Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 727 23 January Januarie 2026 No. 53991

PART 1 OF 2

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

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IMPORTANT NOTICE:

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

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

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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* 2026

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

- **23 December,** Tuesday for the issue of Friday **02 January 2026**
- **02 January,** Friday for the issue of Friday **09 January 2026**
- **09 January,** Friday for the issue of Friday **16 January 2026**
- **16 January,** Friday for the issue of Friday **23 January 2026**
- **23 January,** Friday for the issue of Friday **30 January 2026**
- **30 January,** Friday for the issue of Friday **06 February 2026**
- **06 February,** Friday for the issue of Friday **13 February 2026**
- **13 February,** Friday for the issue of Friday **20 February 2026**
- **20 February,** Friday for the issue of Friday **27 February 2026**
- **27 February,** Friday for the issue of Friday **06 March 2026**
- **06 March,** Friday for the issue of Friday **13 March 2026**
- **13 March,** Friday for the issue of Thursday **20 March 2026**
- **20 March,** Friday for the issue of Friday **27 March 2026**
- **26 March,** Thursday for the issue of Thursday **02 April 2026**
- **01 April,** Wednesday for the issue of Friday **10 April 2026**
- **10 April,** Friday for the issue of Friday **17 April 2026**
- **17 April,** Friday for the issue of Friday **24 April 2026**
- **22 April,** Wednesday for the issue of Thursday **30 April 2026**
- **30 April,** Thursday for the issue of Friday **08 May 2026**
- **08 May,** Friday for the issue of Friday **15 May 2026**
- **15 May,** Friday for the issue of Friday **22 May 2026**
- **22 May,** Friday for the issue of Friday **29 May 2026**
- **29 May,** Friday for the issue of Friday **05 June 2026**
- **05 June,** Friday for the issue of Friday **12 June 2026**
- **11 June,** Thursday for the issue of Friday **19 June 2026**
- **19 June,** Friday for the issue of Friday **26 June 2026**
- **26 June,** Friday for the issue of Friday **03 July 2026**
- **03 July,** Friday for the issue of Friday **10 July 2026**
- **10 July,** Friday for the issue of Friday **17 July 2026**
- **17 July,** Friday for the issue of Friday **24 July 2026**
- **24 July,** Friday for the issue of Friday **31 July 2026**
- **31 July,** Friday for the issue of Friday **07 August 2026**
- **06 August,** Thursday for the issue of Friday **14 August 2026**
- **14 August,** Friday for the issue of Friday **21 August 2026**
- **21 August,** Friday for the issue of Friday **28 August 2026**
- **28 August,** Friday for the issue of Friday **04 September 2026**
- **04 September,** Friday for the issue of Friday **11 September 206**
- **11 September,** Friday for the issue of Friday **18 September 2026**
- **17 September,** Thursday for the issue of Friday **25 September 2026**
- **25 September,** Friday for the issue of Friday **02 October 2026**
- **02 October,** Friday for the issue of Friday **09 October 2026**
- **09 October,** Friday for the issue of Friday **16 October 2026**
- **16 October,** Friday for the issue of Friday **23 October 2026**
- **23 October,** Friday for the issue of Friday **30 October 2026**
- **30 October,** Friday for the issue of Friday **06 November 2026**
- **06 November,** Friday for the issue of Friday **13 November 2026**
- **13 November,** Friday for the issue of Friday **20 November 2026**
- **20 November,** Friday for the issue of Friday **27 November 2026**
- **27 November,** Friday for the issue of Friday **04 December 2026**
- **04 December,** Friday for the issue of Friday **11 December 2026**
- **10 December,** Thursday for the issue of Friday **18 December 2026**
- **17 December,** Thursday for the issue of Thursday **24 December 2026**
- **23 December,** Wednesday for the issue of Thursday **31 December 2026**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

Closing Times for Acceptance of Notices

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

Extraordinary Gazettes

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

Notice Submission Process

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

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

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

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

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

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

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

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

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

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

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

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

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

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

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

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

QUOTATIONS

13. Quotations are valid until the next tariff change.

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

14. Each quotation has a unique number.

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

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

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

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

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

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

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

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

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

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

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

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

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

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

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

CANCELLATIONS

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

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

APPROVAL OF NOTICES

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

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

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

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

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

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

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

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

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

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

PROOF OF PUBLICATION

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

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

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

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

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 7022 **23 January 2026**

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 claims have been lodged for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTIES	DISTRICT	CURRENT LANDOWNER	DEED OF TRANSFER	BONDS	INTERESTED PARTIES:
Z 0276	Mr. Molefe Solomon Madumo	Portion 24 of the farm Onverwacht 509 JR	City of Tshwane Metropolitan Municipality	Bosman Paul Johannes	T26315/2000	None	Land Claimant, the current Landowners, the City of Tshwane Metropolitan Municipality and Department of Land Reform and Rural Development
		Portion 20 (remaining extent) of the farm Hondsrivier 508 JR		Silver Falls Trading Pty Ltd	T41696/2005		
		Portion 27 (remaining extent) of the farm Hondsrivier 508 JR		Real Time INV 26 Pty Ltd	T15161/2005		
		Claimed extent: **16.8 hectares**					

Notice is hereby given in terms of Section 11A (4) of the Restitution of Land Rights Act, 1994 (Act 22 of 1994), as amended, read together with 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 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: 2025/1/05

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

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED FOR MADUMO FAMILY LAND CLAIMS LODGED BY MOLEFE SOLOMON MADUMO ON PORTION 58 OF THE FARM ONVERWACHT 532 JR SITUATED IN THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY, GAUTENG PROVINCE IN TERMS OF SECTION 11A(2) OF THE RESTITUTION OF LAND RIGHTS ACT 22 OF 1994 AS AMENDED AND TO PUBLISH A NEW GAZETTE NOTICE ON PORTION 24 OF FARM ONVERWACHT 509 JR AND PORTIONS 20 (REMAINING EXTENT) AND 27 (REMAINING EXTENT) OF FARM HONDSRIVIER 508 JR IN TERMS OF SECTION 11(1)(C) OF THE RESTITUTION OF LAND RIGHTS ACT 22 OF 1994 AS AMENDED SITUATED IN THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY OF GAUTENG PROVINCE, REFERENCED Z0276 (TWO LAND CLAIM FORMS)

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 7023 **23 January 2026**

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

AMENDMENT OF NOTICE 92 OF 2017 AS CONTAINED IN GOVERNMENT GAZETTE NO: 40593 IN RESPECT OF A LAND CLAIM LODGED BY MR. JOSEPH MSIZA, LAND CLAIM REFERENCED Z 0214

Notice is hereby given in terms of Section 11A (4) of the Restitution of Land Rights Act, 1994 (Act 22 of 1994) read together with section 11 (1) (c) of the Restitution of Land Rights Act, 1994 (Act 22 of 1994) as amended, that an amendment is hereby made to Gazette Notice No 92 of 2017 contained in Government Gazette No: 40593 dated 3rd of February 2017. The Gazette is amended to correct the claimed properties as follows:

REF NO.	CLAIMANT & CLAIMED EXTENT	PROPERTY DESCRIPTION	CURRENT LANDOWNERS	EXTENT (HA)	DEED OF TRANSFER	INTERESTED PARTIES
Z0214	Mr. Joseph Msiza Claimed Extent = 25.4050 hectares	Portion 89 of the farm Wachtenbietjeskop 506 JR	Tshitshi Juliah Mahlangu	9.9830	T81389/2016	Land Claimant, the current landowners and the City of Tshwane Metropolitan Municipality
		Portion 109 (RE) of the farm Wachtenbietjeskop 506 JR	Jacobus Johannes & Yvonne Schoeman Firstrand Bank Ltd B155355/2006	9.3552	T47658/1989	
		Portion 110 of the farm Wachtenbietjeskop 506 JR	Stone Marthinus Jacobus	9.6800	T47211/1995	
		Portion 111 (RE) of the farm Wachtenbietjeskop 506 JR	Magolego Transport & Dairy Services CC ABSA Home Loans Guarantee CO (RF) Pty Ltd B43611/2019	5.1197	T69046/2019	

		Portion 161 of the farm Wachtenbietjeskop 506 JR	Magolego Transport & Dairy Services CC	4.9983	T69046/2019	
		Portion 162 of the farm Wachtenbietjeskop 506 JR	Leroy & Rose Pty Ltd	4.9986	T61632/2024	

have been submitted to the Regional Land Claim Commission and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any interested person who has an interest in the above-mentioned land claim is hereby invited to submit, within ninety (90) working days from the publication any comments/information 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: 2025/11/17

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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 7024 **23 January 2026**

NOTICE OF INTENTION TO AMEND THE GAZETTE NOTICE IN TERMS OF SECTION 11A (2) OF THE RESTITUTION OF LAND RIGHTS ACT, NO. 22 OF 1994 (AS AMENDED).

WHEREAS a land claim was lodged by Mr. Foromane George Ndala, which claim was published in terms of Section 11(1) of the Restitution of Land Rights Act, No. 22 of 1994 (as amended), hereinafter referred to as "the Act".

and

WHEREAS during further investigation of the land claim in so far as it relates to the properties referred to below, the Regional Land Claims Commissioner, has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met.

NOW THEREFORE NOTICE is hereby given in terms of Section 11A (2) of the Act that at the expiry of 30 days from the date of the publication of this notice in the Government Gazette, the notice of the claim previously published in terms of section 11(1) of the Act in Gazette No. 40058, under Notice 696 of 2016, dated 10 June 2016, to the extent that it relates to the properties listed below, will be removed unless cause to the contrary is shown to the satisfaction of the Regional Land Claims Commissioner.

The details of the Gazette No 40058, under Notice 696 of 2016, dated 10 June 2016, relevant for this notice include the following:

Reference No: **P0153**

Claimant: **Mr. Foromane George Ndala**

Property Description: **See below**

Owner: **See below**

Date Submitted: **22 December 1998**

No.	Property	Extent (ha)	Landowner
1	Portion 2 (remaining extent) of the farm Tiegerpoort 371 JR	36.9023	R A Skinner Development Pty Ltd
2	Portion 28 (remaining extent) of the farm Tiegerpoort 371 JR	4.2827	Olckers Gerhardt Marthinus
3	Portion 29 of the farm Tiegerpoort 371 JR	8.5653	Saffy Karin Maria Gerardina
4	Portion 30 of the farm Tiegerpoort 371 JR	8.5653	Pieter Johannes & Susanna Petronella Zietsman
5	Portion 31 of the farm Tiegerpoort 371 JR	8.5653	Razorbill Prop 239 Pty Ltd
6	Portion 32 of the farm Tiegerpoort 371 JR	8.5653	Eileen Rosina Pretorius
7	Portion 33 of the farm Tiegerpoort 371 JR	8.5653	African Dune Inv 130 Pty Ltd
8	Portion 34 of the farm Tiegerpoort 371 JR	8.5653	Marshall Lawrence John
9	Portion 46 of the farm Tiegerpoort 371 JR	8.5653	Cathedral Rock Inv 159 CC

Claimant: Mr. Foromane George Ndala **Reference No. P0153**

10	Portion 47 of the farm Tiegerpoort 371 JR	8.5653	H P S Trust
11	Portion 50 of the farm Tiegerpoort 371 JR	8.5653	Towe Holdings Pty Ltd
12	Portion 51 (remaining extent) of the farm Tiegerpoort 371 JR	4.2851	Verwey Cornelius Tobias
13	Portion 54 of the farm Tiegerpoort 371 JR	8.5653	Angelo and Christina Helena Maranta
14	Portion 1 (remaining extent) of the farm Grootfontein 394 JR	564.6688	Jondelle Prop Holdings Pty Ltd

The reasons the Regional Land Claims Commissioner believes that the criteria in section 11(1) of the Act may not have been met, is that:

(a) The claimed land does not extend to portions 2 (remaining extent), 28 (remaining extent), 29, 30, 31, 32, 33, 34, 46, 47, 50, 51 (remaining extent), & 54 of the farm Tiegerpoort 371 JR & portion 1 (remaining extent) of the farm Grootfontein 394 JR; and/or

(b) The claimants did not have rights (as defined in the Act) on the properties listed above; and

(c) The claimed land affects portions 24 (remaining extent) & 1025 (a portion of portion 24) of farm Grootfontein 394 JR situated in the City of Tshwane Metropolitan Municipality, Gauteng Province.

Any party who may have an interest in the above-mentioned land claim is hereby invited to make representations, within 30 days from the publication of this notice, as to why the gazette should not be amended in terms of section 11A (3) of the Act.

The representations must be forwarded to the Regional Land Claims Commissioner

MR L H MAPHUTHA
The Regional Land Claims Commissioner
Private Bag X 03
ARCADIA
0007
Tel: (012) 310-6500
Fax: (012) 323-2961

Claimant: Mr. Foromane George Ndala **Reference No. P0153**

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 7025 **23 January 2026**

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

NOTICE ISSUED ON THE CANCELLATION OF THE REGISTRATION OF INSTILL EDUCATION (PTY) LTD AS A REGISTERED PRIVATE HIGHER EDUCATION INSTITUTION

NOTICE PUBLISHED IN TERMS OF REGULATION 18(1) OF THE REGULATIONS FOR THE REGISTRATION OF PRIVATE HIGHER EDUCATION INSTITUTIONS, 2016 READ WITH SECTIONS 62(1) AND 63(a) AND (b) OF THE HIGHER EDUCATION ACT, 1997.

I, Dr Nkosinathi Sishi, Director-General of the Department of Higher Education and Training and the Registrar of Private Higher Education Institutions, hereby publish in terms of Regulation 18(1) of the Regulations for the Registration of Private Higher Education Institutions, 2016 (the Regulations) read with Sections 62(1) and 63(a) and (b) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended) (the Act), my decision to cancel the registration of Instill Education (Pty) Ltd as a registered Private Higher Education Institution since it has failed to submit the annual report for the 2024 year of reporting, as required by Section 57(2) of the Act read with the Regulation 27, and it has thus failed to fulfil the requirements for registration contemplated in the Act and Chapter 3 of the Regulations and discharge its responsibilities as required by Chapter 6 of the Regulations.

Dr N Sishi
Director-General: Higher Education and Training
Date: 15/11/2025

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 7026 **23 January 2026**

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

INSTITUTIONAL STATUTE

UNIVERSITY OF VENDA

I, Mr Kgwaridi Buti Manamela, MP, Minister of Higher Education and Training in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish the amended Institutional Statute of the University of Venda set out in the Schedule attached hereto.

Mr KB Manamela, MP
Minister of Higher Education and Training
Date: 8/12/2025

AMENDED STATUTE OF THE UNIVERSITY OF VENDA

The Council of the University of Venda has made the Statute set out in the schedule hereto, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister responsible for Higher Education and Training, and which comes into operation on the date of this publication.

SCHEDULE

To introduce an amended Statute of the University of Venda to give effect to any matter not expressly prescribed by the Higher Education Act, 1997 (Act No. 101 of 1997); and to promote the effective and responsible management of the University in respect of matters not expressly prescribed by any law.

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CHAPTER 1

DEFINITIONS

1. Definitions

In this Statute, unless the context otherwise requires, any word or expression to which a meaning has been assigned by section 1 of the Higher Education Act, 1997 (Act No 101 of 1997) as amended, has the meaning so assigned to it and, unless the context otherwise indicates –

"act" means the Higher Education Act, 1997 (Act No 101 of 1997), as amended;

"academic employee" means an employee of the University whose primary duties and responsibilities are teaching, research and community services, or any other person who occupies a post designated as such by the Council of the University;

"administrative employee" means an employee of the University whose primary duties and responsibilities are to provide administrative and professional support to the core business of the University;

"appoint" means –

a. to employ;
b. to assign to; or
c. to designate an office or duties;

"chancellor" means the chancellor of the University, referred to in chapter 3 of this Statute;

"Chief Financial Officer ("CFO")" means a person appointed as a chief financial officer by the Council with the duties and powers as assigned by Council pursuant to this Statute;

"Chief Operating Officer ("COO")" means a person appointed as a chief operating officer by the Council with the duties and powers as assigned by Council pursuant to this Statute;

"**core business of the University**" means teaching, research, vocation and community engagement
"Convocation" means the convocation of the University, referred to in chapter 7 of this Statute;

"Council" means the governing body of the University contemplated in section 27 of the Act and composed in accordance with paragraph 17 of this Statute;

"days" means week days and include Saturdays, Sundays, public holidays and University holidays, except where otherwise indicated in this Statute;

"due notice" means a notice dispatched by written notification through a recognized means of communication, including electronic mail or physical delivery to the last address registered with the registrar at the commencement of the required period of notice;

"**deputy Vice-Chancellor**" means a person appointed as deputy Vice-Chancellor by the Council with the duties and powers as assigned by the Council and equivalent to the role of "vice principal" as contemplated in the Act;

"employee" means, an academic or non-academic employee of the University, whether appointed on a permanent or fixed-term contract, and specifically excluding independent contractors;

"executive management", for purposes of the University, refers to the positions whose appointment fall within the competence of the Council as contemplated in section 31(1)(a)(iii) of the Act and includes the Vice-Chancellor, the deputy Vice-Chancellors, registrar, the chief financial officer, the chief operating officer and any other employee appointed and designated as such by the Council;

"**Faculty**" means a primary cluster of allied academic departments and schools in a major field of knowledge;

"**graduate**" means a person upon whom a degree has been conferred;

"Institutional Forum ("IF")" means the body contemplated in section 31 of the Act and composed in accordance with chapter 9 of this Statute;

"institutional rules" means the institutional rules of the University contemplated in section 32 of the Act and approved by the Council;

"majority" means fifty percent plus one (50% + 1) of the votes cast by members present at a meeting that is quorate, or in the case of matters determined by written resolution outside a meeting ("round robin approvals"), fifty percent plus one (50% + 1) of the votes cast by members equivalent to a meeting that is quorate.. ;

"**management**" means the executive management and senior management of the University;

"minister" means the Minister responsible for Higher Education and Training;

"months" means calendar months;

"Non-Academic Employee" means an employee of the University other than an academic employee, who renders academic support or performs other administrative and operational duties to the University (e.g. student support, human resources management, financial management, building and maintenance services, etc.);

"principal" means the official contemplated in section 1 of the Act who is also the Vice Chancellor;

"qualification" means any formal qualification registered on the respective sub-framework of the National Qualification Framework, including a degree, diploma or certificate;

"**recognized staff body**" means a body organized by and among staff to represent the staff, or a section of the staff, including a trade union, recognized for this purpose by the Council;

"registrar" means the University registrar as contemplated in section 26(4)b of the Act and appointed in terms of paragraph 13 of this Statute;

"semester" means a part of the calendar for the academic activities of the University, approved by the Council on the recommendation of the Senate and comprised of a period of six (6) calendar months;

"**Senate**" means the body contemplated in section 28 of the Act and composed in accordance with chapter 6 of this Statute;

"**senior management**" means for purposes of the University, members of the executive management, from time to time; the executive deans of faculties and the directors in the administrative departments;

"service employee" means an employee of the university whose primary duties and responsibilities are to perform work of a general nature such as providing security services, manual labour services, cleaning services and the maintenance of buildings and grounds.

"**student**" means any person currently registered at the University for a programme of study leading to a degree, diploma or certificate or registered or enrolled for any course or programme of instruction of the University;

"Student Representative Council ("SRC")" means the body contemplated in section 35 of the Act and composed in accordance with paragraph 86 of this Statute**;**

"University" for purposes of this Statute means the University of Venda;

"University community" means employees and students of the University;

"Vice-Chancellor" means the principal as contemplated in section 1 of the Act, who also is the chief executive, accounting and academic officer of the University;

"working day" means any day of the week excluding Saturdays, Sundays, public holidays and University holidays.

CHAPTER 2

INSTITUTION

2. Name, seat and powers

(1) The name of the University is University of Venda.

(2) The University of Venda is a comprehensive university established under the Act and the Statute hereto.

(3) The seat of the University is at University Road, corner of Mphephu Drive, Thohoyandou, 0950 in the Limpopo Province as contemplated in section 65A(1) of the Act.

(4) The University is a juristic person, as contemplated in section 20(4) of the Act.

(5) Notwithstanding subparagraph (3) the University may not, without the concurrence of the Minister, dispose of or alienate in any manner, any immovable property, in whole or in part, acquired with the financial assistance of the State, or grant to any person any real right therein or servitude thereto.

(6) The University functions in accordance with the Act, the Statute and the institutional rules of the University approved by the Council from time to time.

(7) The University may confer degrees and honorary degrees and award diplomas and certificates in its own name as contemplated in section 65B and 65C of the Act and has the power to withdraw any qualifications.

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

3. Composition of University

(1) The University consists of the following offices and structures:
- (a) the chancellor;
- (b) the Council;
- (c) the Senate;
- (d) the Vice-Chancellor;
- (e) the deputy Vice-Chancellors;
- (f) the registrar;
- (g) the chief financial officer;
- (h) the chief operating officer;
- (i) the institutional forum;
- (j) the convocation;
- (k) the student representative Council;
- (l) the employees of the University;
- (m) the students of the University;
- (n) such faculties and schools as the Council may establish, after consultation with the Senate, and
- (o) any other office or structure as determined by the Council.

(2) No vacancy in any of the offices contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function conferred by the Act or this Statute upon the University, provided that no resolution of the Council or Senate is valid unless passed at a meeting at which a quorum was present and where the provisions of the Statute relating to any such meeting have in all other respects been complied with.

CHAPTER 3

CHANCELLOR

4. Functions of the Chancellor

(1) The Chancellor is the titular head of the University and shall exercise no executive powers.

(2) The Chancellor presides over all congregations of the University and, in the name of the University, confers all degrees and awards all diplomas and certificates to the recipients.

(3) The Chancellor is not an employee of the University and shall not be deemed as such.

(4) In the absence of the chancellor or when the office of the chancellor is vacant, the Vice-Chancellor or in his or her absence, any of the deputy Vice-Chancellors, confers all degrees and awards all diplomas and certificates in the name of the University.

(5) The Chancellor performs such other functions as are assigned to him or her by Council.

(6) The Vice-Chancellor exercises the functions of the Chancellor in his or her absence.

5. Term of office of the Chancellor

(1) The Chancellor holds office for a period of five years unless he or she tenders his or her resignation in writing to the Council or vacates his or her office for any reason before the expiry of the term concerned.

(2) The position of chancellor is renewable once if the Council deems it fit for another term not exceeding five (5) years..

(3) The term of office of the Chancellor terminates in the event of:

(a) death or incapacity,
(b) resignation;
(c) removal from office by the Council by a resolution passed by at least two thirds of all voting members of the Council who are present at the meeting;
(d) a court order being issued against the incumbent;
(e) the incumbent being convicted of an offence involving dishonesty, rape, gender-based violence; harassment in any form; hate speech or unfair discrimination; irrespective of the nature of the sentence, whether or not in the form of direct or suspended imprisonment or a fine;
(f) the incumbent being declared insolvent and/or removed from a position of trust by a competent court;
(g) the incumbent being declared unfit to attend to his/her personal affairs by a competent court; or

(h) expiry of the term of office.

