render security services, must -

(a) inform the Authority within a period of 14 days of such use or intention to use weapons;

(b) provide the Authority with information regarding the type and total number of weapons is using or intending to use for the rendering of security services;

(c) provide full particulars of security officers issued with weapons for purposes of rendering security services; and

(d) report any incident involving the use of a weapon causing death, personal injury or damage.

(12) A security business must store every firearm, ammunition or weapon in a safe and secure manner as prescribed in the Firearms Control Regulations, 2004, as well as in accordance with any directives that the Director may issue in terms of these Regulations.

(13) A security business must store all weapons in its possession or under its control in a safe and secure manner, and in compliance with any applicable law.

(14) A security officer may carry and use a weapon only in accordance with all applicable legal provisions and must report to the security business employing him or her of any use of a weapon causing death, personal injury or damage, or any loss thereof, as soon as reasonably possible after the event and provide the necessary particulars to enable the security business to complete the register contemplated in these regulations.

(15) The provisions of sub-regulation 22(b) are, with the necessary changes, applicable with regard to the use and loss of a weapon.

(16) The director may, if there is a sound reason for such a step, exercise the powers contemplated in sub-regulation (23), with the necessary changes, in regard to weapons.

Prohibited Weapons

(17) Notwithstanding the provisions of regulation 13B, security service providers may not use the following weapons in the rendering of security services –

(a) Tasers;

(b) Tear gas;

(c) Water cannon;

(d) Sponge grenade;

(e) Rubber / Plastic bullet; and

(f) Any other weapon that may harm civilians.

(18) A security service provider using or intending to use any prohibited weapon as envisaged in sub-regulation (1) of this regulation must meet the following requirements-

(a) the use of prohibited weapons must be in the interest of public safety;

(b) the prohibited weapon must not be used unless a risk assessment report has been submitted to the Authority;

(c) steps have been taken to mitigate identified risks in terms of paragraph (b) of this regulation; and

(c) there is no other alternative means of protection without using prohibited weapon.

(19) A security service provider using or intending to use any prohibited weapon as envisaged in these regulations and meets the requirements in sub-regulation (18) must -

(a) submit an application to the Authority within a period of seven (7) days of intention to use prohibited weapons;

(b) provide the Authority with information regarding the safety of the use of prohibited weapons the service provider intends to use;

(c) provide the Authority with information regarding the type and total number of prohibited weapons the service provider intends to use for the rendering of security services;

(d) full particulars of security officers issued with prohibited weapons for purposes of rendering security services; and

(e) any incident involving the use of a prohibited weapon causing death, personal injury or damage.

Keeping of registers and documents

(20) A security business must keep the registers and documentation contemplated in this regulation at its administrative office as contemplated in regulation 5(1)(b) of the Private Security Industry Regulations.

(21) The provisions of sub-regulation 25 are, with the necessary changes, applicable to the registers and documentation contemplated in this regulation.

(22) (a) A security business must keep a register in which information is recorded of every instance where a weapon possessed by a security officer employed by it was used and caused death, personal injury or damage.

(b) The register contemplated in paragraph (a) must contain the information, with the necessary changes, as contemplated in sub-regulation 27(b).

(23) A security business must keep a register regarding the performance of its functions contemplated in regulation 13B(5)(c) containing at least the information, with the necessary changes, contemplated in 1 regulation 5(5).

(24) A security business must keep a file with all information and documentation regarding its investigation into the use of a weapon contemplated in regulation 13B(5)(d).

Inspections and powers of inspectors

(25) Except to. the extent. provided otherwise in this regulation, the provisions of regulation 6 are applicable, with the necessary changes, to the powers of inspectors in terms of this regulation.

(26) (a) An inspector may without warrant seize any weapon in possession of a security officer if the inspector has reasonable grounds to suspect that the security officer is not in lawful possession of the weapon or that the weapon has been provided in violation of a provision of regulation 13B.

(b) Section 34(2) of the Act applies to any weapon seized in terms of paragraph (a).