(4) The resolution contemplated for the removal of the Chancellor, may not be passed without prior notice to the Chancellor of the pending motion for his or her removal and the reasons thereof, and further affording the Chancellor a reasonable opportunity to present his or her case.

(5) A Chancellor shall be suspended by Council in the event of any pending investigations or proceedings relating to the offences of dishonesty; rape; gender-based violence; harassment in any form; hate speech or unfair discrimination; removal from office on account of trust; or impending declaration as incompetent to manage own affairs or such pending insolvency; and shall be obliged at all material times to declare to the Council any such occurrence or event. Any omission or failure to declare or advise Council or the university shall be deemed as misconduct.

6. Election of the Chancellor

(1) The Chairperson of the Council or in his or her absence the Vice-Chancellor, determines the date on which a meeting of the Council must be held for the purpose of electing a chancellor.

(2) The date contemplated in subparagraph (1) must be within 90 days before the office of the Chancellor becomes vacant.

(3) The secretary to the Council must, at least two months, but not more than three months prior to the expiry of the term of office of the chancellor, give due notice to every member of the Council of the date, place and time of the meeting contemplated in subparagraph (1).

(4) The secretary to the Council must, within the period contemplated in subparagraph (3), invite the Council, students, employees and members of the convocation to submit written nominations for the office of chancellor.

(5) The completed documents for the nomination of candidates must reach the secretary to the Council at least 21 days before the date of the meeting contemplated in subparagraph (1), and must include the nominee's written consent and his or her curriculum vitae.

(6) A candidate Chancellor who has been convicted or found guilty and sentenced to direct or suspended imprisonment or fined or having any pending investigations or proceedings in respect of offences relating to dishonesty, rape, gender-based violence, harassment in any form; hate speech or unfair discrimination; or declared insolvent, or incompetent to manage own affairs; or removed from office on account of trust may not be elected to the office of Chancellorship.

(7) The secretary to the Council must, within 5 days of receiving valid nominations, as contemplated in subparagraph (5), give due notice to every member of the Council and the Institutional Forum of such nomination.

(8) If there is only one person nominated, the secretary to the Council shall forthwith declare such nominee to be duly elected or to be so elected from the date on which the vacancy is to occur.

(9) Where there is more than one person nominated, the secretary to the Council shall arrange a special meeting of the Institutional Forum before the meeting contemplated in subparagraph (1), to consider the nominations and advise the Council on the appointment of a candidate to the office of Chancellor.

(10) After due consideration of the advice of the Institutional Forum the Council shall elect the Chancellor by secret ballot.

(11) A candidate is elected to the office of chancellor by a majority of the members present at the meeting contemplated in subparagraph (1), with each member of the Council having only one vote during the election.

(12) If no candidate receives a majority of votes, successive rounds of voting are held.

(13) In each successive round of voting, the candidate with the least support in the previous ballot is eliminated as a candidate.

(14) In the event of a tie the Chairperson may use his or her casting vote in favour or against a candidate.

(15) The name of the newly elected chancellor is announced to the University community after the Council meeting by the Chairperson of the Council.

7. Vacancy in the office of Chancellor

(1) If the office of the chancellor becomes vacant, as contemplated in paragraphs 5(1) and (3), the secretary to the Council must, within fourteen days of the occurrence of the vacancy, give due notice to each member of the Council of such vacancy and call for nominations.

(2) The Council must within 90 days of the occurrence of the vacancy elect a new chancellor in accordance with the provisions of paragraph 6 of this Statute.

7A. Re-election of the Chancellor

(1) Where the Chancellor has served his or first term of office and his or her term of office is due to expire the secretary to the Council must, not more than three months prior to the expiry of the term of office of the chancellor, give due notice to every member of the Council of the pending expiry of the chancellor's first term of office. The notice must afford the members an opportunity to indicate if they deem the Chancellor fit to be re-elected for a second term.

(2) If a majority of the members of the Council express support for the consideration of the incumbent Chancellor for election to a second term, the name of the Chancellor shall form

part of the nominees provided for in paragraph 6 and be considered as part of the process contemplated in paragraph 6 and the ensuing subparagraphs. Conversely, if the majority of the members of the Council do not deem the chancellor eligible for re-election the process contemplated in paragraph 6 and subsequent subparagraphs shall proceed unabated.

CHAPTER 4

EXECUTIVE MANAGEMENT

8. Vice-Chancellor

(1) The Vice-Chancellor and principal is the chief executive, accounting and academic officer of the University.

9. Appointment of Vice-Chancellor

(1) When the post of Vice-Chancellor becomes vacant, the advertising of the post, the invitation for applications by candidates, the search for suitable candidates, the applicable criteria for the short-listing of candidates and the interviewing and appointment processes take place in the manner determined by the Council, subject to the provisions of sections 31(1)(a)(iii) and 34(1) – (3) of the Act.

(2) The Council, subject to the institutional rules and sections 31(1)(a)(iii) and 34(1) – (3) of the Act, appoints the Vice-Chancellor.

(3) When the term of office of the Vice-Chancellor expires and he or she is available for appointment for a further term of office, the Council may on account of the proven sustainable good performance of the incumbent measured against agreed performance outcomes, decide to re-appoint the Vice-Chancellor for a further term of office, after consultation with the Senate and the Institutional Forum.

(4) Where the Council elects not to reappoint the Vice Chancellor for a second term of office the position may be advertised, provided that the Council may allocate a role to the Vice Chancellor for such period and under such conditions as the Council may deem fit, to support the new Vice Chancellor to transition into the new role and as a way of promoting continuity and sustainability.

(5) The salary and conditions of service of the Vice-Chancellor are as determined by Council from time to time

10. Term of office of Vice-Chancellor

(1) The Council appoints the Vice-Chancellor on a five-year performance-based contract renewable subject to performance evaluation if Council deems it fit after such consultation as is required by the Act, provided that the Vice-Chancellor shall not serve more than two consecutive terms.

(2) The Vice-Chancellor vacates office if he or she -
(a) resigns by giving written notice to the Chairperson of the Council;
(b) is declared insolvent;
(c) is convicted of an offence involving dishonesty or an offence for which he or she is sentenced and found guilty irrespective of whether it is a direct or suspended sentence, or a fine; including harassment in any form; gender-based violence; hate speech or unfair discrimination;
(d) is declared unfit by a court of law to attend to his or her personal affairs;
(e) is dismissed by the Council of the University on account of misconduct; or
(f) is incompetent to perform duties required of the position.

11. Absence of Vice-Chancellor

(1) The Vice-Chancellor, after consultation with the Chairperson of the Council, appoints an acting Vice-Chancellor for any period of absence of the Vice-Chancellor not exceeding ten working days.

(2) If the period of absence of the Vice-Chancellor exceeds ten working days, the executive committee of the Council appoints an acting Vice-Chancellor for the period concerned.

(3) If the Vice-Chancellor is unable to perform his or her duties and has not appointed an acting Vice-Chancellor in terms of subparagraph (1), the executive committee of the Council appoints an acting Vice-Chancellor for the period of absence of the Vice-Chancellor.

(4) If the office of the Vice-Chancellor becomes vacant, the Council must appoint an acting Vice-Chancellor until a successor assumes office, provided that an acting Vice-Chancellor must not serve for longer than twelve (12) months. An acting Vice-Chancellor has the powers and functions of the Vice-Chancellor.

12. Deputy Vice-Chancellors

(1) The number of deputy Vice-Chancellors is determined by the Council and they are appointed by the Council on a five-year performance-based contract renewable by Council subject to performance evaluation, provided that the deputy shall not serve more than two terms.

(2) The appointment of deputy Vice-Chancellors is in the manner contemplated in paragraphs 9 and 10 of this Statute.

(3) In the event of the absence of a deputy Vice-Chancellor, an acting deputy Vice-Chancellor is appointed in the manner contemplated in paragraph 11 (1) and (2) of this Statute.

(4) A vacancy in the office of the deputy Vice-Chancellor is filled in the manner contemplated in paragraph 11 (4) of this Statute.

(5) The deputy Vice-Chancellor vacates office in the circumstances contemplated in paragraph 10 (2) of this Statute.

(6) The salary and other conditions of service of the deputy Vice-Chancellors are determined by Council.

(7) The powers and duties of deputy Vice-Chancellors are determined by the Vice-Chancellor in consultation with Council.

13. Registrar

(1) The registrar is the chief administrative and compliance officer of the University. The registrar is also a secretary to the Council, Senate, Convocation, Institutional Forum and all Committees of such structures.

(2) The registrar may participate in the discussion of the Council, governance structures and all other Committees of the Council but may not vote.

(3) The registrar is accountable to the Vice-Chancellor and the Council.

(4) The registrar is the custodian of the records, documents and information pertaining to academic records and the minutes and resolutions of the Council, Committees of Council, other governance structures and the management Committees of the University.

(5) The appointment of the registrar is in the manner contemplated in paragraphs 9 and 10 of the Statute.

(6) The absence of the registrar is dealt with in the manner contemplated in paragraph 11 (1) and (2) of this Statute.

(7) The vacancy in the office of the registrar is filled in the manner contemplated in paragraph 11 (4) of this Statute.

(8) Vacation of office by the registrar arises in the circumstances contemplated in paragraph 10 (2) of this Statute.

(9) The salary and other conditions of service of the registrar are determined by the Council.

(10) The powers and duties of a registrar are determined by the Vice-Chancellor in consultation with Council.

14. Chief Financial Officer

(1) The appointment of the chief financial officer is in the manner prescribed in paragraphs 9 and 10 of this Statute.

(2) In the event of the absence of the chief financial officer, an acting chief financial officer is appointed in the manner determined in paragraph 11 (1) and (2) of this Statute.

(3) A vacancy in the office of the chief financial officer is filled in the manner contemplated in paragraph 11 (4) of this Statute.

(4) The chief financial officer vacates office in the circumstances contemplated in paragraph 10 (2) of this Statute.

(5) The salary and other conditions of service of the chief financial officer are determined by Council.

(6) The powers and duties of the chief financial officer are to oversee the financial affairs of the University and any other function which may be determined by the Vice-Chancellor in consultation with the Council.

(7) The term of office of the chief financial officer is as per paragraph 10 of this Statute.

15. Chief Operating Officer

(1) The appointment of the chief operating officer is in the manner prescribed in paragraphs 9 and 10 of this Statute.

(2) In the event of the absence of the chief operating officer, an acting chief operating officer is appointed in the manner determined in paragraph 11(1) and (2) of this Statute.

(3) A vacancy in the office of the chief operating officer is filled in the manner contemplated in paragraph 11(4) of this Statute.

(4) The chief operating officer vacates office in the circumstances contemplated in paragraph 10(2) of this Statute.

(5) The salary and other conditions of service of the chief operating officer are determined by Council.

(6) The powers and duties of the chief operating officer are determined by the vice chancellor in consultation with the Council.

(7) The term of office of the chief operating officer is as per paragraph 10 of this Statute.

CHAPTER 5

COUNCIL

16. Functions of the Council

(1) Subject to the law and this Statute, the function of the Council is to govern the University.

(2) Without derogating from the generality of subparagraph (1), the Council –

(a) Determines the vision and mission of the University;
(b) Makes rules for the institution;
(c) Establishes the Council Committees and determines the composition and functions of each committee;
(d) Establishes, in consultation with the Senate, joint Committees of the Council and the Senate to perform functions which are common to the Council and the Senate;
(e) Determines the policy on recruitment, selection and placement for all employees of the institution;
(f) Determines the student admission policy of the institution, after consultation with the Senate; and
(g) Provides for and establishes a suitable structure to advise on the policy for student support services after consultation with the SRC.

(3) Without derogating from the generality of subparagraph (1), the Council –
(a) makes the institutional Statute and any amendments thereto with the concurrence of the Minister;
(b) appoints the executive management of the institution;
(c) determines policies on conditions of services, the disciplinary code and the privileges and functions of its employees;
(d) determines after consultation with the Senate-
i) the academic structures required and the functions of each structure, in order to ensure efficient governance; and
ii) the appointment of academic employees.

(e) Determines with the approval of the Senate-
i) The entrance requirements for particular higher education programmes; the number of students who may be admitted for a particular programme; the way in which to select/place students; the minimum requirements for re-admission to study at the University; and to refuse such re-admission to a student who fails to satisfy such minimum requirements for re-admission.

(f) determines tuition fees, accommodation fees and any other fees payable by students as well as accommodation fees payable by employees, where applicable; and

(g) approves the annual budget of the institution.

(4) The Council may, pursuant to section 68 of the Act, delegate by resolution or in a relevant delegations framework, any of its functions, except for the following functions:
(a) The making or review of the institutional statute;
(b) Entering into a loan or an overdraft agreement; and
(c) The construction of a permanent building or other immovable infrastructural development; the purchase of immovable property or the long-term lease of immovable property.

(5) Where the Council delegates or assigns any function as contemplated in subparagraph (4), it is not thereby divested of its responsibility for the performance of any such function.

17. Composition of the Council

(1) Council is comprised of both internal and external members and is composed as follows -
(a) the Vice-Chancellor;
(b) the deputy Vice-Chancellor: teaching and learning;
(c) the deputy Vice-Chancellor: research and postgraduate studies
(d) the chief financial officer;
(e) the chief operating officer;
(f) eight members with a broad spectrum of skills and competencies in the fields of higher education, policy, auditing, accounting, finance, human resources, governance, risk, compliance, law, information technology, engineering and infrastructure and facilities management appointed by the Council, and such other skills as Council may from time to time determine;
(g) five persons appointed by the Minister;
(h) one person appointed by the Premier of the Limpopo Province;
(i) two persons elected by the Senate from among its members;
(j) two persons elected by convocation;
(k) two Student Representatives Council members elected in accordance with the SRC Constitution;
(l) one academic employee of the University other than members of the Senate, elected by the academic employees;
(m) one member of the administrative employees elected by administrative employees;
(n) one member of the service employees of the University elected by the service employees;
(o) one person from local government appointed by Council from nominations received from each of the municipalities in the Vhembe district municipality, based on the skills determined by Council;
(p) one person from the local traditional authority designated by Council;

(1A) The persons referred to in subparagraph 1(f), (g), (h), (j), (o) and (p) must not be employees or students of the University.
(1B) A person who is nominated and / or elected to the Council must be fit and proper to serve on the Council in terms of the eligibility requirements determined in the relevant institutional rule. Furthermore, with the exceptions of the members mentioned in subparagraph 1(a), (b), (c), (d), (e), (i), (k), (l), (m) and (n) -

(a) no student or employee of the University and no other person in receipt of regular remuneration from the University is eligible for appointment or nomination for election as a member of the Council.
(b) a member of the Council who becomes a student or an employee of the University or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University must forthwith vacate his or her seat on the Council.

(2) The registrar is the secretary to the Council and has no voting powers;

(3) A member of the Council, other than the Vice-Chancellor, the deputy Vice-Chancellors, the chief financial officer and the chief operating officer vacates his or her office if he or she -
(a) is absent without the Council's leave for two consecutive ordinary meetings of the Council;
(b) is absent with leave from Council for four consecutive meetings of Council in a term;
(c) is declared insolvent by a court of law;
(d) is convicted of an offence and sentenced to imprisonment without an option of a fine – provided that in the case of offences relating to dishonesty, harassment of any form, gender-based violence; hate speech or unfair discrimination, a member shall vacate office irrespective of the nature of the sentence;
(e) is recalled by his or her constituency;
(f) is found guilty of an offence that the Council considers to be of a serious nature.
(g) is found guilty of conduct that in the exclusive opinion of Council is of such a nature that the member's ability to exercise his or her fiduciary duties and obligations is compromised, and that continued membership of Council is not desirable.
(h) being a Council member who is also a member of staff or a student of the University, is found guilty of misconduct in terms of the Disciplinary Code of the University which, in the opinion of the Council, is of such a serious nature that the member's continued membership of Council is not desirable.
(i) is elected or appointed by a particular interest group and the Council member's membership of/or association with the interest group is terminated.

(4) The Council may by a resolution of a two-thirds majority of its members present at a meeting specifically called for that purpose decide that a member's presence at Council is no longer in the best interest of the University and inform the affected member's constituency about the decision.

(5) A vacancy in the Council must be filled in the same manner as that in which the member who previously held office was appointed, elected or designated and such a member appointed, elected or designated holds office for the unexpired portion of the term of office of his or her predecessor.

(6) The allowances payable to external members of Council or a committee of Council are determined through an independent process as facilitated by the Executive Management Committee.

(7) Council elects a Chairperson and vice-Chairperson from its numbers, provided that the Chairperson and vice-Chairperson must not be employees of the University.

(8) The Chairperson shall serve for the full term of Council or the remainder thereof if a vacancy has arisen, provided that he or she may be re-elected for a second and final term of office for the maximum of two terms.

(9) The Council may grant observer status to a person entitling him or her to attend meetings of the Council without voting powers.

18. Manner of appointment, election or designation of Council members

(1) The Senate, from amongst its members, elects in the manner contemplated in paragraph 47 of this Statute, two members to serve as members of the Council.

(2) The Convocation elects two members to serve as members of the Council in the manner as determined by the Constitution of the Convocation.

(3) The election of structures, students and employees is by secret ballot in open general elections conducted by an independent body coordinated by the registrar, where all tiers of employees are allowed to vote across the board for fellow employees within their constituencies.

(4) The two members of the Student Representative Council are elected in accordance with the SRC Constitution.

(5) The nomination of a representative from the local municipality Council is done in accordance with a resolution of such local municipality, in line with the skills requirements determined by the Council.

(6) The ten members appointed by the Council to serve as members of Council based on their broad spectrum of competencies are appointed in accordance with a resolution of the Council.

(7) The name of a person appointed, elected, or designated as a member of the Council, must be furnished to the secretary to the Council by the relevant body or person as soon as reasonably practicable after such appointment, election or designation.

19. Term of office of Council members

(1) A member of Council appointed, nominated or designated in terms of the Statute, excluding students, holds office for a period of five years from the time of appointment.

(2) A members of the Council may serve a maximum number of two terms.

(3) The term of office of the members of the Student Representative Council is one year; provided that an elected member of the Student Representative Council may contest elections for a further term of one (1) year (whether consecutively or otherwise) and may, on this basis, if successful, be appointed to Council for a second and final term of one (1) year.

(4) An officer of the University who becomes a member of the Council by virtue of his or her office, remains a member of the Council as long as he or she holds the office to which he or she was appointed and by virtue of which he or she is a member of the Council.

20. Vacancies in the Council and notification of expiry term of office

(1) If the membership of a member of the Council terminates for any reason before the expiry of the period for which he or she was appointed, nominated or designated, the secretary to the Council must inform the body or person that appointed, elected or designated such member

to appoint, elect or designate a new member to replace the member who vacated office as soon as reasonably practicable thereafter.

(2) The term of office of the new member shall commence on the date on which he or she was appointed, elected or designated and be durable for a period of five years as contemplated in paragraph 19(1), subject to the provisions of paragraph 19(2).

21. Chairperson and Vice-Chairperson of the Council

(1) The Council appoints, from its members who are not employees or students of the University, a Chairperson and a Vice-Chairperson.

(2) Whenever a vacancy arises in the position of Chairperson or vice-Chairperson of the Council the secretary to the Council must invite written nominations for those positions from members of the Council, who must submit such nominations to the secretary to the Council within the designated closing date.

(3) If more than one candidate is nominated for any of the positions, voting must be by secret ballot.

(4) The Chairperson or vice-Chairperson of the Council must be elected by a majority of the members present at a duly constituted meeting of Council.

(5) The Council decides, before the elections contemplated in subparagraph (3) on the electoral system to be employed.

(6) The Chairperson, the vice-Chairperson and other office bearers occupy their respective offices for a period coincident with their memberships of Council but, in any case, for a period up to but not exceeding five years.

(7) If the Chairperson for any reason vacates his or her office prior to the expiry of his or her term of office, the vice-Chairperson presides over all Council meetings pending the election of a new Chairperson.

(8) If the Chairperson and the vice-Chairperson are not available for any Council meeting, members of Council elect one of the external members as Chairperson to preside at a particular meeting.

22. Secretary to the Council

(1) The registrar is the secretary to Council.

(2) The Vice-Chancellor may assign any other administrative employee to assist the secretary or to act in his or her place.

(3) The secretary is the electoral officer at all meetings and in respect of all elections .

(4) The registrar shall attend all meetings of the Council.

23. Council meetings

(1) Ordinary meetings

(a) The Council holds four ordinary meetings per year, which are held quarterly.
(b) A quorum consists of fifty percent plus one of the total number of Council members.

(2) Special meetings

(a) A special meeting of the Council may be called by the Chairperson in cases of urgency. A special meeting may also be convened at the request of at least ten (10) members, half of whom must be external members, if
(i) the purpose of the meeting is clearly stated in the request for a special meeting;
(ii) no business other than that stated in the request is dealt with at the meeting; and
(iii) at least three (3) working days' notice of such meeting is given.
(b) A quorum consists of fifty per cent plus one of the total number of Council members.

24. Attendance of Council meetings

(1) The Council may invite persons who are not members to attend Council meeting on certain agenda items that are relevant to them, who may also take part in the discussion provided such persons shall not be entitled to vote.

25. Notice of meeting

(1) The secretary to Council must, not less than seven days before the date set for any meeting, give due notice of such meeting to each member, accompanied by the meeting agenda containing all matters to be dealt with at the meeting, and stating the time and place of such meeting. However, the seven days' notice period may be dispensed with in cases of emergency or special meetings.

26. Notice of matters to be dealt with at Council meeting

(1) Notice of matters for consideration must be submitted in writing to the secretary to Council at least five days prior to the date on which he or she is required to give notice of the meeting.

(2) Notwithstanding subparagraph (1), matters of an urgent nature may, without prior notice, be placed on the agenda at an ordinary meeting if the majority of members present agree thereto.

27. Minutes

(1) The secretary to Council keeps record of the minutes of each meeting of Council and must include such minutes in the agenda of the next meeting of Council.

(2) An ordinary meeting of Council, after being constituted and opened, commences with the reading and confirmation of the minutes of the preceding ordinary meeting and the minutes of all subsequent extraordinary meetings.

(3) Any objection to the minutes must be raised and disposed of before the minutes are confirmed.

(4) A meeting may consider the minutes as read, if a copy thereof has been sent to each member previously with the notice convening the meeting concerned.

(5) The secretary to Council shall keep a register of Council decisions and its Committees.

28. Discussion of proposals

(1) A member may not, except by leave of the Chairperson, speak more than once on any motion or amendment thereto, but the proposer of a motion or amendment has the right to reply.

(2) Despite subparagraph 1, any member may move that the subject under discussion be dealt with in-committee, and if seconded, such motion must be put to the vote without further discussion and, if the motion is adopted, Council must go in-committee forthwith, whereupon any member is entitled to speak more than once on the subject under discussion.

29. Voting procedure at Council meeting

(1) Except where otherwise provided, all matters are decided by a majority of all members present.

(2) In the event of a tie, the Chairperson, in addition to his or her ordinary vote, has also a casting vote.

(3) Notwithstanding subparagraph (2), the Chairperson may have a casting vote even in the event of a tie during a vote by secret ballot.

(4) A tie in votes means that a motion is rejected, unless the Chairperson declares that he or she will use his or her casting vote in favour thereof, in which case the motion is adopted.

(5) If members present during any vote on a motion abstain from voting, this must be recorded in the minutes.

30. Recording of votes at Council meeting

(1) The number of votes for or against a proposal must be noted in the minutes if a meeting so decides.

(2) At the request of a member, the Chairperson must direct that the vote of such member be recorded.

31. Proposal / motion to be seconded at Council meetings

(1) A proposal or an amendment must be seconded and if the Chairperson so directs, must be submitted in writing.

(2) Upon secondment the proposal must be put to the vote and proceeded with only if the majority of members vote in favour thereof, or if there is no objection the proposal.

(3) A proposal may not be withdrawn without the consent of the meeting.

32. Ruling of Chairperson

(1) The ruling of the Chairperson of the meeting on a point of order or procedure is binding unless a member immediately objects, in which case such ruling must be put to the vote without discussion. The decision of the meeting in this regard is final.

33. Motions in connection with drafting or amending of Statute

(1) A motion to initiate a draft, amend, supplement, or repeal the Statute may only be adopted if at least two-thirds of the members of Council vote in favour of it.

(2) If less than two-thirds of the members of Council vote for such a motion, the motion may be resubmitted at the next ordinary meeting, where it may only be adopted if at least three-quarters of the members present vote in favour thereof.

(3) If the motion has not been adopted by at least three-quarters of the members present at the meeting referred to in subparagraph (2), the motion lapses.

34. Financial and other interests of Council members

(1) In accordance with section 27 (7E)(a) of the Act, the Council must, after consultation with the Institutional Forum, adopt a code of conduct to which all the members of Council, all the members of the Committees of Council and all other persons who exercise functions of the Council in terms of the act or in terms of delegated authority must subscribe in writing.

(2) Any member of Council or a committee who has a direct or indirect financial, personal or other interest in any matter to be discussed at the meeting must declare such an interest in writing before the commencement of such meeting or before the business of the meeting is transacted.

(3) Any member of the University community has the right to inform the Chairperson in writing, before any meeting, of a conflict of interest or possible conflict of interest in respect of any member of the Council or a committee.

(4) Any conflict or possible conflict of interest declared in terms of subparagraphs (2) and (3) hereof must be dealt with in accordance with the provisions of section 27(7B) and (7C) of the Act.

35. Committees of Council

(1) The Council shall appoint the following Committees of Council:-
(a) executive committee of Council;
(b) human resources and remuneration committee of Council;
(c) audit committee of Council;
(d) finance committee of Council;
(e) student affairs committee of Council;
(f) facilities planning and infrastructure committee of Council, and
(g) governance, risk and compliance committee of Council.

(2) Council will from time to time decide on the number and nature of Council Committees to assist with the execution of its governance function.

(3) If the Council appoints a committee, the powers and functions of such a committee shall be in accordance with the terms of reference of such a committee, as approved by Council.

(4) The members of Committees other than the members of the executive of Council hold office for the remaining terms of their appointment to Council, but, in any case, for a period not exceeding five years. The members of the executive committee of Council hold office by virtue of being the Chairpersons of committees of Council or being specifically designated or elected as members of the executive committee.

(5) Chairpersons of Committees of Council shall be external members of Council who are not employees or students of the University.

CHAPTER 6

SENATE

36. Composition of the Senate

(1) The Senate of the University consists of:-
(a) the Vice-Chancellor;
(b) the deputy Vice-Chancellors;
(c) the chief financial officer;
(d) the chief operating officer;
(e) two members of the Council, elected by the Council;
(f) all executive deans of faculties;
(g) all deputy deans;
(h) all directors of schools;
(i) professors of the University who are not executive deans or deputy deans or directors of schools;

(j) three members from each of the faculties who are senior lecturers of the University and who are not deans or deputy deans or directors of schools, elected by the members of each of the faculties;
(k) two members from each of the faculties who are lecturers of the University, elected by the members of each of the faculties;
(l) one member from each of the faculties who is a junior lecturer, elected by the members of each of the faculties;
(m) the director library services of the University;
(n) the director legal services;
(o) the directors or heads of a Senate-approved academic department, bureau, academic centres and institutes;
(p) one student, other than a first year student, for each Faculty, elected by the students of the Faculty concerned; and
(q) at least two members of the student representative Council elected by the students' representative Council.

(2) The control and regulation of the teaching, learning, research and community engagement at the University is vested in the Senate in accordance with the rules framed by the Senate for that purpose and approved by the Council.

(3) A vacancy in the Senate must be filled in the same manner as that in which the member who previously held the office was appointed, elected or designated.

(4) A person appointed, elected or designated in terms of subparagraph (3) holds office for the remainder of the term of office of his or her predecessor and the remainder of the term shall be deemed to constitute a full term of office

(5) The Senate submits to Council -
(a) reports of its activities;
(b) such recommendations as it may deem expedient regarding any matter of interest for the advancement of the academic project of the University; and
(c) recommendations regarding any matters referred to it by Council.

(6) The Registrar is the secretary to the Senate and has no voting powers.

37. Joint Committees of Council and Senate

(1) The Council and the Senate may assign any of the powers or functions that they have in common to any joint committee, but they are not thereby divested of any power or function so assigned and may amend or set aside any decision of such committee.

(2) Such a committee consists of as many members of Council and Senate, as the case may be, or of such members and other persons as Council or Senate, as the case may be, may deem necessary and such committee may at any time be dissolved and reconstituted.

(3) The Council or the Senate, as the case may be, is not divested of the responsibility for the performance of a function assigned to a committee in terms of subparagraph 1.

(4) Any decision taken by such a committee in the performance of any function so assigned must be presented for ratification to Council or Senate, as the case may be, at its first meeting after the decision was taken.

38. Term of office of members of Senate

(1) The members of the Senate elected by the Council and referred to in paragraph 36 (1)(e) of this Statute hold office for as long as they are members of Council.

(2) Elected members of the Senate in terms of paragraph 35 (1)(g)(h) and (i) of this Statute hold office for a period of three years as long as they are employed by the University.

(3) In the event of a vacancy, the constituency that elected or designated such a member must fill such vacancy, through election or designation in the manner determined by such bodies.

(4) Elected members of the Student Representative Council will serve a period of one year, renewable to a second and final year, if re-elected, as long as they remain registered students.

39. Functions of the Senate

(1) The Senate -

(a) makes recommendations to the Council concerning the creation of new academic programmes and structures as well as the dissolution of such structures and programmes;

(b) makes recommendations to Council regarding the creation of new faculties, schools, departments, centres or institutes and any other academic unit;

(c) appoints the executive dean and deputy deans of each Faculty;

(d) appoints the directors of schools and the heads of departments for departments within faculties and schools;

(e) appoints directors of centres or institutes in the faculties and schools or as approved by Faculty boards;

(f) recommends to Council the functions of executive deans, deputy deans, directors and heads of departments;

(g) recommends policies and rules on tuition, research and innovation in the various faculties, schools, departments, centres, institutes and academic units, for approval by Council, and regularly monitors alignment with such rules in the conduct of lectures, research and innovation;

(h) appoints all internal and external examiners and moderators;

(i) makes recommendations to Council concerning degrees, diplomas, and certificates offered by the various faculties and schools, including admission and re-admission requirements after consultation with the Faculty boards;

(j) makes recommendations to the Council on the conditions for the awarding or revocation of degrees, diplomas or certificates by the University and monitors the requirements for admission to study for such degrees, diplomas and certificates and the conditions for the granting of equal status to persons who have studied at other institutions or universities;

(k) approves the procedure for the awarding of degrees, diplomas and certificates as well as the nature of the academic dress;

(l) regulates all other academic matters for which no provision has been made in the Statute;

(m) makes recommendations to the Council concerning the appointment of emeritus professors, adjunct Faculty, special category appointments and persons to whom honorary degrees may be awarded;

(n) makes recommendations to Council concerning the amendment, supplementation or repeal of disciplinary rules in the academic sphere;

(o) determines the quorum and procedures of Committees of the Senate; and

(p) ensures that the academic programmes of all faculties and schools adhere to the mission of the University.

(2) The Senate may delegate any of its powers to a member or a committee of the Senate.

(3) The Senate is not divested of any power, nor relieved of any functions or duty delegated in terms of subparagraph (2), and may amend or set aside any decision of any such persons or committee at the meeting of the Senate following such a decision.

40. Chairperson of the Senate

(1) The Vice-Chancellor is the Chairperson of the Senate.

(2) In the absence of the Chairperson, the deputy Vice-Chancellor designated by the Chairperson acts as Chairperson and in the absence of the deputy Vice-Chancellor, the members of the Senate must elect a Chairperson from amongst the members present by a majority of votes.

41. Secretary to Senate

(1) The registrar is the secretary to Senate and he or she may designate any official to assist him or her to act on his or her behalf as secretary to Senate.

(2) The secretary to Senate attends all meetings of the Senate and may take part in the discussions but may not vote.

42. Meetings of the Senate

(1) At least two ordinary meetings of Senate must be held during each semester of the academic year.

(2) Ordinary meetings of Senate are held on the dates, and at the times and places, as determined by the Senate.

43. Attendance of meetings by non-members

(1) The Senate may invite persons who are not members to attend a meeting.

(2) The persons contemplated in subparagraph (1) may take part in the discussions but are not allowed to vote.

44. Quorum of Senate meetings

(1) A quorum consists of half plus one of the total number of members.

45. Agenda for Senate meetings

(1) At least seven days before an ordinary meeting and at least two days before an extraordinary meeting of the Senate, the secretary to Senate must provide to every member an agenda reflecting, among others, the date, time and venue of the meeting and the matters to be considered.

46. Compilation of agenda

(1) Submissions must be in writing and must be lodged with the secretary to Senate at least fourteen days before the appointed date of an ordinary meeting.

(2) Notwithstanding subparagraph (1), matters of an urgent nature may, without prior notice, be placed on the agenda at an ordinary meeting if the majority of the members present agree thereto.

47. Representatives of the Senate on the Council

(1) The Senate decides before the election on the electoral system to be employed.

(2) The members are elected by a majority at an ordinary Senate meeting.

(3) Nominations of candidates must be in writing, and must be signed by at least two members of Senate and the nominee, and must reach the secretary at least three days before the Senate meeting concerned.

(4) Notice of the expiry of a term of office of a Senate member on Council must be given by the secretary to Senate by including an item on the agenda of the ordinary meeting of the Senate preceding the last meeting of Council which takes place during the term of office of such a member.

(5) A member whose term of office expires may be re-elected for one further and final term.

(6) If a representative of Senate on the Council vacates his or her office prematurely, the Senate elects a successor for the remaining part of his or her term of office at its next meeting.

48. Standing orders of the Senate

(1) No proposal to make, amend, or repeal a standing order of Senate may be considered unless it is included and set out in detail in the agenda of an ordinary meeting of Senate.

(2) A resolution to make, amend or repeal a rule of Senate must be accepted by at least two-thirds of the total number of members of Senate present at the said ordinary meeting.

49. Minutes of Senate meetings

(1) The secretary to the Senate keeps the minutes of the proceedings at all meetings and includes a report of all resolutions, as well as the necessary documentation concerning matters for decision by the Council, on the agenda of the next Council meeting following each meeting of Senate.

(2) The resolutions of an ordinary meeting of the Senate must be provided to all members within three weeks after such meeting.

(3) At the commencement of an ordinary meeting, after it has been constituted, the minutes of the previous ordinary meeting and of any extraordinary meeting held subsequently must be read and, if adopted, must be confirmed by the signature of the Chairperson of the Senate.

(4) Any objection to the minutes must be raised and dealt with before the confirmation contemplated in subparagraph 3.

(5) The meeting may take the minutes as read if a copy thereof has been delivered to every member at least three days before the meeting.

50. Register of resolutions

(1) A complete and accessible register of Senate resolutions must be kept available by the secretary to Senate.

51. Discussion of proposals

(1) A member may not, without the permission of the Chairperson, speak more than once on a motion or an amendment, but the proposer of a motion or amendment has the right to reply.

(2) A member may move that the matter under discussion be dealt with in-committee and, if his or her motion is seconded, it must be put to the vote without further discussion, and if his or her motion is carried, Senate must go immediately into committee, whereafter a member may speak more than once on the subject under discussion.

(3) The opinion of a member who cannot attend a meeting personally may be submitted to the meeting if it is in writing, but it is not deemed as a vote by such a member.

52. Voting procedures and recording of resolutions

(1) Except as otherwise provided in this Statute, all matters are decided by a majority vote of all members present.

(2) The Chairperson is a voting member of the meeting and if he or she desires to cast his or her ordinary vote he or she does so simultaneously with the general voting and not thereafter.

(3) In the event of a tie, the Chairperson has, in addition to his or her ordinary vote, a casting vote. Chairperson.

(4) A tie in a vote means that a motion is rejected unless the Chairperson declares that he or she will use his or her casting vote in favour thereof, in which case the motion is adopted.

(5) All abstentions to a proposal must be recorded in the minutes.

(6) At the request of a member, the Chairperson may direct that -
(a) voting be by secret ballot; or
(b) the request of the member in question be recorded in the minutes.

53. Ruling of the Chairperson of the Senate

(1) The ruling of the Chairperson of the meeting on a point of order or procedure raised by the Chairperson or a member of the meeting is binding, unless a member immediately objects, in which event such ruling is subjected to the final decision of the meeting without discussion.

54. Extraordinary meetings

(1) The Chairperson or in his or her absence his or her representative may convene an extraordinary meeting at any time if he or she deems it necessary, and must convene such a

meeting if he or she is requested to do so in writing by at least ten members of the Senate, on condition the purpose of such meeting is stated in such request.

(2) No matter not stated in such request may be considered at the meeting contemplated in subparagraph (1), except with the consent of the meeting following an uncontested motion.

55. Committees of Senate

(1) Committees of Senate including the executive committee of Senate may be established, as determined by the Senate itself.

(2) The members of standing Committees of Senate are elected by an electoral system determined by Senate.

(3) Members of Committees established for particular purposes hold office for as long as it is deemed necessary by Senate.

(4) Every committee elects a Chairperson at its first meeting before transacting any other business, unless the Senate at the time of electing the committee appointed a Chairperson.

(5) The Chairperson of a committee must, at every ordinary meeting of the Senate, submit a report of the activities of the committee concerned.

CHAPTER 7

CONVOCATION

56. Composition of Convocation

(1) The convocation consists of -

(a) all the persons, other than the persons referred to in subparagraph 1(b), who were immediately before the commencement of this Statute members of the convocation of the University;

(b) the Vice-Chancellor, the deputy Vice-Chancellors and the registrar;

(c) the permanent academic employees of the University with five years of working experience and retired academic employees designated by the Council on the recommendation of the Senate to be members; and

(d) all graduates of the University; provided that if any person who is a member of convocation by virtue of subparagraphs (1)(a) gives written notice to Council that he or she does not wish to become or remain a member of convocation, he or she does not become such a member, or ceases to be such a member, as the case may be, upon receipt of such notice by Council.

(2) Any member of the Convocation may at any time nominate in writing any person to become an honorary member of the Convocation and shall submit such a written nomination, co-signed by at least ten members of the Convocation and accompanied by a detailed

curriculum vitae of the nominated person to the secretary to the Convocation. The secretary shall submit verified nominations to the executive committee of the Convocation for their consideration and their decision. The secretary shall inform the nominator of the outcome of the process and shall ensure that the recognition and conferring of honorary membership are appropriately communicated to the nominated person.

57. Constitution of convocation

(1) The Council must approve the constitution of convocation which provides for all matters relating to the establishment of its own alumni structures and their functions, meetings and meeting procedures, elections and terms of office, its representatives on the institutional forum (IF) and Council together with such other provisions as the Council may consider appropriate within the context of the Statute and Act.

58. Convocation roll

(1) The secretary to the Convocation keeps a convocation roll showing the full names and the addresses of the members of the Convocation.

(2) It is the duty of every member to notify the secretary in writing of any change of address and such address is regarded as the member's registered address.

(3) The fact that the name of a person appears on the convocation roll is sufficient proof of his or her membership of the Convocation and of the fact that he or she is entitled to vote.

(4) Once the voting day for the election of the executive committee of the Convocation is announced, the voters' roll will open for registration for 15 calendar days.

59. Election of office bearers of the Convocation

(1) With the exception of ex-officio members and members designated by other constituencies the president, vice-president and the five additional members of the Convocation are elected by the Convocation through an electronic ballot / a secured online voting system, or a manual process, or both.

(2) The secretary to convocation is the electoral officer who determines the procedure(s) of elections of convocation.

(3) In carrying out his or her duties as electoral officer the secretary of the Convocation must be assisted by two scrutineers appointed by the Vice-Chancellor.

(4) No student or staff member may be eligible for election as a member of the executive committee of convocation.

(5) In order to be eligible for election to serve on the executive committee of convocation, a period of at least five years working or business experience should have lapsed after graduating from the University.

(6) On the first meeting of the newly-elected Executive Committee of Convocation, the Executive Committee shall allocate portfolios to the elected additional members for the proper functioning of the Convocation.

(7) With the exception of ex officio members, members of the executive committee of the Convocation shall hold office for a period of five year.

(8) No student or staff member shall be eligible for election to the Executive Committee of Convocation.

(9) Should any member of the Convocation executive elected by the Convocation, vacate his or her office before the expiry of his or her term, the convocation executive may appoint a member of the Convocation to fill such a vacancy until the following annual general meeting of the Convocation when an election shall take place to fill the vacated office for the balance of his or her term.

(10) Except for ex officio members, the term of office of Convocation executive member shall terminate if he or she is absent for three consecutive meetings without leave of the convocation executive.

60. President of the Convocation

(1) No employee or student of the University shall be elected as president of convocation.

(2) The president of convocation holds office for a period of five years.

(3) If the president for any reason vacates his or her office prior to the expiry of his or her term of office, the vice-president must act as president until the convocation has elected a new president for the unexpired part of such term of office.

(4) The president is the Chairperson of all meetings of convocation and those of the executive committee of convocation, and in his or her absence the vice-president must act as Chairperson.

(5) In the absence of both the president and vice-president, the members present at a meeting of convocation or the executive committee of convocation must, under the guidance of the secretary to convocation, elect a Chairperson for that meeting from amongst themselves.

61. Notice of meetings of convocation

(1) Notice of a meeting of the convocation with a statement of the business to be brought before the meeting must be sent to every person who is a member, or who at the time of the meeting, will be eligible to be a member, at least fourteen days before such meeting.

62. Meetings of the Convocation

(1) All meetings of convocation take place at a venue determined by the executive committee of convocation.

(2) A meeting of convocation may be convened by the president at any time if he or she deems it necessary, and must be convened by the secretary when a written request signed by at least nine members is lodged with him or her, provided that the matters for consideration at such meeting are stated in the form of specific motions and that no matters other than those stated in such request may be discussed at such meeting.

(3) The meeting contemplated in subparagraph (2) must be convened by the secretary as soon as possible but not later than two months of receipt of such request.

(4) The Annual General Meetings of the Convocation shall be conducted in a manner as determined by the constitution of the Convocation.

63. Executive committee of convocation

(1) The executive committee of the Convocation consists of -
(a) the president of convocation;
(b) the vice president of convocation;
(c) one member of Council elected by Council;
(d) five persons elected by the convocation from amongst convocation members, as contemplated in paragraph 60(1);
(e) one member of Senate appointed by Senate;
(f) the Vice-Chancellor and principal;
(g) the director of marketing, branding and communications;
(h) the director of legal services. and
(i) one Convocation member living with disabilities elected by the Convocation from amongst Convocation members.

(2) The registrar or his or her representative is the secretary to convocation and has no voting powers.

64. Duties of the executive committee of Convocation

(1) The executive committee of convocation must -
(a) administer the affairs of the convocation;
(b) discuss and on behalf of the convocation state their opinion upon any matters relating to the University or to the convocation, including matters that may be referred to it by Council; and
(c) Establish and support alumni structures of the University.

65. Funds of Convocation

(1) All monies pertaining to the business of the Convocation are administered by the Registrar of the University according to the University's financial policies.

(2) Any monies raised through the efforts of the Convocation are administered by the finance department of the University.

66. Quorum and procedure at meetings of Convocation

(1) Fifty (50) members of the Convocation, either present in person or via an online platform, constitute a quorum for the purposes of Convocation meetings and the majority of members constitute a quorum for purposes of meetings of the executive committee of convocation.

(2) The procedure at a meeting of the Council, with the changes required by the context, applies to meetings of the Convocation.

(3) A copy of all resolutions of the convocation and declarations concerning all other matters on which the convocation may decide, duly certified by the president and the secretary, must be submitted to the Council and the Senate for their information.

67. Representatives of the Convocation on the Council

(1) The election of members of the convocation on the Council is in a manner as determined by the constitution of convocation.

CHAPTER 8

FACULTIES

68. Faculties

(1) The Council may, after consultation with the Senate and in line with higher education policies, establish faculties or schools, departments, programmes and courses at the University.

(2) The University may, upon the recommendation of the Senate, provide tuition for a degree, a diploma or certificate or a module or a course in a subject.

69. Faculty Boards

(1) A Faculty board is established for each Faculty.
(2) A Faculty board consists of -
- (a) the executive dean of the Faculty who serves as Chairperson;
- (b) the deputy deans of the Faculty;
- (c) directors of schools;
- (d) heads of departments;
- (e) the professors of the Faculty;
- (f) all lecturers of that Faculty;
- (g) such other persons as the Faculty board itself may from time to time determine; and
- (h) the Chairpersons of the students in a Faculty;

(3) Persons invited to a meeting of the Faculty board who are not members of the Faculty may take part in the discussions but shall not vote.

(4) A Faculty board meets once a term at such time and place as may be determined by the Faculty board itself.

(5) The dates of the meetings contemplated in subparagraph (4) must be reflected in the University calendar.

(6) A special meeting of a Faculty board, of which not less than 24 hours' notice must be given to all members, may be convened by the executive dean or deputy-dean, representing the executive dean, at any time, if the reason for convening such a meeting is clearly stated.