13C General Provisions

Duty on certain persons / Appointment of Responsible Person

(1). Every person referred to in section 21(1)(a)(ii), (iii), (iv), (v), (vi) or (vii) of the Act in relation to a security business, must take all reasonably practicable steps within his or her powers, capacity or functions to ensure that the security business possessing firearms for business purposes or issuing firearms, ammunition or weapons to security: officers employed by it, complies with all the duties contained in these regulations.

(2) A security business must appoint a responsible person to perform any other function that is subject to these regulations, if such person –

(a) is registered as a security service provider;

(b) has successfully completed the security training in terms of the Act; and

(c) is in possession of a competency certificate.

(3) A security business must furnish the Authority with the details of the responsible person in terms of sub-regulation (1) of this regulation, within 10 days of appointment.

Offences and penalties

4. Any person who -

(a) contravenes or fails to comply with a provision of these regulations;

(b) contravenes or fails to comply with a directive, notice or request of the director issued in terms of these regulations;

(c) fails to keep a register, record or file as required in terms of these regulations, or fails to make an entry in such a register without undue delay;

(d) intentionally or negligently makes a false, incorrect or misleading entry or statements in a register that has to be kept in terms of these regulations or in any document contemplated in these regulations;

(e) intentionally or negligently fails to make the reasonable enquiries that are necessary in the circumstances to verify the correctness of any information provided to him or her for the purposes of making an entry in any register that must be kept in terms of these regulations; or

(f) intentionally or negligently provides any false information in complying or purportedly complying with any duty provided for in these regulations,

is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment.

Transitional Provisions

5. Every person deemed to have been registered as a security service provider and providing security service on behalf of a shipping company or at any port facility in South Africa, 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 these regulations.

Short title and commencement

6. These regulations are called the Amendment to The Private Security Industry Regulations, 2002 and come into operation, unless otherwise specified, 180 days from the date of their publication in this Gazette.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 3089 OF 2025

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON GARDEN PICKS, SPADES AND SHOVELS, RAKES AND FORKS ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA ("CHINA"): FINAL DETERMINATION

In accordance with the provisions of Section 53 of the Anti-Dumping Regulations and Article 11.3 of the World Trade Organization Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, any definitive anti-dumping duties shall be terminated on a date not later than five years from its imposition, unless the authorities determine, in a review initiated before that date, on their own initiative or upon a duly substantiated request made by or on behalf of the domestic industry within a reasonable period of time prior to that date, that the expiry of the duties would likely lead to the continuation or recurrence of dumping and injury.

On 02 June 2023, the International Trade Administration Commission of South Africa ("the Commission") notified interested parties through Notice No. 1847 of 2023 in *Government Gazette* No. 48696, that unless a substantiated request is made indicating that the expiry of the anti-dumping duties against imports of garden picks, spades and shovels, rakes and forks originating in or imported from China would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duties on garden picks, spades and shovels, rakes and forks originating in or imported from China will expire on 11 July 2024.

A detailed response to the Commissions' sunset review questionnaire was received from Ussher Inventions (Pty) Ltd (t/a Lasher Tools) ("Lasher Tools" or "the Applicant") on 14 December 2023.

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After all deficiencies were identified and addressed, a properly documented letter was sent to the Applicant on 09 April 2024.

The Applicant alleged that the expiry of the anti-dumping duties would likely lead to the recurrence of dumping and the continuation of material injury. The Applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that a sunset review investigation of the anti-dumping duties on garden picks, spades and shovels, rakes and forks originating in or imported from China, should be initiated.

On 19 April 2024, the investigation was initiated through Notice No. 2422 of 2024, which was published in *Government Gazette* No. 50528.

Subsequent to the initiation of the investigation, all known interested parties were informed, provided with the non-confidential application, and requested to respond to the relevant questionnaires.

No responses were received from any exporter/manufacturer or any SACU importer of the subject products.

On 16 July 2024, the Commission issued essential facts letters to interested parties. The deadline for comments from interested parties was 30 July 2024.

On 25 July 2024, comments were received from the Applicant supporting the Commission's intention to maintain the anti-dumping duties on the subject products.