(7) Subject to the provisions of subparagraph (6), a special meeting of the Faculty board may also be convened by the executive dean or deputy-dean at the written request of at least one third of the members of the Faculty board if the purpose of such meeting is clearly stated in such a request and no other matter is dealt with at such a meeting, except the one stated in the request.

(8) The date, time and venue of all special meetings are determined by the executive dean and no elections or nominations of persons into offices within the Faculty may be conducted at such special meetings.

(9) A quorum comprises one half plus one member of the total voting membership of the board.

70. Functions of Faculty board

(1) A Faculty board must present to the Senate, for the Senate's consideration and recommendation to the Council, all matters relating to the curricula, syllabi, courses, research and examinations as may be referred to it by the Senate and on other matters affecting the interest of the faculties.

71. Executive Deans

(1) The executive dean is appointed by the University on a performance-based five-year contract subject to renewal if the Senate Council deems it fit, provided that the executive dean shall not serve for more than two terms.

(2) The executive deans are the chief accounting officers of the faculties and chair all meetings of the faculties and administer the budget and all resources of the faculties and report the proceedings of the meetings to the Senate.

(3) The executive dean reports to the deputy Vice-Chancellor: teaching and learning.

(4) The executive dean is the Chairperson of the Faculty board and a member of the Committees of the Faculty board by virtue of his or her office.

(5) The executive dean must ensure that the registration of students in the Faculty or school is carried out according to the University policies and regulations.

(6) The executive dean must ensure that the work of the departments, centres, institutes and the programmes in the Faculty is effective and well organised.

(7) The executive dean presents reports to the Senate in respect of the activities of the Faculty.

(8) The executive dean vacates office if he or she -
(a) resigns by giving written notice to the Vice-Chancellor and principal;
(b) is declared insolvent, or is convicted of an offence involving dishonesty or of an offence for which he or she is imprisoned without the option of a fine;
(c) is declared unfit to attend to his or her personal affairs by a court of law;
(d) is found guilty of misconduct and demoted or dismissed; or
(e) is found to be incompetent, following a process sanctioned by the executive management committee.

72. Deputy deans

(1) Two deputy deans shall be appointed under each Faculty, namely a deputy dean teaching and learning and a deputy dean research and postgraduate studies.

(2) A deputy-dean is appointed for a period of five years in terms of the institutional rules.

(3) The deputy-dean teaching and learning reports to the executive dean of the Faculty concerned and performs any duty given to him or her by the executive dean.

(4) The deputy-dean research and postgraduate studies provides support in relation to academic research and postgraduate studies and reports to the executive dean.

(5) The deputy-dean vacates office as per paragraph 71(8)(a-e).

73. Academic departments

(1) There is for every Faculty a school or academic departments.

(2) Schools and academic departments consist of all lecturing members of the Faculty.

(3) Persons invited to meetings of an academic department who are not members of such academic department may take part in discussions but are not entitled to vote.

(4) An academic department meets regularly to discuss departmental matters.
(5) A quorum at a meeting of an academic department comprises one half plus one of the total numbers of voting members.

74. Functions of academic department

(1) An academic department recommends to the Faculty board for recommendation to Senate, all matters relating to curricula, syllabi, courses, research, and examinations.

(2) All rules concerning curricula, syllabi, courses, modules, research or examinations of a particular department or school must be adopted by the Faculty board after they have been formally approved by the academic department or school, prior to submission to Senate.

75. Head of department

(1) The head of a department is appointed for a period of five years in terms of the institutional rules.

76. Functions of heads of departments

(1) The functions of heads of departments are in terms of the institutional rules.

77. Directors of schools, institutes and centres

(1) The director of a school, institute or centre is appointed for a period of five years in terms of the institutional rules.

78. Functions of directors of Schools and Institutes

(1) The functions of directors of schools and institutes are in terms of the institutional rules.

CHAPTER 9

INSTITUTIONAL FORUM

79. Institutional Forum (IF)

(1) The IF is an advisory body to Council and is accountable to Council.

(2) In the event of the IF holding a view that is at variance with Council's opinion on a particular matter, the opinion of Council prevails, however, Council must provide written reasons as to why the advice of the IF is not accepted.

80. Composition of IF

(1) The IF consists of two representatives from each of the following designations-
(a) the management;
(b) the Council;
(c) the Senate;
(d) the academic employees;
(e) the administrative employees;
(f) the service employees;
(g) the legal services department;
(h) the students;

(i) the convocation; and
(j) any other bodies at the University that are identified by Council.

(2) Nomination of representatives must be transparent and democratic and each constituency must follow the procedure within its own constituency and submit the names of its representatives to the secretary to the IF.

(3) The term of office of members of IF is five years co-incident with the five year term of office of the Council.

(4) The term of office of the student representatives is one year in line with the term of office of the Students Representative Council, renewable for a further and final one-year term, if re-elected to the Student Representative Council.

(5) A member vacates his or her seat on the IF if he or she ceases to be a member of the constituency which nominated or elected him or her, provided that the membership of a student member ceases automatically when he or she ceases to be a registered student.

81. Executive Committee of IF

(1) The executive committee of the IF consists of -

(a) the Chairperson;
(b) the deputy Chairperson;
(c) the secretary to the IF;
(d) director legal services; and
(e) three additional members elected by the IF from its ranks.

(2) The institutional forum must elect a Chairperson and a deputy Chairperson from its ranks, provided that the Chairperson and the deputy-Chairperson may not be from the same constituency.

(3) The term of office of the Chairperson and the deputy-Chairperson will be five years or of a lesser duration depending on their membership with their constituencies.

(4) If the office of the Chairperson or the deputy-Chairperson becomes vacant, the institutional forum will elect a successor at its next meeting.

(5) The Chairperson of the institutional forum reports to the institutional forum the decision of Council on the advice submitted by the institutional forum to the Council.

82. Functions of IF

The functions of the IF are to -
(1) advise Council on issues affecting the institution, including -
(a) the implementation of the Act and the national policy on higher education;
(b) race and gender equity policies;
(c) the selection of candidates for senior management positions;

(d) code of conduct, mediation and dispute resolution procedures; and
(e) the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and the creation of an appropriate environment for teaching, research and learning.

(2) The advice given by the institutional forum must be submitted in writing by the Chairperson of the IF to Council through the office of the registrar, who thereafter must provide a copy to the Vice-Chancellor. Where the IF submits advice to Council, the Chairperson of the IF shall be invited to the Council meeting in which such advice is to be presented, to present such advice; provided that in the absence of the Chairperson of the IF the Deputy Chairperson shall present such advice.

83. Secretary of IF

(1) The registrar is the secretary to the IF.

84. Meetings of IF

(1) The meetings of the IF must be convened and held in the manner, at the time and place and for the purposes prescribed by its strategic plan which must be submitted to Council for notification.

(a) The Chairperson must convene a meeting of the institutional forum at least twice in each semester. The date for meetings is set out in the University calendar.

(b) Subject to the provisions of the Statute and the institutional rules, the institutional forum must determine its meeting procedures with due observance of generally accepted norms and practices of fair administrative process.

(c) The quorum consists of fifty percent plus one of the total numbers of serving members (excluding vacancies) of the institutional forum.

(d) In the absence of the Chairperson, the deputy-Chairperson acts as the Chairperson, and in the absence of both the Chairperson and the deputy-Chairperson, the members present at the meeting of the institutional forum with the assistance of the secretary elect a member to chair the meeting.

(e) A written notice must be issued by the secretary to each member of the institutional forum at least seven days before an ordinary meeting, indicating the time, date and place of such meeting. Such notice must be accompanied by an agenda and supporting documentation as appropriate.
(f) Members who wish to place additional matters on the agenda must send a written request in this regard to the secretary at least fourteen days before the date of the meeting, and must provide the secretary with the documentation the member wishes to submit to the institutional forum.

(g) The registrar must keep the minutes of the meetings and a register of the decisions of the institutional forum and all members of the institutional forum must have access to the register.

(h) The Chairperson or the Vice-Chancellor may convene an ordinary meeting with four days notice stating the reason for the urgent meeting and the matter(s) for discussion.

(i) When requested by at least one-fifth of the members of the institutional forum, the Chairperson must convene an extraordinary meeting, provided that the request is in writing and the matters for discussion are stated. Not less than 24 hours notice must be given of such a meeting.

(j) No matter other than that of which notice has been given can be discussed at a meeting.

(k) The Chairperson has a deliberative vote on every matter and, in a case of an equality of votes, also a casting vote, and

(l) Whenever the Chairperson so rules, voting must take place by means of a secret ballot.

CHAPTER 10

STUDENTS

85. Student Representative Council (SRC)

(1) The registered students of the University elect a Student Representative Council for the University, in line with the SRC constitution.

(2) The manner of election, term of office, functions and privileges of the Student Representative Council are determined by the SRC Constitution.

(3) The SRC Constitution or any amendment thereof must be approved by Council, after consultation with the SRC, and such must be submitted through the secretary of Council.

86. Registration of Students

(1) Every person registered as a student at the University must sign the official registration form, in whatever form prescribed, thereby binding himself or herself to such conditions, rules and regulations for the students and the SRC constitution as the Council may determine.

(2) A person registered as a student of the University is registered for the ensuing academic year or semester or for such shorter period as may be determined by the Council after consultation with Senate generally or in any particular case.

(3) No person shall be enrolled for a course for any degree or diploma or certificate unless he or she has satisfied all the prerequisites laid down in the regulations concerned.

87. Student discipline

(1) A student of the University is subject to the disciplinary provisions contained in the rules in respect of disciplinary action as determined by the Council after consultation with the Senate and the Students Representative Council. The Vice-Chancellor may cancel or for a specified period suspend registration of a student or admission to an academic programme and accommodation in any student hostel or residence of the University or a student's right or entitlement to utilise any other University facilities if, at any time after due inquiry, the Vice-Chancellor is satisfied that such disciplinary measures are in the best interest of the University.

(2) Any disciplinary action taken by the Vice-Chancellor in terms of subparagraph (1) above may be confirmed or reversed upon appeal to a panel chaired by an independent party appointed in terms of the student disciplinary rules approved by Council after consultation with the Senate and the Student Representative Council. A student may lodge any such appeal through the legal services department. This notwithstanding, student disciplinary cases must be reported to the Council for notification through the legal services department in the ordinary course.

(3) Should a student for any reason institute legal proceedings against the University and have costs awarded against him/her, such costs will be debited into the student's fee account.

88. Registration and fees payable by students

(1) The Council may, with the approval of the Senate, prescribe the minimum requirements of study with which any person must comply before he or she may be permitted -
   (a) to register as a student of the University;
   (b) to renew his or her registration as a student; or
   (c) if he or she is registered as a student of the University, to attend or to continue to attend or participate in lectures or other academic programmes of the University as a student.

(2) The fees payable by a student to the University are as determined by the Council.

(3) The Council may refuse to renew the registration of a student applying, if such student fails to comply with the minimum study requirements contemplated in subparagraph (1).

(4) Notwithstanding anything to the contrary contained in this Statute, the Council may cancel the registration of a student if it considers such cancellation to be in the best interest of the University, provided that such cancellation is final and the Council is obliged to furnish written reasons therefore.

(5) The Council may, after consultation with the Senate, limit the number of persons who may be permitted to register for any specific course of study and, where the number of applicants for the admission to such a course of study exceed the number so limited, the Senate may select from the number of applicants those who are to be admitted to register for such course.

(6) The rules relating to study programmes and syllabuses in regard to full-time and part-time studies are determined by the Council on the recommendation of the Senate.

(7) The Council may refuse to admit or re-admit as a student of the University any person who applies for any such admission or re-admission if the Council considers it in the best interest of the University to do so and the Council must furnish written reasons for any such refusal.

CHAPTER 11

PROVIDENT FUND

89. Provident fund

(1) Membership of the University Provident Fund and Group Life is compulsory for all permanent and contract employees subject to the rules and regulations of the fund.

CHAPTER 12

DEGREES, DIPLOMAS AND CERTIFICATES

90. Degrees, diplomas and certificates

(1) Subject to the NQF Act and paragraph 93 of this Statute, the University may confer a degree upon, award a diploma or issue a certificate to any person who has attained the standard of proficiency determined by the University in assessment and evaluation.

91. Honorary degrees

(1) The University may, by resolution of Council passed on the recommendation of the Senate and without examination, confer an honorary degree of master or doctor in any Faculty upon any person whom the University may deem worthy of such honour.

(2) The nomination and selection of such a person will be in accordance with the applicable institutional rule.

92. Examinations and tests

(1) The assessment and evaluation of students are conducted under the control of the Senate.

(2) The University may, for the purpose of any examination or test determined by the faculties in conjunction with the Senate, make use of external examiners or moderators.

93. Congregation and conferring or awarding of degrees, diplomas or certificates

(1) No degree, diploma or certificate, other than an honorary degree, may be conferred upon any person unless the registrar certifies that such person has satisfied all the requirements prescribed for such degree, diploma or certificate.

(2) For the purpose of conferring degrees or awarding of diplomas or certificates, a meeting to be called "Congregation of the University" is held, to which are invited members of the Council, academic employees, persons upon whom degrees, diplomas or certificates are to be conferred and such other persons as the Vice-Chancellor may determine.

(3) No person is entitled to any privileges attached to a degree, diploma or certificate until such time as such degree, diploma or certificate has been conferred upon or awarded to him or her at a congregation.

(4) The congregation of the University is held at least once a year at such time as determined by the Council, and is presided over by the chancellor or the Vice-Chancellor in the absence of the chancellor.

CHAPTER 13

EMERITUS PROFESSORS AND SPECIAL CATEGORY ACADEMICS

94. Emeritus professors

(1) The Council may, on the recommendation of the Senate and subject to the Statute, bestow the status of emeritus professor on retired professors of the University with such rights and privileges as may be determined by the Senate.

(2) The Council may, on the recommendation of the Senate, engage the services and expertise of individuals within a specific area of teaching and research for a specified period, which academics may not enjoy voting rights in any body or committee of the University.

(3) Persons who retire from the University having served as Vice-Chancellor or as deputy Vice-Chancellor or persons who retire after five years of service as full professors, may be appointed as *emeritus professors* of the University.

(4) Such appointment does not take place automatically but follows a recommendation to Senate from the Faculty board concerned, and is based on a significant contribution made in respect of academic and administrative leadership.

(5) Persons who retire from the university, but who have not served as full professors for five years with proven record of sound graduates supervision, publications plus community service in the institution and outside may be appointed *professors emeritus* of the University on a written and substantiated recommendation made to the Senate by the Faculty board after being requested to do so by the Vice-Chancellor and principal.

(6) The privileges and the duties of an emeritus professor may include the following:

(a) referring to himself or herself as an emeritus professor of the University;

(b) being invited to all graduation ceremonies and related functions of the University, and to take part in any academic ceremony of the University, being placed immediately behind members of the Council of the University.

(c) having free membership of the University Library;

(d) supervising post-graduate research if requested to do so by the Senate;

(e) undertaking and publishing research approved by Senate, and having access to funding to make this possible;

(f) having office or laboratory space allocated when available and if approved by Senate; and

(g) qualifying for fee remission benefits as approved by Council on a recommendation by Senate.

(7) Besides administrative functions contemplated in subparagraph 7(d), an emeritus professor may exercise no management or executive duties at the University, and may not be a member of the Senate of the University.

95. Special category academics

(1) Academics who have made outstanding contributions and/or are experts in their respective fields may be considered for appointments or promotions to special category academics, researchers and administrators.

CHAPTER 14

REPEAL OF PREVIOUS STATUTE

96. Repeal of previous Statute

(1) The Statute of the University of Venda promulgated in ***Government Gazette*** **No. 40673 Government Notice No. 210 of 10 March 2017,** and **t**he Statute of the University of Venda promulgated in ***Government Gazette*** **No. 44571 Government Notice No.418 of 14 May 2021** and the Statute of the University of Venda promulgated in ***Government Gazette*** **No. 47926 Government Notice No. 2972 of 27 January 2023** are hereby repealed.

(2) Anything done, any body established, and any person appointed to an office under a provision of a Statute repealed by subparagraph (1) is deemed to have been done, established or appointed under the corresponding provision of this Statute, provided that such provisions are not inconsistent with any provision of this Statute.

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 7027 **23 January 2026**

END-USER AND SUBSCRIBER SERVICE CHARTER AMENDMENT REGULATIONS, 2025

I, Mothibi Ramusi, Chairperson of the Independent Communications Authority of South Africa ("the Authority"), hereby publishes the sixth amendment to the End-user and Subscriber Service Charter Regulations 2016 to the extent reflected in the Schedule.

MOTHIBI G. RAMUSI
CHAIRPERSON
DATE: 25 / 11 /**2025**

SCHEDULE

1. DEFINITIONS

In these regulations, "the Regulations" means the Regulations published in Notice No. 189 (Government Gazette No. 39898) of 1 April 2016, as amended by Notices No. 233 (Government Gazettes No. 41613) of 7 May 2018, No. 128 (Government Gazette No. 42225) of 12 February 2019, No. 286 (Government Gazette No. 42266) of 28 February 2019 and No. 3207 (Government Gazette No. 48318) of 28 March 2023.

2. Amendment of regulation 1 of the Regulations

Regulation 1 of the Regulations is hereby amended –

(a) by the insertion after the definition of "Act" of the following definition:

"**"Activation"** means the time when the bundle is provisioned and made available for use to the end-user;"

(b) by the insertion after the definition of "Authority" of the following definition:

"**"Bundle"** means a set amount of data, voice minutes, SMSs or a combination thereof, valid for a specific period, sold for a single price for the set of services included in the package;"

(c) by the deletion of the definition of "Data bundle;"

(d) by the insertion after the definition of "Post-paid plans" of the following definition:

"**"Promotional bundle"** means any bundle offer made available to end-users for a period, and subject to terms and conditions as prescribed by the Licensee, including but not limited to –

(a) discount vouchers,

(b) free gifts, or

(c) entry into a rewards scheme or loyalty programme."

3. Amendment of regulation 5 of the Regulations

Regulation 5 of the Regulations is hereby amended by the substitution for sub regulation (1) of the following sub regulation:

"(1)A licensee must lodge its promotional tariffs and the duration of application of the promotional tariffs with the Authority no less than five (5) days prior to its launch, or any periods of extension."

4. Substitution of regulation 8A of the Regulations

The following regulation is hereby substituted for regulation 8A of the Regulations:

"**8A Voice, SMS data services**

(1) A Licensee must send usage depletion notifications to end-users via SMS, push notification or any other applicable means, when usage reaches 50%, 80% and 100% depletion of each bundle.

(2) At all times, a Licensee must ensure that end-users are provided with the option to:

(a) opt out of or into usage depletion notifications;

(b) buy additional bundles via the USSD platform, push notification, or any other appropriate means; and

(c) opt in to or opt out of out-of-bundle usage charges.

(3) In the event that a service bundle is depleted, and the end-user has not opted in to out-of-bundle charges as per regulation 8A (2)(c) above, a Licensee must not permit any out-of-bundle usage

by, or out-of-bundle charges to, the end-user until such time that the end-user purchases a new bundle or opts into out-of-bundle usage and charges.

(4) A Licensee shall apply bundle usage sequentially against unused bundles with the earliest expiry, until such bundles are depleted, and thereafter against the next earliest expiry of any bundle.

(5) A Licensee must, at the end of the validity period of a bundle, roll over any unused bundle or portions thereof at least once, and subject the bundle rolled over to the same terms and conditions applicable to the original bundle, except for bundles that are 7 days or less and excluding uncapped, free and promotional bundles.

(6) The roll-over of bundles must occur without requiring action and without incurring any cost to the end-user, provided that the number remains active.

(7) A Licensee must provide an end-user with an option to transfer bundles or portions thereof to any end-user utilising services of the same Licensee, such transfer must be subject to the same terms and conditions applicable to the original bundle.

(8) The transfer of bundles in terms of sub-regulation (7) must be subject to the following conditions:

(a) not limited to any specific type of service,

(b) not limited to the number of times or volume that the end-user may transfer such bundles,

(c) applies to any SIM card on the same network,

(d) excludes the transfer of uncapped, free or promotional bundles.

(9) The validity period of a bundle must be extended when the end-user is unable to utilise the bundle due to a fault on the part of the Licensee.

5. Repeal of regulation 8B of the Regulations

Regulation 8B of the Regulations is hereby repealed.

6. Short title and Commencement

These Regulations are called the End-User and Subscriber Service Charter Amendment Regulations, 2025 and will come into force Twelve (12) months after publication in the Government Gazette.

GENERAL NOTICE

REASONS DOCUMENT FOR END-USER AND SUBSCRIBER SERVICE CHARTER AMENDMENT REGULATIONS, 2025

1. Introduction

1.1 On 29 February 2024, the Independent Communications Authority of South Africa ("Authority") published a notice of its intention to amend the End-User and Subscriber Service Charter Regulations 2016,[1] under General Notice No. 4449 in the *Government Gazette* 50241 and invited public comments to the Draft Regulations[2] .

1.2 The Draft Regulations[3] sought, *inter alia*, to prescribe amendments to regulations 8A and 8B, which the Authority had deferred for further consultations, as it explained in its reasons document of 29 March 2023[4].

1.3 The consultation was to address, among others, the following:

1.3.1 Addition of definitions to provide clarity on some of the provisions within the regulations.

1.3.2 Notifications of bundle depletion to be sent to the end-users at set intervals, and the provision for end-users on post-paid/hybrid plans to purchase additional services upon such depletion or be disconnected if end-users do not purchase additional bundles.

1.3.3 Providing end-users with an option to opt-in or out of out-of-bundle charges to minimize bill shock.

[1] *Government Gazette* No. 39898 of 1 April 2016
[2] The due date for submission of written representations was 15 April 2024.
[3] Government Gazette No 50241 of 29 February 2024.
[4] Reasons Document for The End-User and Subscriber Services Charter Amendment Regulations, 2023 (Government Gazette No 48329 of 29 March 2023).

1.3.4 Allowance for the roll-over of unused bundles at the end of the validity period of such bundles without requiring action from or cost to the end-user.

1.3.5 Allowance for the unrestricted transfer of bundles by an end-user.

1.3.6 Prohibition of any out-of-bundle usage by, or out-of-bundle charges to, the end-user until such time that the end-user purchases a new bundle or opts into out-of-bundle usage and charges.

1.3.7 Sequential depletion of bundles with the earliest expiry bundles being depleted first "First Expiry First Out rule (FEFO).

1.4 The Authority received written representations on the Draft Regulations from:

1.4.1 Vodacom
1.4.2 MTN
1.4.3 Cell C
1.4.4 Telkom
1.4.5 CAP
1.4.6 ISPA
1.4.7 SACF
1.4.8 ACT
1.4.9 RAIN
1.4.10 Amandla.mobi
1.4.11 Mr. Keith Lucas

1.5 The Authority published a media release on its website[5] on 23 September 2024 with respect to the public hearings to be held on 01 and 02 October 2024 on the Draft Regulations.

1.6 All interested parties, except RAIN, who submitted written representations on the Draft Regulations, participated in the public hearings.

1.7 Subsequent the public hearings, the Authority requested further information in the form of questions regarding and received supplementary written representations from the following stakeholders:

1.7.1 Vodacom
1.7.2 MTN

[5] https://www.icasa.org.za/news/2024/icasa-to-conduct-public-hearings-on-the-draft-end-user-and-subscriber-service-charter-amendment-regulations-2024 (last accessed on: 27 May 2025)

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1.7.3 Cell C
1.7.4 Telkom
1.7.5 ACT
1.7.6 Amandla.mobi
1.7.7 CAP
1.7.8 Mr. Keith Lucas

2. Legislative Framework

2.1 Section 4(1) of the ECA stipulates as follows:

"*The Authority may make regulations with regard to any matter which in terms of this Act or the related legislation must or may be prescribed, governed or determined by regulation*." (our emphasis)

2.2 Section 69(3) of the ECA stipulates as follows:

"*The Authority must, as soon as reasonably possible after the coming into force of this Act, prescribe regulations setting out the minimum standards for end user and subscriber service charters."*

2.4. Furthermore, section 69(5) of the ECA stipulates that:

"*The matters which an end-user and subscriber service charter may address include, but are not limited to—*
(a) the provision of information to end-users and subscribers regarding services, rates, and performance procedures;
(b) provisioning and fault repair services;
(c) the protection of private end-user and subscriber information;
(d) end-user and subscriber charging, billing, collection and credit practices;
(e) complaint procedures and the remedies that are available to address the matters at issue; and
(f) any other matter of concern to end-users and subscribers."

3. Submissions Received on the Draft EUSSC Regulations and the Authority's Response

3.1 Regulatory Impact Assessment

Submissions received

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3.1.1 MTN submits that the Authority must conduct a regulatory impact assessment to demonstrate that the current mechanisms are inadequate to achieve the purpose of enabling end-users to manage the usage of their bundles. Alternately, MTN proposes that the Authority must identify a market failure which requires the Proposed Amendment as a remedy.[6]

3.1.2 Vodacom submits that the Authority has also failed to conduct an impact assessment, which is necessary to demonstrate not only that the proposals have benefit but to prevent unintended consequences that may exacerbate the very issues the Authority intended to address. Therefore, even if the proposed measures were not contrary to the relevant legal framework (which Vodacom believes is the case), the Authority has not demonstrated that they are necessary or that they are the least cost and least intrusive way of achieving its objectives.[7]

3.1.3 Vodacom submits that had the Authority conducted an impact assessment, it would not have proposed these regulations as they are not in the best interest of consumers. The draft regulations are instead harmful to customers, unreasonable and irrational and, for the reasons set out in their submissions, the proposed measures should be reconsidered or withdrawn.[8]

3.1.4 South African Communication Forum submits that ICASA needs to conduct RIA to understand the impact of the proposed changes and the potential impact on pricing.[9]

3.2 <u>The Authority's Decision</u>

3.2.1 **Section 4 (3) *(h)* of the ICASA Act provides that "the Authority *<u>may</u>* conduct research on all matters affecting the broadcasting, electronic transactions, postal and electronic communications sectors in order to exercise its powers and perform its duties." (own emphasis)**

[6] MTN Initial Submission 2024 Page 26 Para 5.42
[7] Vodacom Initial Submission 2024 Page 3 Para 8
[8] Vodacom Initial Submission 2024 Page4 Para 9
[9] South African Communications Forum (SACF) Initial Submission 2024 Page 4 Para. 14.2

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3.2.2 **It is evident that while the Authority may conduct studies such as Regulatory Impact Assessment in order to perform its duties, it is not obligated to do so. Therefore, the absence of an impact assessment study does not prevent the Authority from making these necessary changes to ensure that consumers are protected.**

3.2.3 **RIA, although recommended for all government departments and agencies in their performance of statutory powers, is not a mandatory legislative process, and was therefore not carried out by the Authority.**

3.2.4 **The Authority is of the view that there is enough evidence that the current data, voice and SMS regime does not adequately address the unfair market condition borne from the data expiry rules set by Licensees.**

3.3 Ultra vires

Submission received

3.3.1 MTN submits that the Proposed Amendments do not pass the test of legality because they are ultra vires, which means that the Authority is not acting within the confines of its mandate, in that the draft regulations amount to an undue interference in the contractual terms governing the provision of services to end-users by Licensees. [10]

3.3.2 Vodacom submits that the draft regulations in their current form, most notably parts of regulation 1 (definitions) and regulation 8A, can be impugned on several bases in that they are susceptible to legal challenge on the basis that elements of the draft regulations are ultra vires anti-consumer in their effect, unlawful, unreasonable, and irrational.[11]

3.3.3 Vodacom submits that Section 69 of the ECA is entitled "Code of conduct, end-user and subscriber service charter" and in particular Section 69(3) empowers and requires the Authority to prescribe regulations setting out the minimum standards for end-user and subscriber service charters.

[10] MTN Initial Submission 2024 Page 30 Para 6.7, 6.8
[11] Vodacom Initial Submission 2024 Page 4 Para 12

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3.3.4 Vodacom indicates that the ECA defines a service charter as a document, developed by a licensee after consultation with its staff, subscribers and end-users, which sets out the standards of service subscribers and end-users can expect and is a performance measurement and accountability tool that focuses on subscriber and end-user service outcomes

3.3.5 Vodacom indicates that Section 69(3) does not empower the Authority to make regulations that do something more or different. Further, the power of the Authority in section 69(3) must be read with and in terms of sections 69(4) and 69(5).

3.3.6 Section 69(4) confirms that the Authority may develop different minimum standards for end-user and subscriber service charters for different types of services. Section 69(5) sets out the matters which an end-user and subscriber service charter may address.

3.3.7 Vodacom submits that the list in section 69(5)(a) -(e) is not intended to be exhaustive, as the introductory words record that the matters which an end-user and subscriber service charter may address "include, but are not limited to" this list and section 69(5)(f) states that the end-user and subscriber service charter may address "any other matter of concern to end-users and subscribers." However, this does not mean that section 69(3) creates a wide and unfettered power for the Authority to promulgate regulations. The Authority remains empowered, in terms of section 69(3), only to set minimum standards for end-user and subscriber service charters.

3.3.8 Therefore, section 69(3) read with section 69(5), is prescriptive and narrowly tailored and thus anything that falls outside of the scope of a service charter is ultra vires.

3.3.9 Vodacom submits that the Authority exceeds the scope of its powers in two respects. It firstly seeks to prescribe the substantive terms of a service charter, where the Act leaves that to the licensee; and secondly, it goes beyond the ambit of section 69 and seeks to impermissibly regulate the products and services offered by the licensee in the market.[12]

[12] Vodacom Initial Submission 2024 Page 10 Para 31

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3.3.10 Vodacom submits, having regard to the proper interpretation of section 69(3), read with section 4, being the empowering provision in the ECA relied on by the Authority, that section does not confer power on the Authority to regulate the attributes of the products and services offered by licensees. Consequently, if regulations were promulgated by the Authority that did purport to regulate the attributes of the products and services offered by licensees, such regulations would be ultra vires and unlawful.[13]

3.3.11 Vodacom submits that in draft regulations 8A (6) – 8A(10), the Authority proposes to regulate the roll-over and transfer of bundles and unused portions of bundles and that the Authority records in the Explanatory Memorandum that it seeks to prescribe minimum standards on how voice, SMS and data are rolled over and transferred, however, the Authority is not empowered to do so.

3.3.12 Vodacom indicates that there is no express provision in section 69(5) that gives the Authority the power to compel licensees to roll-over and transfer unused bundles and by dictating that a bundle must be transferred or rolled over at the end of a particular validity period, the draft regulations seek to prescribe the attributes of the bundle products to be offered.[14]

3.3.13 Vodacom understands this proposal to relate to addressing concerns related to the expiration of unused data. However, Vodacom submits that the proposal in these regulations does not accord with the stated aims of the Act, which are *inter alia* to promote the interests of consumers with regard to the price, quality and the variety of electronic communications services variety whilst refraining from undue interference in the commercial activities of licensees (sections 2(n) and 2(y) of the ECA). Not only is the draft regulation ultra vires for this reason too, but it also undermines the consumer's right to free choice and her right to optimise her spend.[15]

3.3.14 Cell C argues that certain proposed amendments in the draft regulations exceed the powers of ICASA as set out in the Electronic Communications Act (ECA). Specifically, they believe the Authority is interfering with the

[13] Vodacom Initial Submission 2024 Page 11 Para 32
[14] Vodacom Initial Submission 2024 Page 12 Para 39
[15] Vodacom Initial Submission 2024 Page 26 Para 74

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contractual relationship between licensees and end-users, which they argue is beyond ICASA's mandate. Cell C points out that sections 69(5) and 2(y) of the ECA do not grant ICASA the authority to dictate the products and services licensees can offer or the terms of those products and services.[16]

3.3.15 Rain submits that some of the proposed amendments are inconsistent with these regulatory objectives of Section 2 of the of the Electronic Communications Act 36 of 2005 ("ECA").[17]

3.3.16 SACF is of the view that ICASA would be better placed to establish the principle to enable its envisaged outcome and promote innovation and competition among licensees. They are of the opinion that this will likely result in the development of products and services that would address a multiplicity of consumer needs and preferences which ultimately reduces the cost to communicate.[18]

3.3.17 Their submission is that the current amendments appear to attempt to standardise various elements of service provision, including the rollover of voice and SMS'. The SACF cautions ICASA of this approach as it seems to unintentionally thwart innovation and competition.[19]

3.4 <u>The Authority's decision</u>

3.4.1 **Sec 69(5)(f) of the ECA empowers the Authority to develop minimum standards on any matter of concern to end-users and subscribers.**

3.4.2 **Section 69 (5)(d) and (f) of the ECA goes on to provide that the minimum standards an end-user and subscriber service charter may address include, amongst other things: (i) subscriber charging, billing, collection and credit practices; and (ii) any other matter of concern to end-users and subscribers.**

3.4.3 **Thus, it is clear from the wording of the above provisions that the list of matters which the end-user and subscriber service charter**

[16] Cell C Initial Submission 2024 Page 3 Para 8
[17] Rain Initial Submission 2024 Page 2 Para 1.4
[18] South African Communications Forum (SACF) Initial Submission 2024 Page 2 Para 7
[19] South African Communications Forum (SACF) Initial Submission 2024 Page 2 Para 7

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may address is not conclusive as it relates to different type of services and extends to any matter of concern to end-users and subscribers. This would arguably include the minimum standards in relation to the validity period of unused data or data services which could fall under section 69 (5) (f) of the ECA

3.4.4 **In fact, the Authority has already developed such minimum standards which are found in the current End User and Subscriber Service Charter Regulations 2016 as amended. As such, the Authority is empowered to amend such minimum standards contained in such Regulations after having consulted with the public.**

3.4.5 **The Authority has further complied with the criteria as contained in section 6 (2)(f)(ii) (aa) to (dd) of PAJA which amongst others is to provide the purpose for which the action to amend is taken, the empowering legislation giving rise to such power, the information before the Authority received through written and oral representation and lastly providing reasons for the decision taken.**

3.4.6 **Section 69(5) prescribes matters which the end-user and subscriber service charter may address, which include but are not limited to (i) any other matter of concern to end-users and subscribers. Therefore, such provision allows the Authority, having also followed the criteria as set out under section 6 (2)(f)(ii) (aa) to (dd) of PAJA to make such amendments it deems rationally appropriate for the protection of consume.**

3.4.7 **The Authority is of the view that South Africa still consists of consumers who still make use of voice and SMS bundles as a means of communication; therefore, such subscribers require same level of protection under this amendment which would include rollover of also voice and SMS bundles.**

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3.5 Consumer related matters

Submission received

3.5.1 Vodacom submits that the Authority has not, in its Explanatory Memorandum, explained why it believes the current market is failing to deliver appropriate outcomes for customers, beyond, for example, referring to the need to, "cater for ongoing consumer demand for bundles that do not expire prematurely" and that, "there remains strong consumer resistance to the 'loss' of unused data".[20]

3.5.2 Vodacom argues that the omission undermines the rationale for the proposed amendments and that all regulatory measures, regardless of the legal basis on which they are imposed should be proportionate (i.e., they should incur the least cost and apply the least intrusive measure necessary to address the perceived mischief) and be transparent (i.e., clearly articulated and easily understandable to all parties).

3.5.3 Vodacom notes, from the Explanatory Note published with the proposed amendments, that the amendments are the result of concerns raised by various stakeholders including consumer groups and social media campaigns, which related to data expiry rules; High OOB rates and rules; and OOB voice and SMS, as the rationale provided by the Authority to prescribe this minimum standard. However, what is not clear for Vodacom is that these issues arise from consumer concerns.[21]

3.5.4 Amandla.mobi underscores the necessity of regulatory amendments to protect consumer rights, particularly those of low-income individuals. They argue that mobile networks have historically evaded the spirit of previous regulations, leading to consumer exploitation through practices such as high out-of-bundle rates and inadequate rollover provisions for short-term bundles.[22]

3.5.5 Amandla.mobi highlights the potential legal deficiencies in the enforcement of current regulations and calls for more stringent oversight to ensure

[20] Vodacom Initial Submission 2024 Page 3 Para 7
[21] Vodacom Initial Submission 2024 Page 2&3 Para 5&6
[22] https://amandla.mobi/data-must-fall-timeline/

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compliance, thereby emphasising the legal responsibility of ICASA to protect consumer interests.[23]

3.5.6 ISPA's expressed the view that the proposed amendments represent a reasonable compromise between consumer protection and commercial flexibility.[24] For this reason, ISPA submits that the approach taken to bundle roll-over, order of bundle expiry and transfer of bundles is generally supported.

3.6 The Authority's decision

3.6.1 **The intervention by the Authority to cater for loss of unused bundles is a direct demonstration of the existing regulatory gap which resulted from some of the conditions attached to the roll-over and transfer provisions set by licensees.**

3.6.2 **Such conditions place an extra burden on consumers to spend more money to extend the validity periods or to replace the expired bundles by prohibiting them from deriving the full benefits of their purchased bundles, thus undermining the spirit of the Regulation.**

3.6.3 **The Authority is of the view that licensees historically evaded the spirit of the Regulations, leading to consumer exploitation through practices such as high out-of-bundle rates and inadequate roll-over provisions for bundles, and thus these amendments will ensure uniformity and enable oversight by the Authority to safeguard the interest of consumers.**

3.6.4 **Furthermore, these amendments were necessitated by general concerns raised by various stakeholders, including consumer groups (which represent consumers) and social media campaigns (e.g. Data Must Fall[25] and Amandla.mobi campaign[26]). These stakeholders represent consumers concerns with regard to data expiry rules, high out-of-bundle rates and rules, and out-of-**

[23] Amandla. Mobi Initial Submission 2024 Page 5 Para 2
[24] ISPA Initial Submission 2024 Page 1 Para 4
[25] https://act.amandla.mobi/campaigns/dmf_covid-19
[26] https://amandla.mobi/data-must-fall-timeline/

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bundle voice and Short Messaging Service ("SMS") rules currently applied by licensees.

3.7 <u>Competition matters</u>

<u>Submission received</u>

3.7.1 MTN raises a competition law argument to dispel the legality of the Proposed Amendment, stating that they encourage anti-competitive behaviour in that the retail market for mobile services in South Africa is characterised by several players who must compete on both price and product factors. Non-price factors include factors such as quality of service, product variety, differentiation of products with value-added services or other consumer benefits. Competition on price and non-price factors is necessary as the South African market contains consumers with disparate resources and therefore various, unique requirements and preferences. [27]

3.7.2 The SACF wished to bring to the attention of ICASA the provisions of section 2, that seeks to promote amongst others connectivity to all, innovation, competition and prohibits the undue interference in the commercial activities of licensees.

3.7.3 The SACF advocates for ICASA to create an enabling framework which encourages innovation and competition which would result in products and services that are affordable.[28]

3.7.4 SACF notes that the previous iterations of the End-User and Subscriber Service Charter have been based on consumer usage trends and the critical importance of data, however, the current amendments focus on voice and SMS services even though consumer trends indicate that the usage of the services is declining.[29]

3.8 <u>The Authority's decision</u>

3.8.1 **The Authority is cognizant not to stifle competition, hence it has implemented a light-touch regulatory approach by merely prescribing minimum standards and setting parameters within**

[27] MTN Initial Submission 2024 Page 22-27 Para 5.33 - 5.48.
[28] South African Communications Forum (SACF) Initial Submission 2024 Page3 Para 9
[29] South African Communications Forum (SACF) Initial Submission 2024 Page3 Para 10

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which licensees may compete without interfering with competition relating to differentiation of products and offerings.

3.8.2 **The Authority is of the view that South Africa still consists of consumers who still make use of voice and SMS bundles as a means of communication; therefore, such subscribers require protection under this amendment.**

3.8.3 **Furthermore, the new definition of bundles is inclusive of all bundled products or services offered i.e. voice, SMS and data therefore such provisions pertaining to roll- over and transfer must be applicable to all of them.**

3.9 <u>Amendment to Definitions</u>

<u>Submissions received.</u>

3.9.1 MTN submits that the current definitions of "long-term bundle", "medium-term bundle" and "short-term bundle" are unclear[30].

3.9.2 MTN states that this definition does not expressly include 7-day bundles, which means that bundles up to and including 6 days would be short-term bundles. Thus, MTN proposes rewording as follows:

"Short-term bundle" means a bundle valid for less than or equal to seven (7) days from activation.

3.9.3 MTN proposes the word "between" on the "Medium-term bundle "be replaced with the word "from" because accordance with rules of grammar, "between" is not inclusive of the endpoints in a range whereas "from" includes the endpoints in a range. This means that bundles from 8 to 29 days would be medium-term bundles.

3.9.4 MTN proposes that the Authority revise the definitions as follows:

"Long-term bundle" means a bundle valid for more than or equal to thirty (30) days from activation.

[30] MTN Initial Submission 2024 Page 8 Para 3.

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3.9.5 Cell C notes that the term "service bundle" is not clearly defined, leading to potential ambiguities. This lack of definition could result in varied interpretations and compliance challenges for licensees.[31]

3.9.6 Vodacom submits that the definitions seeking to distinguish short-term, medium-term, and long-term bundles are unhelpful, as they contain an obvious error or suffer from imprecise drafting. The following difficulties arise with these three definitions:

3.9.7 A short-term bundle is defined as a bundle valid for less than 7 (seven days) and so it appears that a 7-day bundle is excluded from being a short-term bundle. This is because a 7-day bundle is not valid for less than 7 days.

3.9.8 A medium bundle is a bundle that is valid "between seven (7) to thirty (30) days" (i.e. a bundle with a validity period greater than 7 days). This means that a medium-term bundle does not include 7-day bundles. It is not clear if it is intended to include 30-day bundles.

3.9.9 Further, because a long-term bundle is defined as a bundle valid for more than 30 days, a 30-day bundle is not a long-term bundle either.

3.9.10 On the text, therefore, draft regulation 1 in its current form does not regulate a 7-day bundle and may not regulate a 30-day bundle.[32]

3.9.11 Vodacom proposes that the Authority adopt the following definitions:

"*A short-term bundle should be "a bundle valid for 7 days or less from activation*."

"*A medium-term bundle should be "a bundle valid for more than 7 days but less than 30 days from activation*."

"*A long-term bundle should be "a bundle valid for 30 days or more*."

3.9.12 Vodacom submits that this approach is reasonable and sensible because A 7-day bundle is on its face a short-term bundle. 7-day bundles make

[31] Cell C Initial Submission 2024 Page 5 Para 23
[32] Vodacom Initial Submission 2024 Page 16 Para 47.4

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up a proportion of the bundles purchased by Vodacom's low-income customer base.[33]

3.9.13 Vodacom requests confirmation from the Authority that "promotional bundles," as defined in draft regulation 1, are intended to be excluded from roll over as they are from transfer. In paragraph 4.1.5 of the Explanatory Memorandum, it is clear that the Authority intended to draw a distinction between standard bundles and promotional bundles and to clarify how they should be treated in respect of roll-over and transfer.[34]

3.9.14 Amandla.mobi has noted no explicit challenges to definitions within the draft amendments.

3.9.15 CAP Agrees and supports all definitions proposed.

3.9.16 "*Activation*" – ISPA submits that while the insertion of this definition is supported, the definition is problematic when applied across the EUSSC Regulations, particularly sub-regulation 9(5) relating to quality-of-service metrics.

3.9.17 "*Day*" - The proposed definition of Day does not make sense within the context of sub-regulation 5(1).

3.9.18 "*Hour*" -The proposed definition of Hour does not make sense within the context of sub-regulation 12(6).

3.9.19 ISPA therefore suggests that these definitions are located at the beginning of regulation 8A and limited in application to only that regulation.

3.9.20 "*Promotional bundle*" - ISPA submits that this definition is overly broad. In a literal interpretation, this includes any bundle offered to the market – whether promotional or otherwise. However, in ISPA's view, there is no practical difference between the definitions of bundle and promotional bundle.

3.9.21 ISPA suggests a minor amendment to the definition of medium-term bundle to ensure the definitions relating to types of bundles are clear:

[33] Vodacom Initial Submission 2024 Page 17 Para 51
[34] Vodacom Initial Submission 2024 Page 30 Para 86

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3.9.22 "Medium-term bundle" means a bundle valid between seven (7) to thirty (30) days (both inclusive) from activation.

3.9.23 South African Communication Forum submit that the current definitions of "long-term bundle", "medium-term bundle" and "short-term bundle" are unclear in that the proposed amendments state that a short-term bundle means a bundle valid for less than seven (7) days from activation. This definition does not expressly include 7-day bundles which means that bundles up to and including 6 days are short term bundles.[35]

3.9.24 A medium-term bundle means a bundle valid between seven to 30 days from activation. In accordance with rules of grammar, "between" is not inclusive of the endpoints in a particular range whereas "from" includes the endpoints in a range. This means that bundles of 8 to 29 days are medium term bundles.[36]

3.9.25 A long-term bundle means a bundle valid for more than thirty days from activation. Similarly, to the definition of short-term bundle, this definition is not expressly inclusive of 30-day bundles which means bundles from 31 days and above are long-term bundles.[37]

3.9.26 SACF Proposes that the Authority revise the definitions as follows:

"Long-term bundle" means a bundle valid for equal to or more than thirty (30) days from activation.[38]

"Short-term bundle" means a bundle valid for equal to or less than seven (7) days from activation.[39]

"Medium-term bundle" means a bundle valid for more than 7 days but less than 30 days from activation.[40]

3.9.27 Telkom makes the following proposals to short term, medium term and long-term bundles:

[35] South African Communications Forum (SACF) Initial Submission 2024 Page 7 Para. b- i
[36] South African Communications Forum (SACF) Initial Submission 2024 Page 7Para. b- ii
[37] South African Communications Forum (SACF) Initial Submission 2024 Page 7 Para b -iii
[38] South African Communications Forum (SACF) Initial Submission 2024 Page 7 Para d - i
[39] South African Communications Forum (SACF) Initial Submission 2024 Page 8 Para. d- ii
[40] South African Communications Forum (SACF) Initial Submission 2024 Page 8 Para. e

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"Short-term bundle be changed to "Short-term bundle means a bundle valid for seven (7) days or less from activation."[41]

"Medium-term bundle be changed to "Medium-term bundle means a bundle valid for more than seven (7) days and up to thirty (30) days from activation." This change is consequential as 7-day bundles should be excluded in the definition of "Short-term bundle".[42]

3.9.28 Telkom notes that the proposed definition of a "Promotional Bundle" refers to "…any bundle offer made available to end-users for a period, …" and then lists examples of what may be included under a Promotional Bundle. In section 4.1.5 of the explanatory memorandum, the Authority states that its intention with the definition of a Promotional Bundle is to distinguish between standard bundles and promotional bundles and to clarify the applicability of bundle roll-over and transfer.