On 29 July 2024, comments were also received from Botswana Trade Commission in support of the Commission's intention to maintain the current anti-dumping duties on the subject products.

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The Commission made a final determination that the expiry of the anti-dumping duties on garden picks, spades and shovels, rakes and forks originating in or imported from China would likely lead to the recurrence of dumping and the continuation of material injury.

The Commission made a final determination to recommend to the Minister of Trade, Industry and Competition that the current anti-dumping duties on garden picks, spades and shovels, rakes and forks originating in or imported from China, be maintained as follows:

Item	Tariff heading	Description	Imported from or originating in	Rate of anti-dumping duty
215.11	8201.10.10	Spades and shovels, of a maximum blade width of more than 200 mm but not exceeding 320 mm	China	4 796c/kg
215.11	8201.30.03	Picks	China	3 295c/kg
215.11	8201.30.90	Rakes with more than 8 prongs	China	3 466c/kg
215.11	8201.90.20	Forks, with a prong length exceeding 150 mm (excluding forks with 8 or more prongs)	China	4 668c/kg

The Minister approved the Commission's recommendation. The Commission's detailed reasons for its final determination are set out in Report No. 732.

Should you have any queries, please do not hesitate to contact the following investigating officers: Mr Busman Makakola at BMakakola@itac.org.za and Mr Brian Same at BSame@itac.org.za.

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BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 761 OF 2025

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2022-2032 | INTERNATIONAL DECADE OF Indigenous Languages

PanSALB
PAN SOUTH AFRICAN LANGUAGE BOARD

PAN SOUTH AFRICAN LANGUAGE BOARD ACT OF 1995 (ACT NO. 59 OF 1995)

CALL FOR COMMENT

NORTHERN CAPE PROVINCIAL LANGUAGE COMMITTEE

The Pan South African Language Board (PanSALB) herewith declares that the following persons have been duly nominated and recommended for appointment as members of the Northern Cape Provincial Language Committee (NCPLC) in terms of Section 8(8)(b) of the PanSALB Act (Act No. 59 of 1995) as amended, and in accordance with revised Norms and Rules for Provincial Language Committee as published as Board Notice No. 705 of 2024 Government Gazette No. 51740 of 13 December 2024.

Recommended candidates are hereby published for public comment. Members of the public are invited to submit written comments or objections to the recommendations of any of the persons whose names appear below. Comments are to be submitted within 7 days from the date of publication of this Board Notice in the provincial gazette.

Should no comments or objections be received then the recommended person's name will be deemed to be confirmed for appointment by PanSALB.

Name	Langauge represented	Specialisation
Motho- Osele Kgoe (Dr.)	Setswana	Translation, Literature and Language In Education
Modisagaarekwe Jakwe (Mr.)	Setswana	Literature, Translation, Linguistic Human Rights
Adam Feltman (Mr.)	Heritage Languages	Lingustic Human Rights
Thabo Mqina (Mr.)	Sesotho	Langauge In Education
Gomolemo Kename (Ms.)	Setswana	Language In Education

Comments and/or objections should be sent to:
The Chief Executive Officer
Attention: Mr. Raseabi Mosha Mosieleng

37 Chapel Street, Nedbank Building, 3rd Floor, Kimberley 8301
E-pos: *raseabi@pansalb.org*
Contacts: (053) 832 0037

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Rixaka rin'we tindzimi tinyingi

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Isizwe sinye izilimi ezininzi

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2022-2032 INTERNATIONAL DECADE OF Indigenous Languages

PanSALB PAN SOUTH AFRICAN LANGUAGE BOARD

WET OP DIE PAN SUID-AFRIKAANSE TAALRAAD VAN 1995 (WET NR. 59 VAN 1995)

OPROEP VIR KOMMENTAAR

NOORD-KAAP PROVINSIALE TAALKOMITEE (NKPT)

Die Pan Suid-Afrikaanse Taalraad (PanSAT) verklaar hiermee dat die volgende persone behoorlik benoem en aanbeveel is as lede van die Noord-Kaap Provinsiale Taalkomitee (NKPT), in ooreenstemming met artikel 8(8)(b) van die PanSAT Wet (Wet Nr. 59 van 1995), soos gewysig, en in ooreenstemming met die hersiene Norme en Reëls vir Provinsiale Taalkomitees soos gepubliseer in Raadskennisgewing Nr. 705 van 2024 in Staatskoerant Nr. 51740 van 13 December 2024.

Aanbevole kandidate word hiermee gepubliseer vir publieke kommentaar. Lede van die publiek word genooi om geskrewe kommentaar oor, of besware teen die aanbevelings van enige van die persone wie se name hieronder verskyn, in te dien. Kommentaar en besware moet ingedien word binne 7 dae vanaf die datum van publikasie van hierdie Raadskennisgewing in die provinsiale koerant.

Indien geen kommentaar of besware ontvang word nie sal die aanbevole persoon se naam aanvaar word as bevestig vir aanstelling deur PanSAT.

Naam	Taal wat verteenwoordig word	Spesialisering
Motho- Osele Kgoe (Dr.)	Setswana	Vertaling, Letterkunde en Taal in onderwys
Modisagaarekwe Jakwe (Mnr.)	Setswana	Letterkunde, Vertaling, Linguistiese Menseregte
Adam Feltman (Mnr.)	Erfenistale	Linguistiese Menseregte
Thabo Mqina (Mnr.)	Sesotho	Taal in onderwys
Gomolemo Kename (Me.)	Setswana	Taal in onderwys

Kommentaar en/of besware moet gestuur word aan:
Die Hoof-Uitvoerende Beampte
Aandag: Mnr. Raseabi Mosha Mosieleng

37 Chapel Straat, Nedbank Gebou, 3de Vloer, Kimberley 8301
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PAN SOUTH AFRICAN LANGUAGE BOARD

MOLAO WA 1995 WA BOTO YA DIPUOTSOTLHE YA AFORIKABORWA (MOLAO NO. 59 WA 1995)

BOIKUELO JWA DITSHWAELO

KOMITI YA DIPUO YA POROFENSE YA KAPABOKONE

Boto ya Dipuotsotlhe ya Aforikaborwa (PanSALB) e dira kitisiso ya gore batho ba ba latelang ba tlhophilwe e bile ba atlanegisitswe go ka thapiwa jaaka ditokololo tsa Komiti ya Dipuo ya Porofense ya Kapabokone go latela Kgaolo 8(8)(b) ya Molao wa PanSALB (Molao No.59 wa 1995) jaaka o tlhabolotswe, mme o inaakanya le Melawana ya Komiti ya Dipuo ya Porofense e e phasaladitsweng jaaka Kitsiso ya Boto No.705 ya 2024 mo kaseteng ya Puso No.51740 ya 13 Sedimonthole 2024.

Batlhophiwa ba ba atlanegisitsweng ba phasaladiwa jaana gore setšhaba se tshwaele. Setšhaba se lalediwa go romela ditshwaelo kgotsa dikganetso tse di kwadilweng ka ga katlanegiso ya motho mongwe le mongwe yo leina la gagwe le tlhagelelang ka fa tlase. Ditshwaelo di ka romelwa mo malatsing a supa (7) go tloga ka letsatsi la phasalatso ya Kitsiso ya Boto mo kaseteng ya porofense.

Fa go ka se amogelwe ditshwaelo kgotsa dikganetso dipe, go tlaa tsewa gore PanSALB e tlaa tlhomamisa thapo ya batho ba ba atlanegisitsweng, ba ba umakilweng ka fa tlase.