3.9.29 Given that the Authority states that Promotional Bundles are not limited to those listed, and that there is no time limit imposed on Promotional Bundles, Telkom is concerned that the current definition of a Promotional Bundle may obfuscate, rather than clarify, what is meant by a Promotional Bundle. It therefore suggests that a maximum time-period be placed on a Promotional Bundles, irrespective of what is included in the Promotional Bundle and that this time period be limited to 12 months or less.[43]

3.9.30 Telkom suggests definition of "OTT" be inserted in the list of definitions.

3.10 The Authority's decision

3.10.1 **The Authority, based on the comments received during the consultation period, resolved to remove the classification of categories relating to "Short term", "Medium term" and "Long term" bundles including OTT services in these Regulations in order to avoid any unintended confusion. To this effect the Authority has resolved to subject all bundles longer than 7 days to roll-over.**

[41] Telkom Initial Submission 2024 Page 3 Para 9
[42] Telkom Initial Submission 2024 Page 4 Para 9 bullet 4
[43] Telkom Initial Submission 2024 Page 4 Para 9 bullet 5

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3.10.2 **For the purpose of these Regulations "Activation" as it relates to a bundle should be distinguished from the "Service Activation" as referenced in Regulation 9(5), which relates to Quality of Service.**

3.10.3 **The Authority upon engaging with the written submissions decided to remove the definition of both "day" and "hour" in these Regulations to avoid any confusion regarding their application in relation to the Act and these Regulations**

3.10.4 **The Authority wishes to clarify and confirm that promotional bundles, as distinguished from standard purchased bundles, are excluded from any form of roll-over or transfer.**

3.10.5 **The Authority does not wish to prescribe the services offered by the licensee to the customer and wishes to leave the determination of promotional bundle to the licensee as this are free or bonus bundles in nature and therefore the licensees can use such as a form of differentiation of product offerings.**

3.11 Amendment to regulation 8A (1), (2), (3) & (4)

Bundle depletion notification & Out-of-Bundle Charges

Submission received

3.11.1 SACF submits that the proposed amendments in section 8A (2) (3) amount to regulatory overreach.[44]

3.11.2 SACF submits that it is imperative to note that consumer needs are varied. According to SACF, the current amendment is not workable because voice and SMS' service would have to be terminated instantly and not at the end of a session.[45]

3.11.3 SACF further stated that the current Draft Regulations create a significant barrier to accessing essential communications services for those who can least afford it. The stakeholder further stated that citizens are unable to utilize the remaining data before it expires, resulting in wasted resources and limited access to critical information and services.

[44] South African Communications Forum (SACF) Initial Submission 2024 Page 4 Para 14.3
[45] South African Communications Forum (SACF) Initial submission 2024 Page 3 Para. 11

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3.11.4 SACF notes that the obligations contained in the Regulations on licencees only applied to data usage and they are unaware of the basis for including voice calls. They submit that ICASA should retain the current approach of only making the requirements set out in regulation 8A (2) and (3) applicable to data services.[46]

3.11.5 SACF submits that several of the provisions are overly prescriptive and seem to standardize services to a level that will potentially reduce competition and innovation. SACF submits that periods of validity, rollover, expiry of bundles and transfer of bundles are innovations that contribute to competition, which benefit the consumer.[47]

3.11.6 Vodacom requires a substitution of 8A (2) and (3) which indicates that "At all times a Licensee must ensure that end-users are provided with the option to: (a) opt out of usage depletion notifications; (b) buy additional bundles via the USSD platform, push notification, or any other appropriate means; and (c) opt in to or opt out of out-of-bundle usage charges."

3.11.7 In respect of draft regulation 8A(2)(c), Vodacom understands that the intention of the Authority here is to provide end-users with the option to accept or reject OOB usage charges for voice, SMS and OTT services. Vodacom does not object to the regulation but wishes the Authority to confirm that flexibility will be permitted in implementing draft regulation 8A(2)(c), particularly where the draft regulation is silent on what "at all times" means.[48]

3.11.8 In respect of draft regulation 8A (3), Vodacom understands that the Authority seeks to prevent bill shock on the part of the end-user by prohibiting any OOB charges upon depletion of a bundle, until the end-user purchases a new bundle or otherwise opts in.

3.11.9 Vodacom provides that it has several measures in place, such as usage depletion notifications and soft locks, to mitigate against the risk of bill shock. Vodacom provides its customers the means to manage and view

[46] South African Communications Forum (SACF) Initial submission 2024 Page 2 Para.4
[47] South African Communications Forum (SACF) Initial Submission 2024 Page 4 Para 14 -14.1
[48] Vodacom Initial Submission 2024 Page 20 Para 59

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their spend during the month. A customer can set/manage their own limit at a per-bearer (voice, SMS, or data) level.[49]

3.11.10 Vodacom is of the view that the Authority should encourage licensees to implement measures that notify end-users of their usage depletions and use communication methods to limit bill shock without compelling the termination of service. Less drastic and invasive measures which are available, are preferable, such as:

3.11.10.1 Reminders to customers about the Voice Limit Lock functionality and how it works to prevent bill shock.

3.11.10.2 Implement an in-call whisper to notify customers that the bundle is near depletion and on depletion OOB rates will apply.

3.11.10.3 Notify customers through smart notifications and prompt customers to buy a bundle.

3.11.11 Telkom does not envision that the opt-out of usage depletion notifications proposed amendment will benefit consumers in any way. On the contrary, Telkom submits that the proposed amendment will only serve to increase the costs incurred by licensees as they will be forced to adjust their systems at a significant cost to accommodate the proposed amendment. Implementing the proposed amendment will effectively require additional development, which will only serve to increase the costs of communication.

3.11.12 Telkom submits that by opting out of receiving depletion notifications, end-users will have no sight of their usage until it has been depleted.[50]Telkom supports the proposed wording in sub-regulation 8(A)(2)(b) to buy additional bundles via the USSD platform, push notification, or any other appropriate means, since it benefits consumers by expanding their options.

3.11.13 Telkom submits that the opt-in to or opt-out of out-of-bundle usage charges is impractical for voice calls but appropriate for data bundles. Telkom uses a spend limit to manage out-of-bundle/minute usage for voice[51].

[49] Vodacom Initial Submission 2024 Page 21 Para 64
[50] Telkom Initial Submission 2024 Page 5 Para 12, 13 & 14
[51] Telkom Initial Submission 2024 Page 6 Para 18

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3.11.14 Telkom is not opposed to the proposed wording in sub-regulation 8A(3) since it enables end-users to manage their spend.

3.11.15 CAP supports the sequence of bundle depletion on a first-in-first-out basis, in that older bundles should be depleted first before the newly purchased bundles are depleted.

3.11.16 ISPA submit that the proposed amendment is sensible and is supported.

3.11.17 Telkom supports the proposed wording in sub-regulation 8A (4) & (5).

3.12 The Authority's decision

3.12.1 **The Authority is of the view that having the depletion notifications at the required intervals will ensure that consumers are aware of their usage. Furthermore, the Authority is of the view that it remains the responsibility of consumers to ensure that they have sufficient bundles to complete their transactions. Therefore, this measure of depletion notifications, coupled with the responsibility of the consumer, is deemed sufficient to avoid any concern on the termination of services.**

3.12.2 **The Authority is amenable to Vodacom's proposal that the Authority should encourage licensees to implement measures that notify end-users of their usage depletions and use communication methods to limit bill shock, however, should the end-user not respond positively to those less intrusive measures by either purchasing new bundles or opting into out of bundle charges, then the services must be terminated.**

3.12.3 **The Authority has considered the submissions made by licensees, however, in the 2019 regulations such flexibility was provided for under regulation 8B (2) wherein licensees had the discretion upon depletion of services where an end user has not made an election to be charged out of bundle chargers nor purchased new services to either terminate the service or to continue providing the end-user with services in bundle rate.**

3.12.4 **The Authority has noticed various complaints of bill-shock resulting from such flexibility, hence the Authority has decided**

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that where a consumer does not react to the less intrusive measures put in place by licensees and also does not react positively by purchasing new bundles then the services must be terminated to avoid any unintended bill shock. This is further evident and demonstrated under prepaid services wherein if a consumer does not react to notifications of the depletion of their bundle allocations, the service automatically terminates.

3.12.5 **The provision of opting out of receiving depletion notifications currently exists in the 2019 amendment EUSSC Regulations, therefore, the Authority does not see how the retention of such a provision in these Regulations will have any cost implication for the adjustment of the licensee's systems and increase the cost to communicate.**

3.12.6 **The Authority has considered these concerns against its statutory obligation to promote the interests of end users, including affordability and quality of service, in terms of section 2(n) of the ECA. While the Authority acknowledges the potential cost burden, it is of the view that the regulatory intervention is necessary and proportionate, having regard to lessening the burden to consumers who would otherwise not wish to receive such notifications.**

3.12.7 **Furthermore, this provision is imperative as it provides consumers with the freedom to choose whether to receive such notifications or not. Also, the Authority is mindful of the fact that consumers who purchases multiple bundles may be inundated with multiple depletion notification for each bundle purchased at various intervals which can be an annoying, therefore the end-user must be provided with an option to opt out of receiving such should they so wish.**

3.12.8 **The Authority is of the view that the earliest expiry first out rule will ensure longevity of the bundles purchased, as it will ensure that bundles with the earliest validity period are depleted first, as opposed to the depletion of the bundles which were purchased**

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first as outlined in the current EUSSC 2016 regulations as amended.

3.13 Amendment to regulation 8A (5) & (6)

Roll-over of bundles

Submissions received

3.13.1 MTN does not support the proposal relating to roll over and are of the view that it is not sustainable.[52]

3.13.2 MTN proposes that it is appropriate to regulate voice and SMS differently and are of the view that the differentiation does not produce a gap in regulation but rather ensures that each service receives the appropriate level of regulation.[53]

3.13.3 Further, MTN submits that there is no evidence of harm to consumer welfare or market failure to warrant the application of the out-of-bundle opt in, or any of the other data specific provisions, to voice and SMS services. MTN is of the view that this renders the Proposed Amendments unreasonable and irrational regulation. Further, the effects of the proposed sub-regulation are not proportional to the benefit sought.[54]

3.13.4 MTN submits that the Authority has not demonstrated that, currently, and after the last two amendments to the Charter, end-users still experience a high loss of unused services. Therefore, the purpose of the Proposed Amendment in respect of rollover rules has not been established.

3.13.5 MTN further submits that network planning would be impacted by the proposed rollover rules and capacity would need to be increased to cater for expected increases in traffic over time caused by the extended expiry of bundles, and in order to mitigate against under-utilisation of capacity. According to MTN, this further drives up prices for end-users in respect of those services by disincentivising aggressively discounted limited use/time bundles and personalised bundles.[55]

[52] MTN Initial Submission 2024 Page 9 Para 3.5
[53] MTN Initial Submission 2024 Page 13 Para 4.10.1
[54] MTN Initial Submission 2024 Page 13 Para 4.10.2
[55] MTN Initial Submission 2024 Page 21 Para 5.31

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3.13.6 The limited consumer benefit, if any, that would be derived from the implementation of the Proposed Amendments to roll over rules cannot be balanced against the significant adverse impact on consumer welfare and the substantial additional costs, systems development and network impact that would be faced by licensees to give effect to the Proposed Amendments.[56]

3.13.7 MTN submits that the Proposed Amendments in respect of roll-over rules remove several elements of non-price competition, including product differentiation, and leave licensees to compete only on price.[57]

3.13.8 Vodacom submits that if the Authority wishes to introduce roll-over protection in the interests of consumers who are concerned that they may buy more than is required in the chosen period, the service charter may require licensees to describe and provide more transparency on the roll-over options available on their different products. Those customers who want the protection of roll-over may then have that option available and can compare the roll-over options offered by different MNOs.[58]

3.13.9 Vodacom submits that the solution does not however lie in prescribing a blanket measure that imposes rollover on all products and denies consumers a fixed validity period product at a cheaper price.

3.13.10 Vodacom submits that, should the Authority require roll-over to be available, some flexibility should be permitted to provide consumers with a choice to implement roll-over (or not) and in distinguishing products to which roll-over applies or does not apply. Roll-over options can be implemented in different ways, depending on the systems available within the operator to support such activity.

3.13.11 Furthermore, if the Authority requires service charters to address roll-over, the determination of how and when roll-over options are provided should be left to each licensee to consult and determine the best formulation based on the feedback it receives, its experience, technical knowledge, and engagement with its customers.

[56] MTN Initial Submission 2024 Page 22 Para 5.32
[57] MTN Initial Submission 2024 Page 27 Para 5.48
[58] Vodacom Initial Submission 2024 Page 28 Para 83

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3.13.12 Vodacom emphasizes that roll-over should be an area in which operators compete. Differences in roll-over policies across operators are consistent with a competitive market in which roll-over is a parameter of competition.

3.13.13 Vodacom argues that Authority would effectively be removing roll-over as a parameter of competition, reducing the incentives of operators to innovate on roll-over as a means of further differentiating their product offerings from rivals. This is detrimental to consumer choice and welfare.[59]

3.13.14 In Cell C's view, the proposal that medium and long-term bundles must be rolled over automatically and at no additional cost to the consumer will have significant detrimental unintended consequences to Licensees, consumers and competition. Cell C argues that this effectively prescribes the contractual terms for roll-overs, which they believe exceeds ICASA's regulatory powers and interferes with commercial activities of the licensees.[60]

3.13.15 "If Cell C's subscribers use more than the estimated capacity in any given month (which will likely be the case if all medium and long-term bundles are automatically rolled over at no additional cost to the consumer), Cell C will have to pay penalties to its service providers. The cost of penalties for capacity over-usage is significant. Accordingly, in Cell C's view, the proposed amendments will have a particularly detrimental effect on smaller players in the market (such as Cell C), who lease capacity on infrastructure, an effect which is not applicable to bigger players in the market. The detrimental effect on smaller players within the market could potentially impede their ability to effectively compete in the market."

3.13.16 This regulation can be viewed as a force majeure event—an unforeseeable circumstance that should be covered under the force majeure clause in Cell C's contracts with its service providers. As such, Cell C should engage with its service providers to address this issue under the force majeure provisions, thereby mitigating the impact of these regulatory amendments on its operations and ensuring fair competition within the market.

[59] Vodacom Initial Submission 2024 Page 29 Para 85
[60] Cell C Initial Submission 2024 Page 8 Para 31 & 32

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3.13.17 Amandla.mobi strongly supports the rollover of bundles but criticizes the exclusion of short-term bundles (less than seven days). They argue that low-income consumers, who rely heavily on these short-term bundles, are disproportionately affected by their exclusion from rollover provisions.

3.13.18 The organization proposes that short-term bundles should also benefit from rollover to ensure equitable treatment and protect vulnerable consumers from losing unused data due to expiration.[61]

3.13.19 Consumer Advisory Panel fully agrees and supports that the rollovers must occur without any action by the end user and at no cost to the end-user.

3.13.20 Consumer Advisory Panel submits that the principles of bundle roll-overs must be equitably applied to all services (that is voice, SMS and data).

3.13.21 SAFC submits that regulation 8A (6) and (7) amount to undue interference in the commercial activities of licensees.[62]

3.13.22 SAFC explains that Licensees see roll-over provisions in their service offerings as competitive differentiators, and by regulating roll-overs to 50% for medium-term bundles and 25% for long-term bundles, the Authority is removing any possibility that consumers could have had for a more beneficial deal.

3.13.23 This would be the case even if the Authority added the words "at least" in front of the 50% and 25% roll-overs for medium- and long-term bundles, respectively. The setting of minimum requirements leads to a homogenization of products and services and may stifle rather than promote competition and the SACF proposes that the requirement be deleted.[63]

3.13.24 SACF pointed out a confusion caused by the wording in sections 8A(6) and (7). It is not clear whether the roll-over in the second month would amount to the original 50/25% applicable in the first month, or whether

[61] Amandla. Mobi Initial Submission 2024 Page 6 Para 3
[62] South African Communications Forum (SACF) Initial Submission 2024 Page 5 Para 16
[63] South African Communications Forum (SACF) Initial Submission 2024 Page 6 Para 16(i)

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it would apply to 50/25% of the amount already rolled over in the first month.[64]

3.13.25 Rain would like to propose that the current wording in regulation 8B of the End-User Regulations, which requires licensees to provide customers with an option to roll-over or transfer data, be maintained. The operator agrees that licensees should not be allowed to require that end-users purchase new bundles to exercise their right to choose to roll-over unused data.[65]

3.13.26 Telkom is concerned that the Authority has included 7-day bundles in its definition of medium-term bundles and requests that the Authority exclude such from the definition of medium-term bundles for the reasons explained.[66]

3.13.27 Telkom is concerned that the sub-regulation, as it is currently drafted, does not refer specifically to data purchased by the end-user. Telkom therefore submits that the sub-regulation be amended as follows "A Licensee must, in the case of medium-term bundles, at the end of the validity period, roll-over 50% of any unused bundle purchased from the licensee by the end-user for an equivalent validity period" (emphasis added)[67].

3.13.28 Telkom submits that implementing the rolling-over twice and the percentage roll-over capabilities will require additional system development at additional cost to the licensees. This will result in Telkom having to increase the prices of the affected products to the disadvantage of end-users. The implementation will also add additional complexity and confusion for end-users.[68] Telkom does not support the proposed amendment and submits that the current regulation is well understood and appreciated by end-users. Telkom submits that unused bundle usage be rolled over only once (as per the current regulation pertaining to roll-over).

[64] South African Communications Forum (SACF) Initial Submission 2024 Page 6 Para 16(iii)
[65] Rain Initial Submission 2024 Page 3 Para 2.7
[66] Telkom Initial Submission 2024 Page 7 Para 27,28&29
[67] Telkom Initial Submission 2024 Page 8 Para 30
[68] Telkom Initial Submission 2024 Page8 Para 31,32&33

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3.13.29 In addition to commenting on the draft EUSSC Regulations, Telkom would like to draw to the Authority's attention to a possible misalignment between the draft EUSSC Regulations and the proposals contained in the draft Numbering Plan Fourth Amendment Regulations,2023 (GG 49329 notice 2039, published on 21 September 2023) ("Draft Numbering Plan Regulations").

3.13.30 Telkom requests that the Authority ensure alignment between the two sets of regulations. For example, sub-regulation 6A(3) in the draft Numbering Plan Regulations reads as follows: "Upon thirty (30) consecutive calendar days in which an end-user has not initiated a revenue generating activity, a licensee must notify the end-user of the intended withdrawal. The end-user must be afforded a grace period of thirty (30) consecutive calendar days to object to the withdrawal notice by means of a revenue generating activity."

3.13.31 ACT is concerned that sub-regulations 8A (6) and (7) is nullifying any potential for competition and innovative and differentiated products that licensees might have offered to consumers and by imposing this requirement, the Authority is effectively putting a limit on what consumers could possibly receive.

3.14 <u>The Authority's Decision</u>

3.14.1 **The Authority is of the view that there is a regulatory gap in that although consumers are not automatically defaulted into out-of-bundle charges as required by the 2018 regulations, they are still continuously billed at an in bundle rate as opposed to having their services terminated, and despite them not having made any election or consented to such charges.**

3.14.2 **Therefore, the immediate termination of services ensures that the usage and control are fully vested in the hands of the end-user to ensure that they can account for what they have used and what they are paying for**.

The Authority acknowledges the concerns raised by licensees regarding network planning and capacity constraints. However, the Authority is of the view that such considerations do not affect the validity of the proposed bundles. Modern electronic

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communications networks are expected to be dimensioned with sufficient flexibility, redundancy, and excess capacity to accommodate varying levels of consumer demand.

3.14.3 **The Authority is not prohibiting product differentiation by placing parameters. The Authority is of the view that the roll-over rules have always been in place, and the only addition to these amendments is to ensure uniformity of certain bundle plans to ensure longevity and prevent loss of data through expiry.**

3.14.4 **The Authority is not impeding competition or precluding operators from competing, hence the Authority left the smaller denomination of bundles unaffected by these amendments in order to ensure a balance of both consumers and licensee's interests. Furthermore, the exclusion of smaller denomination bundles is as a result of such bundles being the main or dominant bundles purchased by end users hence the authority has left them unaffected by the amendments.**

3.14.5 **Secondly, the Authority has applied a light-touch regulatory approach to ensure that licensees are still able to compete on such bundles within the prescribed parameters. The Authority has just set a baseline or minimum standard of how roll-over must take place, and licensees can dictate from there how they improve or innovate from such a baseline.**

3.14.6 **The Authority has decided to exclude smaller denominations of bundles from the rollover requirement based on feedback from licensees indicating that most South Africans purchase these types of bundles. Including them could lead to unintended consequences, such as making these low-cost bundles economically unviable for operators. This, in turn, may result in a loss of product differentiation and reduced competition in the small-bundle segment of the market Committee can adopt if accepted.**

3.14.7 **Furthermore, such bundles are mainly bought for a specific purpose like hourly bundle, whereby one purchases such for a**

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specific short-term usage therefore differentiation needs to be allowed in such a bundle range.