Leina	Puo e e emetsweng	Boitseanape
Motho- Osele Kgoe (Ngk.)	Setswana	Bofetoledi le Bokšvadi, Puothutong
Modisagaarekwe Jakwe (Rre.)	Setswana	Bokwadi, Bofetoledi le Ditshwanelo tsa botho tsa Puo
Adam Feltman (Rre.)	Dipuo tsa Ngwaoboswa	Ditshwanelo tsa botho tsa Puo
Thabo Mqina (Rre.)	Sesotho	Thutopuong
Gomolemo Kename (Moh.)	Setswana	Thutopuong

Ditshwaelo le/kgotsa dikganetso di tshwanetse go romelelwa go:
Motlhankediphethisimogolo
Tlhokomediso: Rre Raseabi Mosha Mosieleng

37 Chapel Street, Nedbank Building, 3rd Floor. Kimberley 8301
Imeili: raseabi@pansalb.org
Mogala: (053) 832 0037

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UMTHETHO WEBHODI YEELWIMI ZOMZANTSI AFRIKA WE1995 (UMTHETHO ONGUNOMBOLO 59 WE1995)

UYACELWA UKUBA UHLOMLE

IKOMITI YEELWIMI YEPHONDO LOMNTLA KOLONI

IBhodi yeeLwimi zoMzantsi Afrika (PanSALB) ngoku ibhengeza ukuba aba bantu balandelayo batyunjwe ngokufanelekileyo kwaye kuphakanyiswa ukuba batyunjwe njengamalungu eKomiti yeeLwimi yePhondo loMntla Koloni (NCPLC) ngokweCandelo 8(8)(b) loMthetho wePanSALB. (uMthetho onguNombolo 59 we1995) njengoko ufakelwe izilungiso, nangokungqinelana neMimiselo neMithetho ehlaziyiweyo yeKomiti yeeLwimi yePhondo njengoko ipapashwe njengeSaziso seBhodi esinguNombolo 705 wama2024 kwiGazethi kaRhulumente enguNombolo 51740 yomhla we13 EyoMnga wama2024.

Abatyunjwa abaphakanyiswayo bayapapashwa ukuze uluntu luhlomle. Uluntu luyamenywa ukuba lungenise izimvo ezibhaliweyo okanye abo babakhabayo kwizindululo zabo nabaphi na abantu abanamagama abo avelayo apha ngezantsi. Izimvo kufuneka zingeniswe phakathi kweentsuku ezisixhenxe ukususela kumhla wokupapashwa kweSaziso seBhodi kwigazethi yephondo.

Ukuba akukho zimvo okanye amakhwiniba afunyenweyo ngoko ke igama lomntu otyunjiweyo liya kuthathwa njengeliqinisekisiweyo ukuba liyatyunjwa yiPanSALB.

Igama	Ulwimi olumelweyo	Ubungcali
Gqr Motho- Osele Kgoe	Setswana	Uguqulo, Umbhali weencwadi kunye noLwimi kwezemfundo
Mnu Modisagaarekwe Jakwe	Setswana	Umbhali weencwadi, uGuqulelo, amaLungelo oLuntu ngoLwimi.
Mnu Adam Feltman	iiLwimi zemveli	Amalungelo oLuntu ngoLwimi
Mnu Thabo Mqina	Sesotho	Ulwimi kweZemfundo
Nkszn Gomolemo Kename	Setswana	Ulwimi kweZemfundo

Izimvo kunye/okanye izihlabo mazithunyelwe ku:
IGosa eliyiNtloko leBhodi
Ziqwalaselwe ngu: Mnu. Raseabi Mosha Mosieleng

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limeyile: raseabi@pansalb.org
Inombolo: (053) 832 0037

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PanSALB
PAN SOUTH AFRICAN LANGUAGE BOARD

Board Notice 1 of 2025

OFFICIAL SOUTH AFRICAN SIGN LANGUAGE ANTHEM

The Pan South African Language Board (PanSALB) hereby gives notice of their publication of an official, standardised South African Sign Language (SASL) version of the South African National Anthem. The published video is available on PanSALB's official YouTube page at *https://www.youtube.com/watch?v=QCEPgpn8-nc* PanSALB recommends that this version is used at all official government events.

For further information, please contact Ms Ntombi Huluhulu, Senior Manager: Communications and Marketing on 012 341 9638 or *communication@pansalb.org*

THE CHIEF EXECUTIVE OFFICER
Pan SOUTH AFRICAN LANGUAGE BOARD

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