3.14.8 **The Authority has further decided to remove the percentage roll-over requirement and make provision for an automatic roll-over of all bundles above 7 days at the end of the validity period of such bundle subject to the conditions set in regulation 8A (6).**

3.14.9 **To clarify what is meant by "the same terms and conditions applicable to the original bundle" if an end-user purchases any bundle over 7 days, the licensee is required to roll-over the remainder of the unused bundle to an equivalent period placed on the original purchased bundle.**

3.14.10 **The process of roll-over is already implemented by all licensees although differently, therefore the Authority does not see how implementing roll-over to an additional roll over equivalent to the validity period of the bundle purchased would require any system development as currently service providers are able to roll-over bundle more than the prescribed period at a cost to consumers.**

3.14.11 **Furthermore, there is no confusion to the customer that will be created as per regulation 8(A)(5) no action would be required from end-users to implement such roll-over.**

3.14.12 **On the issue of potential misalignment between draft EUSSC Regulations and the proposals contained in the draft Numbering Plan Fourth Amendment Regulations,2023 (GG 49329 notice 2039, published on 21 September 2023) ("Draft Numbering Plan Regulations"), The Authority has aligned the roll-over provisions in this Regulations to the Numbering Plan Regulations.**

3.15 <u>Amendment to regulation 8A (7) & (8)</u>

Transfer of bundles

<u>Submissions received</u>

3.15.1 MTN submits that the transfer rules remove the ability of licensees to exercise their expertise and experience in a flexible way to respond to

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changes in consumer requirements and market dynamics in general by prescribing the specific way data transfer must occur.[69]

3.15.2 Sub-regulations 8A (9) and (10) amount to undue interference in the contractual terms governing the provisions of services to end-users by licensees.

3.15.3 MTN submits that to give effect to unlimited data transfer, a fundamental change to the existing information systems of licensees is required and this would also require extensive development and costs.[70]

3.15.4 Further, MTN submits that from a network perspective, the effective planning and management of networks is imperative to ensuring efficiencies in the cost of provisioning services.[71]

3.15.5 MTN submits that the value-added service rules which limit the number of persons to whom transfer can be made, as well as further data transfer protects MTN's network and consumer welfare against abuse and fraudulent activities.[72]

3.15.6 Unlimited data transfer would render the continued provision of heavily discounted personalised and otherwise differentiated products a large commercial risk.[73]

3.15.7 The extension of the transfer rule to voice and SMS is not appropriate, MTN submits that there is in fact no substantial harm or market failure which exists that necessitates the imposition of regulation which would have significant unintended and adverse effects.[74]

3.15.8 Vodacom submits and requires for the substitution 8A (9) and (10) relating to bundle transfer. Vodacom further submits that these provisions are not in the interests of end-users either as they increase the risk of arbitrage significantly and severely restrict a licensee's ability to provide different services. This exposes many end-users to a potential increase in the price of services.

[69] MTN Initial Submission 2024 Page 29 Para 6.4
[70] MTN Initial Submission 2024 Page 31 Para 6.10
[71] MTN Initial Submission 2024 Page 31Para 6.11
[72] MTN Initial Submission 2024 Page 34 Para 6.25
[73] MTN Initial Submission 2024 Page 35 Para 6.28
[74]MTN Initial Submission 2024 Page 35 Para 6.29

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3.15.9 Vodacom submits that should the Authority require transfers to be available, this cannot be compulsory, and flexibility in implementing it and in distinguishing products to which it applies or does not apply should be left to the licensees. The Authority can only prescribe that transparency of the terms and conditions is required if a transfer is provided.[75]

3.15.10 Vodacom argues that Licensees must be allowed to place legitimate limitations on data transfers so that the effect of transfer options can be properly managed. To do otherwise would significantly undermine the licensee's ability to price differentiate and hence deprive consumers of the benefits of such price differentiation, i.e. consumers would no longer benefit from services which are tailored to their specific needs.

3.15.11 If data from a large bundle which has been specifically designed for and sold to a "heavy" user can be transferred to a mobile customer who only demands a small amount of data and the number of such transfers is unrestricted, it would result in arbitrage and would undermine Vodacom's ability to offer large data packages at a low unit cost.

3.15.12 The proposed regulations would strip Vodacom (and other operators) of the ability to properly manage transfer options to prevent arbitrage between tariff offers. Consequently, many of the existing services on the market (FWA, MBB, URL-specific bundles, personalized bundles, etc.) would be negatively impacted, as any differentiation in price between these services could lead to arbitrage.[76]

3.15.13 Vodacom argues that further issues on the network could arise compromising experience for other customers. For example, if a customer who purchases a regional/geographic Just 4 Your Town bundle at a discounted price because of spare capacity in that specific area is allowed to transfer that bundle to a customer outside that area, it would firstly defeat the purpose of the promotion and, if done in volume, would impact the experience of customers in the area where the bundle has been transferred to as that area would have reduced capacity.

[75] Vodacom Initial Submission 2024 Page 32 Para 92
[76] Vodacom Initial Submission 2024 Page 36 Para 103

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3.15.14 Finally, Vodacom urges the Authority to consider the full ramifications of arbitrage on the end-user, particularly the low-income users. Faced with arbitrage, mobile operators will have little choice but to drastically reduce the range of tariffs they offer, with all of an operator's products converging to substantially more uniform rates (unit prices per GB, per minute and per SMS).[77]

3.15.15 Cell C argues this is another instance of ICASA overstepping its authority by dictating contractual terms between licensees and end-users.

3.15.16 Cell C submits that the proposed amendments are likely to lead to competitive arbitrage. In circumstances where end-users are entitled to transfer bundles (an unlimited number of times) across different services, to other end-users on the same network, and potentially charge a higher or lower price than the price charged by the Licensees, a secondary market will be created.

3.15.17 Such secondary market will be unregulated and immune to the Authority's and the Licensees' control and oversight. The ability on the part of Licensees to develop and implement terms and conditions in relation to the transfer of bundles is (and has been) essential to mitigate against potential abuse and fraud associated therewith.[78]

3.15.18 Cell C submission supports the regulation allowing consumers to transfer bundles or portions thereof, viewing it as a positive step towards consumer empowerment and flexibility. They see this as particularly beneficial for low-income consumers, who may need to share data resources within their communities.

3.15.19 Consumer Advisory Panel submits that the transfer of bundles must not be limited to specific service types including uncapped, free, or promotional bundles both on the on net and off net scenarios.[79]

3.15.20 ISPA submits that a time-based service – e.g. where internet access is made available for a fixed period without usage restrictions –is effectively

[77] Vodacom Initial Submission 2024 Page 38 Para 110
[78] Cell C Initial Submission 2024 Page 11 Para 45, 46, 47 & 48
[79] CAP Initial Submission 2024 Page 4 Para 4.1.2 "H"

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a time-limited uncapped service and will not be subject to the rules regarding data transfers.[80]

3.15.21 Regarding section 8A (9) and (10) SACF submitted that allowing transfers of bundles in the way proposed would create a dilution of bundles and pricing and an unregulated secondary market.

3.15.22 Furthermore, Licensees already provide for the transfer of certain bundles, but these are subject to reasonable terms and conditions that regulates abuse. Regulating transfers as proposed may not only have but could ultimately result in no differentiating rates being offered at all.[81]

3.15.23 The ability to transfer bundles should be done on commercial terms, and that the proposals set out in regulations 8A (6), (7), (9) and (10) could only ever be implemented after a Chapter 10 process.[82]

3.15.24 Rain also suggests that the end users be provided with an option to roll-over and transfer unused SMS, voice and data bundles regardless of the validity period of the bundles, rather than prescribe a roll-over percentage.[83]

3.15.25 Telkom provides its end-users with several options to transfer data amongst each other. However, transferring of data to other electronic communications services, like voice and SMS is not supported due to the complexity associated with implementation and value conversion. This will only result in increasing the cost of providing electronic communications services with no real benefit to end-users.

3.15.26 Telkom does not support the extension of transfer to any other service types besides data.[84]

3.15.27 Furthermore, Telkom is of the view that the requirement that licensees allow unlimited transfers undermines the provisions of the Electronic Communications Act and other relevant legislation, such as the Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002, as it will enable non-

[80] ISPA Initial Submission 2024 Page 4 Para 16
[81] South African Communications Forum (SACF) submission document 2024 page 6 Para 16 “vi” & “vii”
[82] South African Communications Forum (SACF) submission document 2024par 16(v)-(ix)
[83] Rain Initial Submission 2024 Page 5 Clause 3.2
[84] Telkom Initial Submission 2024 Page 9 Para38&39

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licensees to sell and transfer data unchecked. In addition, it poses a huge risk to mobile operators in terms of non-licensees being able to buy in bulk and engage in arbitrage, which undermines the business models of licensees.[85]

3.15.28 ACT submit that the stipulations outlined in sub-regulations 8A (9) and (10) will ultimately have a detrimental impact on consumers. They indicate that by obliging licensees to transfer bundles or portions thereof and to allow for unlimited transfer of bundles, the Authority is increasing costs for licensees and removing any incentive for licensees to create differentiated products, tariffs and promotions with the result that ultimately all bundles will be offered at the same rate, with consumers losing out. Furthermore, ACT underscore the fact that by imposing unlimited transfer, ICASA is attempting to regulate pricing despite lacking the powers to do so.

3.16 The Authority's Decision

3.16.1 **These regulations do not seek to fix prices, impose tariff ceilings, or control competition directly, as would require a Chapter 10 process. Rather, the Authority has taken care to exclude smaller denomination bundles, promotional, uncapped, and personalised bundles from the mandatory transfer regime to preserve licensees' ability to differentiate their offerings and to ensure compliance with the principles of proportionality and non-intrusion into commercial discretion.**

In terms of section 69(5)(f), the Authority has developed minimum standards for the protection of end-users, including the promotion of their interests with regard to quality and the variety of electronic communications services as prescribed in the objects of the ECA (section 2 (n)).

To address the concern by licensees, the Authority has considered the limitation on transfer and has put a provision that the bundles transferred are subjected to the same terms and conditions as per the original bundles.

[85] Telkom Initial Submission 2024 Pag10 Para 41

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3.16.2 **The Authority needs to consider the rights of the consumer to share their bundles which are about to expire without any impediment. The Authority cannot allow consumers to lose their data as a result of the current expiry rules in play which limits roll-over and further place additional restrictions on the capabilities of consumers to share their purchased data through transfer to ensure full usage and enjoyment.**

The Authority has clarified in the draft regulations which bundles are prohibited from being transferred to address the licensee's concerns regarding the commercial risk and arbitrage outlined. For e.g. one cannot transfer promotional/bonus bundles and can only transfer standard purchased bundles and such is balanced with the need for consumers who would want to make multiple transfer on a non-commercial non resale purpose to be able to have the latitude of transferring their bundles.

3.16.3 **The Authority wishes to clarify that transfer is only limited to like for like products in relation to bundle transfer and that no cross transfer for example from voice to data bundles.**

3.16.4 **The Authority after consideration of the submissions by licensees regarding the possible extensive system development by licensees is of the view that licensees have in place systems which are dynamic in nature and expandable of which will not require procurement of new systems and will require minor changes to accommodate and give effect to the changes required.**

3.17 <u>Amendment to regulation 8A (9)</u>

<u>Submissions received</u>

3.17.1 Vodacom notes that where a disturbance or incident has occurred, Vodacom will not always be aware of what has transpired. The customer must therefore log the issue with Vodacom and Vodacom will investigate, validate, and then re-allocate a new bundle.

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3.17.2 However, certain occurrences do not attract responsibility on the part of Vodacom. As per the definition of "fault" in the regulations, incidents that fall outside of Vodacom's control such as outages, criminality and vandalism cannot be directly attributed to the licensee and require no action by the respective licensee.[86]

3.17.3 CAP agrees and supports the extension of bundles when the fault of the inability to use bundles is not on the part of the end user, but that of the licensee.[87]

3.17.4 CAP appreciates and supports the Authority's retention of the provision for compensation to end-users who are unable to utilize bundle services due to the fault of the license.[88]

3.18 <u>The Authority's Decision</u>

3.18.1 **The Authority concurs that disturbances need to be reported to the Licensees to enable them to attend to such faults.**

3.18.2 **The Authority confirms that those issues where fault cannot be directly attributed to the Licensee, the Licensee will not be expected to provide rebate in the form of a validity period extension.**

SUBMISSIONS RECEIVED PERSUANT FOLLOW-UP QUESTIONS POST THE PUBLIC HEARINGS ON END-USER AND SUBSCRIBER SERVICE CHARTER REGULATIONS

3.19 <u>Question by the Authority</u>

3.19.1 It was noted that the Authority seeks to set a floor of minimum standards governing roll-over of unused bundle balances, and that licensees disagree with the proposals set out in the draft regulations. Can you propose how the Authority might better regulate the rollover provisions so as to set a minimum standard that provides reasonable certainty to consumers who continue to complain about the loss of unused balances

[86] Vodacom Initial Submission 2024 Page 41 Para 120
[87] CAP Initial Submission 2024 Page 5 Para 4.1.2 "G"
[88] CAP Initial Submission 2024 Page 4 Para 4.1.2 "K"

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within the various bundle types and categories? In other words, how can the Authority provide for a minimum standard in respect of bundle rollover without being unnecessarily prescriptive?

Submissions received

13.9.1.1 Vodacom proposes that the service charter may require licensees to describe and provide more transparency on the validity/expiry period of bundles and the roll-over options available on their different products. Those customers who want the protection of roll-over may then have that option available and can compare the roll-over options offered by different licensees, bearing in mind that roll-over options can be implemented in different ways, depending on the systems available within the licensee to support such activity. The solution does not, however, lie in prescribing a blanket measure that imposes roll-over obligations on all products and denies consumers a fixed validity period product at a cheaper price.[89]

13.9.1.2 Vodacom refers to section 69(3) of the ECA, that it does not empower the Authority to regulate the attributes of products and services offered by a licensee in the market. Rather that, the Authority should not publish regulations that prescribes or directly and indirectly influence how products are priced doing so will be ultra vires[90].

13.9.1.3 Vodacom submits that the Regulations should not contain "data expiry rules" such as those proposed for roll-over, as there is no express provision in section 69(5) that gives the Authority the power to compel licensees to roll-over unused bundles[91].

13.9.1.4 Vodacom notes that section 69(5) provides that a service charter may address matters which "include but are not limited to" those listed in section 69(5)(a)-(e). But section 69(5), and more specifically subsection (f), does not provide the Authority with an unfettered discretion to make regulations regarding any matter

[89] Vodacom Supplementary Submission 2024 Page 1 Para 4.
[90] Vodacom Supplementary Submission 2024 Page 1 Para 1.
[91] Vodacom Supplementary Submission 2024 Page 1 Para 1,

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which it may want to regulate. Section 69(5)(f) must be read holistically and not in isolation. The matters set out in section 69(5)(a) – (e) makes up a distinct category or type of matters i.e. they relate to how Vodacom relates to and engages the end-user in conducting its business[92].

13.9.1.5 Vodacom submits that concerns raised could have been addressed by consumer campaigns and education, not through draft regulations. Regulatory intervention must be less invasive than the one proposed by the Authority[93].

13.9.1.6 Vodacom maintains, as per its submissions of April 2024 and as explained above, that on a proper interpretation of section 69, the Authority cannot prescribe how roll-over options should be implemented.

13.9.1.7 Cell C recommends that licensees are provided with commercial latitude and space to impose reasonable prices, terms and conditions applicable to the rollover or unused bundles. Cell C submits that any rollover of unused bundles should take place at the election of the consumer (not automatically) and subject to reasonable and transparent prices, terms and conditions determined by the licensee. In this manner the consumer will be able to make an election best suited to them[94]

13.9.1.8 Cell C further indicates that where such terms and conditions, prices imposed by the licensee on the rollover of unused bundles are unfair, unreasonable or excessive there are other alternative avenues which can be pursued such as filing a complaint with the Competition Commission of South Africa[95].

13.9.1.9 MTN proposals that an example of a minimum standards would be a requirement that operators offer mechanisms to end-users which empower them to mitigate against the loss of unused data. This enables operators to produce innovative solutions and allows

[92] Vodacom Supplementary Submission 2024 Page 1 Para 2.
[93] Vodacom Supplementary Submission 2024 Page 1 Para 3.
[94] Cell C Supplementary Submission 2024 Page 3 Para 11.2.
[95] Cell C Supplementary Submission 2024 Page 3 Para 11.3.

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end-users to exercise their discretion as to which mechanism, if any, they prefer to use.[96]

13.9.1.10 Further, MTN submits that the current wording of the regulations is sufficiently generic and adequately allows for bundle roll over without limiting the ability of operators to determine for themselves the best way to comply with the regulations.[97]

13.9.1.11 To address the rollover of unused data bundles, ICASA can establish minimum standards that protect consumers without being overly restrictive. "Minimum standards" under section 69 of the ECA provide the lowest criteria licensees must meet to ensure fair service delivery without dictating exact service structures. Setting such standards allows operators to develop flexible solutions that empower consumers to manage unused data, fostering service innovation and choice.

13.9.1.12 MTN argues that ICASA's draft regulations are already flexible enough to support competition among operators, who can offer different rollover options. Mandating uniform rollover rules would harm competition, reducing consumer choice and potentially driving prices up as operators absorb associated costs. Automatic, free rollover for all unused data is challenging due to the inherent costs, and enforcing such a standard could lead to price increases.

13.9.1.13 MTN indicated that ICASA should define a basic framework for rollover options that addresses consumer concerns without enforcing uniformity, preserving operators' ability to innovate and compete.

13.9.1.14 Telkom does not agree that a minimum roll-over requirement for unused bundles should be set by the Authority.[98]

13.9.1.15 Telkom further opposes setting minimum standards for the roll-over of unused data bundles, arguing that it would amount to prescribing contractual terms for licensees and hinder competition. According to Telkom, such regulation would prevent

[96] MTN Supplementary Submission 2024 Page 5 Para 2.1.4.
[97] MTN Supplementary Submission 2024 Page 5 Para 2.1.8.
[98] Telkom Supplementary Submission 2024 Page 1 Para 3

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differentiation in validity periods and pricing strategies, reducing consumer choice and innovation. Telkom believes this would undermine competition, stifle innovation, and contradict objectives of the Electronic Communications Act, such as promoting competition and ensuring diverse service offerings.

13.9.1.16 Telkom highlights its own approach of automatic two-month roll-over for monthly data bundles (excluding promotions) as evidence that licensees are already addressing consumer needs and evolving their offerings. Therefore, Telkom contends that regulatory intervention is unnecessary and would negatively impact market flexibility and consumer benefits.

13.9.1.17 ACT proposes that the Authority must make use of Social and Economic Impact Assessments ("SEIAs") to determine what the introduction of additional regulations aims to address and whether they are proportional to the identified market or social failure before enacting such regulations.

13.9.1.18 ACT accordingly submit that there are no minimum standards that should be imposed in respect of bundle roll-over. The most practical and least intrusive intervention to support consumers would be a general requirement to notify consumers prior to the expiry of the bundles.[99]

3.20 The Authority's Decision

3.20.1 **Section 69(5)(f) of the ECA prescribes matters which an end-user and subscriber service charter may address includes but not limited to any other matter of concern to end-users and subscribers which can include how roll-over rules are implemented, and which aligns with the intent and structure of s69—i.e., enhancing consumer empowerment, fairness, and service usability.**

3.20.2 **After considering the submissions made by the Licensees, the Authority's view that bundles that are 7 days or less should be excluded from roll-over provision because those bundles are mostly purchased by low-income users. The unused bundles above 7 days**

[99] ACT Supplementary Submission 2024 Page 2 Para 4.

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should at least be rolled over once to the same terms and conditions applicable to the original bundle. The roll over of the bundles which are 7 days and less are left to the discretion of the Licensees.

3.20.3 **The Authority is of the view that consumer education as raised by licensees including transparency mechanisms that empower end-users to mitigate against the loss of unused bundles is welcomed by the Authority, however such alone is not sufficient to provide the required protection to end-users and a more stringent approach in the form of Regulatory intervention is required.**

3.20.4 **Furthermore, the roll-over provisions prescribed in these Regulations do not prohibit Licensees from providing additional roll-over as they deem appropriate to compete. Therefore, the provisions prescribed by the Authority do not in prevent the licensees from competing.**

3.21 Question by the Authority

3.21.1 It was noted that the Authority seeks to set clear minimum guidelines allowing consumers to transfer an acceptable proportion of a bundle from one SIM card to another, and that licensees disagree with the proposals set out in the draft regulations (for varying reasons including concerns over possible arbitrage and secondary markets). Please propose how the Authority might better regulate these provisions so as to set a minimum standard that will enable users to enjoy an acceptable level of bundle transfer. In other words, how can the Authority provide for a minimum standard in respect of bundle transfer without being unreasonably prescriptive?

Submissions received

3.21.1.1 Vodacom proposes that the Authority can only require and prescribe that the terms and conditions be transparent to the extent that transfer options are provided.[100]

3.21.1.2 Vodacom provides that the Draft Regulations seek to prescribe the attributes of the products to be offered, which powers are not

[100] Vodacom Supplementary Submission 2024 Page 3 Para 8.

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conferred on the Authority in terms of section 69(3). There is no express provision in section 69(5) that gives the Authority the power to compel licensees to transfer the unused portions of bundles[101].

3.21.1.3 Vodacom further indicates that should the Authority require a transfer option to be available, this option cannot be compulsory (for the same reasons discussed above in relation to roll-over) and flexibility in implementing transfer options, as well as in determining the products to which the transfer option apply or do not apply, should be left to the licensees. It is Vodacom's submission that the Authority can only require and prescribe that the terms and conditions be transparent to the extent that transfer options are provided[102].

3.21.1.4 Should the Authority require transfer options to be available, Vodacom makes the following proposals without prejudice to its rights, which remain reserved, and without conceding that the proposals can be lawfully imposed by the Authority.[103]

"8A (9) —A Licensee must provide an end-user with the option to transfer a portion of an unused data bundle covering a reasonable range of its product offers to an end-user utilising the services of the same Licensee, for their personal use. The transfer is subject to the same terms and conditions and must occur on the same payment basis. Short term bundles, FWA services, pre-paid LTE, MBB, promotional and free offers, geographically limited and personalised offers are excluded from transfer.

8A (10) —A bundle that has been transferred need not be transferred again or rolled over."

3.21.1.5 This proposal allows end-users to select (new) offers which allow transfer from a reasonable range of product offers (with the exclusions indicated below).

[101] Vodacom Supplementary Submission 2024 Page 3 Para 7.
[102] Vodacom Supplementary Submission 2024 Page 3 Par 8.
[103] Vodacom Supplementary Submission 2024 Page 3 Par 9.

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3.21.1.6 Telkom argues that by seeking to set industry bundle transfer rules as a minimum service requirement, the Authority will make it more difficult for Telkom to distinguish itself and to compete effectively as a small operator. This will ultimately stifle competition within the market.[104]

3.21.1.7 Telkom opposes the Authority's proposal to prescribe minimum requirements for unlimited and unrestricted bundle transfers, arguing that such regulation would be overly prescriptive and could lead to the creation of an unregulated secondary reseller market, potentially resulting in consumer abuse and end-user dissatisfaction. Telkom highlights that unrestricted transferability could lead to risks such as fraud or misrepresentation by non-licensees, ultimately damaging its brand and increasing complaints.

3.21.1.8 Telkom asserts that its existing service offerings already provide sufficient flexibility for end-users to share and transfer data within its network, with daily and monthly limits in place to mitigate risks. It notes that these limits have been well-received by users and help differentiate its offerings in a competitive market. Telkom believes that industry-wide minimum transfer rules would hinder its ability to innovate, compete as a smaller operator, and balance consumer needs with network integrity and security concerns.

3.21.1.9 MTN submits that the current wording of the regulations is sufficiently generic and adequately allows for bundle transfer without limiting the ability of operators to determine for themselves the best way to comply with the regulations and implement measures which protect their networks and customers from abuse.[105]

3.21.1.10 To set a minimum standard for bundle transfer, ICASA should allow flexibility for operators to protect their networks and consumers from abuse while supporting consumers' right to

[104] Telkom Supplementary Submission 2024 Page 3 Para 4.
[105] MTN Supplementary Submission 2024 Page 9 Para 2.2.2.

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transfer a reasonable amount of data. Currently, operators face risks like arbitrage, where individuals misuse transfer options to resell data, creating an unregulated secondary market. MTN reports instances of misuse, including excessive data sharing between a single SIM and hundreds of others, which led MTN to set up monitoring systems and limit transfers to typical end-user behaviour.

3.21.1.11 To mitigate abuse, MTN has restricted data transfer on certain promotional or discounted bundles and tracks unusual transfer patterns. Unlimited transfer options without limitations risk increasing prices as operators absorb the cost and adjust to prevent arbitrage.

3.21.1.12 MTN submits that ICASA can establish a framework that ensures consumers can transfer data responsibly without compromising operators' ability to manage risks and prevent the development of unregulated resale markets, ultimately safeguarding consumer welfare.

3.21.1.13 In Cell C's view, the Authority could consider withdrawing the current proposed amendments on bundle transfers.

3.21.1.14 Act is of the view that the only way that bundle transfers should ever happen, should be at the initiative of a licensee.[106]

3.22 The Authority's decision.

3.22.1 **The Authority had previously after consideration of the submissions by licensee left the decision to both roll-over and transfer in the hands of the licensees through their terms and conditions including business rules, which has led to the various in which licensees have been implementing such provisions.**

3.22.2 **To address this, the Authority as empowered by section 69(5)(f) of the ECA has now established uniform requirements in the Regulations to ensure that all end-users have access to a consistent**

[106] ACT Supplementary Submission 2024 Page Page 3.

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baseline of protections and service entitlements, regardless of the licensee they use this includes the issue of transfer.

3.22.3 **The transfer provisions as stipulated does not in any way seek to interfere with licensee's contractual agreements with their end-users nor seek to regulate pricing or tariffs on products offered by licensees. However, set uniform requirements are put in place just to ensure proportionality and reasonableness to the harm identified as a result of loss of bundles.**

3.22.4 **Furthermore, it is the responsibility of the licensees to provide the necessary consumer education to avoid such unintended consequences in relation to transfer as opposed to restricting genuine consumer transfer of bundles.**

3.23 Question from the Authority

3.23.1 It was proposed that regulation 5(1) be aligned with the reduced tariff notification period in the Standard Terms and Conditions Regulations from seven (7) days to five (5) days. Please indicate whether you agree or disagree with the proposed amendment.

Submissions received

3.23.1.1 Vodacom, [107] Cell C, [108] Telkom,[109] MTN,[110] Act[111] and Amandla.Mobi[112] agree with the proposed amendment.

3.23.1.2 Further, Cell C recommends that the Authority consider filing of all tariffs at least one (1) business day prior to the provision of the said tariffs as opposed to seven (7) business days.[113]

[107] Vodacom Supplementary Submission 2024 Page 4 Para 12.
[108] Cell C Supplementary Submission 2024 Page 5 Para 13.1.
[109] Telkom Supplementary Submission 2024 Page 3.
[110] MTN Supplementary Submission 2024 Page 11 Para 2.3.1.
[111] Act Supplementary Submission 2024 Page Page 3.
[112] Amandla.mobi Supplementary Submission 2024 Page Page 1.
[113] Cell C Supplementary Submission 2024 Page 5 Para 13.2

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The Authority 's decision

The Authority after consideration of the submission received agrees to align the reduced tariff notification period as per the Standard Terms and Conditions Regulations from seven (7) days to five (5) days as per regulation 5(1) as amended.

3.24 Question from the Authority

3.24.1 It was mentioned that implementing the Draft Amendment Regulations would be costly. If the Draft Amendment Regulations were to be promulgated as is, how long would it take licensees to implement the provisions? Please provide realistic timelines and cost estimates required to implement the provisions of the Draft Amendment Regulations.

The Authority's decision

The Authority after consideration of the submissions received has resolved to grant a transitional period of 12 months from the date of publication in the gazette to effect such changes in order to enable and allow the market to speedily benefit from such changes and further to that, the Authority is of the view that any longer period would render the changes redundant and loose effect.

3.25 Question by the Authority

3.25.1 Concerns were raised during the public hearings regarding the need to protect consumers by ensuring longevity of their bundle purchases. How can the Authority address these concerns through regulations?

Submissions received

3.25.1.1 Vodacom is of the view that the notion of "longevity of bundles" is irreconcilable with the Authority's own definition of a bundle as set out in the Draft Regulations, i.e., "Bundle" means a set amount of data, voice minutes, SMSs, OTT services, or a

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combination thereof, valid for a specific period of time, sold for a single price for the set of services included in the bundle;".[114]

3.25.1.2 Vodacom also offers service units with no expiry, i.e., OOB. Customers can choose the bundle validity period that match their specific needs best, alternatively they can opt for OOB purchases as and when required[115].

3.25.1.3 Cell C recommends that the Authority and industry participants conduct frequent and robust public awareness campaigns through various mediums to address the longevity of bundles.[116]

3.25.1.4 It is Telkom's submission that the longevity of bundles does not need to be addressed by the Authority through regulations.[117]

3.25.1.5 Telkom argues that the longevity of data bundles should be left to the commercial discretion of each licensee rather than being regulated by the Authority. They note that Telkom already offers bundles with or without a roll-over option, with price differences based on validity. Prescribing longevity periods would restrict licensee differentiation, stifle competition, reduce consumer choice, and potentially hinder innovation.

3.25.1.6 Telkom emphasizes that shorter validity bundles are more cost-effective due to accurate forecasting of demand, benefiting consumers through lower prices. Extending validity periods would impair forecasting and potentially raise costs or reduce service quality, ultimately harming consumers.

3.25.1.7 MTN suggests that what might be more useful is greater transparency which promotes consumer awareness around the mechanisms which are at their disposal.[118]

3.25.1.8 MTN suggests that consumer concerns about bundle expiration could be addressed by enhancing transparency and consumer awareness rather than through additional regulation. MTN notes

[114] Vodacom Supplementary Submission 2024 Page 10 Para 46.
[115] Vodacom Supplementary Submission 2024 Page 10 Para 47.
[116] Cell C Supplementary Submission 2024 Page 6 Paragraph 15.1.
[117] Telkom Supplementary Submission 2024 Page 4 Para 7.
[118] MTN Supplementary Submission 2024 Page 14 Para 2.5.3.

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that operators already provide various mechanisms for managing bundle usage, which differ across providers and promote competition. These existing tools allow consumers to manage their data efficiently while supporting sustainable business practices.

3.25.1.9 MTN however, highlights the absence of a regulatory impact assessment, which could clarify consumer engagement levels and awareness of these tools. MTN proposes that instead of imposing new requirements, the Authority could focus on increasing transparency to better inform consumers about available options for managing their bundles.

3.25.1.10 ACT proposes that the Authority should conduct the SEIA process before enacting any regulations. It is the ACTs considered view that there is no intervention that the Authority would be able to responsibly impose to ensure the longevity of bundle purchases without increasing the costs to communicate, which would have a detrimental impact on the industry and consumers.[119]

3.25.1.11 Amandla.Mobi submits that Low-income consumers are not getting the benefit of using their bundles to the fullest. It could not be clearer that consumers are furious that mobile networks have bypassed or used loopholes so as not to follow the regulations. Mobile networks claim ICASA is going too far, but consumers believe ICASA is not going far enough. Consumers have been waiting over 5 years for mobile networks to be forced to follow the spirit of the regulations.[120]

3.26 Question by the Authority

3.26.1 The current applicable regulations make provisions for licensees to provide an option to consumers for both roll-over and transfer. Kindly advise how the Authority should respond to differential implementation of this provision in a way that circumvents the spirit of the regulation? For example, in some cases conditional selling is attached to roll-over in that customers are required to purchase another of equivalent value in order to roll-over unexpired data; in

[119] ACT Supplementary Submission 2024 Page 4.
[120] Amandla.mobi Supplementary Submission 2024 Page 2.

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other cases, they are required to purchase what are called data extenders - in both cases increasing the cost burden on customers.

Submissions received

3.26.1.1 Telkom emphasizes that it has not imposed additional rules or product purchase requirements for data transfer or roll-over, beyond setting daily and monthly thresholds. It requests that the Authority do not base industry standards on Telkom's commercial decisions, as this could reduce its competitive advantage and stifle innovation. Telkom aims to keep its transfer and roll-over rules simple and market-friendly, advocating that such decisions should remain at the discretion of individual licensees.

3.26.1.2 Vodacom and other operators set out in their submissions, roll-over and transfer should be an area in which licensees compete.[121]

3.26.1.3 Vodacom states that where licensees are free to adjust their approach to roll-over or transfer to best suit customers' preferences, end-users are empowered to select the product (and licensee) that meets their needs best.[122]

3.26.1.4 However, the effect of the Draft Regulations would be to impose a uniform product with certain attributes across the whole market reducing the incentives of licensees to innovate as a means of further differentiating their product offerings from rivals. This is detrimental to consumer choice and welfare.[123]

3.27 Cell C specific question

3.27.1 Cell C complain about messaging overload regarding bundle depletion notifications. Can Cell C propose how this section might be adjusted to as to minimize messaging overload whilst at the same time keeping consumers informed as to the status of their bundle balances?

[121] Vodacom Supplementary Submission 2024 Page 10 Para 49.
[122] Vodacom Supplementary Submission 2024 Page 11 Para 50.
[123] Vodacom Supplementary Submission 2024 Page 11 Para 51.

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Submissions received

3.27.1.1 The End User and Subscriber Service Charter Regulations currently provides that licensees are required to conduct consumer education and awareness campaigns at least 4 times per annum by:

3.27.1.1.1 Educating end-users on the use of smartphones;

3.27.1.1.2 Educating end-users on how to use data ;

3.27.1.1.3 Educating end-user on broad range of applications user terms, product and services offered; and

3.27.1.1.4 Educating end-users on cybersecurity and on the protection of personal information.

3.28 Cell C specific question

3.28.1.1 Please explain the technical problems or issues that will be experienced by the operator if bundles are transferred from one area to the other in terms of characteristics / features of the source bundle and their implications for network planning or capacity.

Submissions received

3.28.1.2 Cell C submits that such requirement is unnecessary and technically complex to implement and should not be in the Draft Regulations.[124]

3.29 Vodacom specific question

3.29.1.1 The current applicable regulations make provision for licensees to provide an option to consumers for both roll-over and transfer. Kindly advise how the Authority should respond to differential implementation of this provision in a way that circumvent the spirit of the regulation? For example, in some cases conditional selling is attached to rollover in that customers are required to purchase another of equivalent value in order to roll over unexpired data; in other cases, they are required to purchase

[124] Vodacom Supplementary Submission 2024 Page 8 Para 17.1.

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what are called data extenders - in both cases increasing the cost burden on customers.

Submissions received

3.29.1.2 Vodacom submits that the effect of the Draft Regulations would be to impose a uniform product with certain attributes across the whole market, reducing the incentives of licensees to innovate as a means of further differentiating their product offerings from rivals. This is detrimental to consumer choice and welfare.[125] Further, Vodacom submits that the regulations should rather enable licensees to implement roll-over and transfer through different offerings to promote competition between them.[126]

3.30 Vodacom specific question

3.30.1.1 On the geographically restricted ("Just for your town") bundles, where someone purchases a bundle designed applicable to one geographic location, and then travels to a different location where such a bundle is not available, is Vodacom saying that its network capacity is insufficient for the utilization of such a bundle in a different location? How does this differ from the normal scenario and where a customer purchases a bundle in one geographic location and then uses it in another?

3.30.1.2 Further to the above question, the draft regulations provide that any bundle portion that is transferred retains the terms and conditions of the original bundle. This would surely include geographic restrictions ("Just for your town"). Does this not then alleviate Vodacom's concern with possible capacity overload? Can Vodacom suggest how the wording of the regulations can be improved to make this clear?

Submissions received

3.30.1.3 Vodacom advises that ICASA's question appears to misinterpret Just 4 U Town ("J4U Town") bundles and how these bundles work.

[125] Vodacom Supplementary Submission 2024 Page 11 Para 51.
[126] Vodacom Supplementary Submission 2024 Page 11 Para 52.

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Vodacom explains that for the avoidance of doubt, these are bundles which are offered under the J4U programme and which are targeted at consumers in areas which have a high proportion of low income and economically vulnerable customers. Once a bundle has been purchased it can be used by the recipient in exactly the same way as an open market bundle. However, if these bundles become transferable to other more affluent consumers residing in urban areas, currently paying a higher price, the rationale for offering them will be lost.[127]

3.31 ACT specific questions

3.31.1.1 Does the exclusion by the Authority of short-term smaller denomination bundles not cater for the promotion of competition, innovation and differentiation within the prescribed segment of bundles?

Submissions received

3.31.1.2 ACT proposes that the Authority should engage consumers on this question. Further to that, ACT expresses the view that operators should be able to compete freely across all bundle types in to provide consumers with choice and competitive offerings.[128]

3.32 Telkom specific question

3.32.1.1 Telkom provides its end-users with several options to transfer data. Can Telkom explain the reasons why it does not support the transfer of bundle features when it comes to other service types (e.g. voice)?

Submissions received

3.32.1.2 Telkom supports data and airtime transfers but does not see the value in regulating the transfer of other service types, such as voice, SMS, or MMS. It provides ample voice minutes and promotional bundles that include voice but believes the focus

[127] Vodacom Supplementary Submission 2024 Page 11 Para 53.
[128] ACT Supplementary Submission 2024 Page 4 Para 1.

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should be on ensuring data availability and affordability, especially in the context of the 4IR digital era, where data plays a crucial role in access to jobs, education and, other essential services. Telkom argues that imposing additional obligations on voice and SMS services would not benefit end-users and would incur unnecessary costs

3.33 Telkom specific question

3.31.1 Telkom expresses concern about the expiry and OOB provisions in the Draft Regulations. Can you propose how these provisions might be reformulated so as to minimize the unintended outcomes you allege?

Submissions received

3.31.1.1 Telkom believes that it has already implemented sufficient measures to protect end-users from bill shock and address concerns about data expiry. Users are not charged out-of-bundle unless they opt in.

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NATIONAL TREASURY

NO. 7028 **23 January 2026**

BY THE

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

AMENDMENT OF SCHEDULE 1 TO THE SOUTH AFRICAN REVENUE SERVICE ACT (ACT NO. 34 OF 1997)

In terms of section 33 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997), I hereby amend Schedule 1 to the said Act, as set out in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 09 day of January Two Thousand and Twenty-Six

PRESIDENT

By order of the President-in-Cabinet

MINISTER OF THE CABINET

SCHEDULE

The South African Revenue Service Act, 1997 (Act No. 34 of 1997), is hereby amended by the substitution for Schedule 1 of the following Schedule—

"Schedule 1 to the South African Revenue Service Act, 1997

(Act No. 34 of 1997)

LEGISLATION ADMINISTERED BY COMMISSIONER

1. Union and Southern Rhodesia Death Duties Act, 1933 (Act No. 22 of 1933).
2. Transfer Duty Act, 1949 (Act No. 40 of 1949).
3. Estate Duty Act, 1955 (Act No. 45 of 1955).
4. Income Tax Act, 1962 (Act No. 58 of 1962).
5. Customs and Excise Act, 1964 (Act No. 91 of 1964).
6. Value-Added Tax Act, 1991 (Act No. 89 of 1991).
7. Section 39 of the Taxation Laws Amendment Act, 1994 (Act No. 20 of 1994).
8. Sections 56 and 57 of the Income Tax Act, 1995 (Act No. 21 of 1995).
9. Skills Development Levies Act, 1999 (Act No. 9 of 1999).
10. Unemployment Insurance Contributions Act, 2002 (Act No. 4 of 2002).
11. Sections 4 and 28 of the Exchange Control Amnesty and Amendment of Taxation Laws Act, 2003 (Act No. 12 of 2003).
12. Small Business Amnesty and Amendment of Taxation Laws Act, 2006 (Act No. 9 of 2006).
13. Second Small Business Amnesty and Amendment of Taxation Laws Act, 2006 (Act No. 10 of 2006).
14. Diamond Export Levy (Administration) Act, 2007 (Act No. 14 of 2007).

CONTINUES ON PAGE 130 OF BOOK 2

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15. Diamond Export Levy Act, 2007 (Act No. 15 of 2007).
16. Securities Transfer Tax Act, 2007 (Act No. 25 of 2007).
17. Securities Transfer Tax Administration Act, 2007 (Act No. 26 of 2007).
18. Revenue Laws Amendment Act, 2007 (Act No. 35 of 2007).
19. Mineral and Petroleum Resources Royalty Act, 2008 (Act No. 28 of 2008);
20. Mineral and Petroleum Resources Royalty (Administration) Act, 2008 (Act No. 29 of 2008).
21. Voluntary Disclosure Programme and Taxation Laws Second Amendment Act, 2010 (Act No. 8 of 2010)
22. Tax Administration Act, 2011 (Act No. 28 of 2011).
23. Employment Tax Incentive Act, 2013 (Act No. 26 of 2013).
24. Merchant Shipping (International Oil Pollution Compensation Fund) Administration Act, 2013 (Act No. 35 of 2013).
25. Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Act, 2013 (Act No. 36 of 2013).
26. Customs Duty Act, 2014 (Act No. 30 of 2014).
27. Customs Control Act, 2014 (Act No. 31 of 2014).
28. Customs and Excise Amendment Act, 2014 (Act No. 32 of 2014).
29. Rates and Monetary Amounts and Amendment of Revenue Laws Act, 2016 (Act No. 13 of 2016).
30. Rates and Monetary Amounts and Amendment of Revenue Laws (Administration) Act, 2016 (Act No. 14 of 2016).
31. Taxation Laws Amendment Act, 2017 (Act No. 17 of 2017).
32. Customs and Excise Amendment Act, 2019 (Act No. 13 of 2019).
33. Carbon Tax Act, 2019 (Act No. 15 of 2019).
34. Global Minimum Tax Act, 2024 (Act No. 46 of 2024).
35. Global Minimum Tax Administration Act, 2024 (Act No. 47 of 2024).
36. Any regulation, proclamation, government notice or rule issued in terms of the abovementioned legislation or any agreement entered into in terms of this legislation or the Constitution.".

DEUR DIE
PRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA

DEUR DIE
PRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA

No. 2025

WYSIGING VAN BYLAE 1 BY DIE WET OP DIE SUID-AFRIKAANSE INKOMSTEDIENS, 1997 (WET NO. 34 VAN 1997)

Ingevolge artikel 33 van die Wet op die Suid-Afrikaanse Inkomstediens, 1997 (Wet No. 34 van 1997), wysig ek hiermee Bylae 1 by daardie Wet, soos uiteengesit in die Bylae hierby.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria hierdie 09 dag van Januarie Tweeduisend-en-Vyf-en-ses

PRESIDENT
Op las van die President-in-Kabinet

MINISTER VAN DIE KABINET

BYLAE

Die Wet op die Suid-Afrikaanse Inkomstediens, 1997 (Wet No. 34 van 1997), word hierby gewysig deur Bylae 1 deur die volgende Bylae te vervang:

"Bylae 1 van die Wet op die Suid-Afrikaanse Inkomstediens, 1997

(Wet No. 34 van 1997)

WETGEWING DEUR KOMMISSARIS GEADMINISTREER

1. Wet op Sterfregte van die Unie en Suid-Rhodesië, 1933 (Wet No. 22 van 1933).
2. Wet op Hereregte, 1949 (Wet No. 40 van 1949).
3. Boedelbelastingwet, 1955 (Wet No. 45 van 1955).
4. Inkomstebelastingwet, 1962 (Wet No. 58 van 1962).
5. Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964).
6. Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 89 van 1991).
7. Artikel 39 van die Wysigingswet op Belastingwette, 1994 (Wet No. 20 van 1994).
8. Artikels 56 en 57 van die Inkomstebelastingwet, 1995 (Wet No. 21 van 1995).
9. "Umthetho weZibizontela wokuThuthukisa aMakhono, 1999" (Wet No. 9 van 1999).
10. "Mulayo wa Zwibviswa zwa Ndindakhombo ya u Shaya Mushomu, 2002" (Wet No. 4 van 2002).
11. Artikels 4 en 28 van die Wet op Deviesebeheeramnestie en Wysiging van Belastingwette, 2003 (Wet No. 12 van 2003).
12. Wet op Kleinbesigheidsbelastingamnestie en Wysiging van Belastingwette, 2006 (Wet No. 9 van 2006).
13. Tweede Wet op Kleinbesigheidsbelastingamnestie en Wysiging van Belastingwette, 2006 (Wet No. 10 van 2006).

14. "Maloa wa Lekgethwana la Thommelontle (Tsamaiso) ya Taemane wa 2007" (Wet No. 14 van 2007).

15. "Maloa wa Lekgethwana la Thomelontle ya Taemane wa 2007" (Wet No. 15 van 2007).

16. Wet op Belasting op Oordrag van Sekuriteite, 2007 (Wet No. 25 van 2007).

17. Wet op die Administrasie van Belasting op Oordrag van Sekuriteite, 2007 (Wet No. 26 van 2007).

18. Wysigingswet op Inkomstewette, 2007 (Wet No. 35 van 2007).

19. "Molao wa Royalithi ya Methopo ya Diminerale le Petroliamo, wa 2008" (Wet No. 28 van 2008).

20. "Molao wa Royalithi (Tshepediso) ya Methopo ya Diminerale le Petroliamo, wa 2008 (Wet No. 29 van 2008).

21. Vrywillige Blootleggingsprogram en Tweede Wysigingswet op Belastingwette, 2010 (Wet No. 8 van 2010).

22. Wet op Belastingadministrasie, 2011 (Wet No. 28 van 2011).

23. "Nawu wa Ku vuyeriswa hi Xibalo xa Matholelo, 2013" (Wet No. 26 van 2013).

24. "Umthetho oSingethe abaHwebi bezokuThutha lsiKhwama sesiNxephezelo sokuNgcolisa amaFutha samaZwe oMhlaba, 2013" (Wet No. 35 van 2013).

25. "Molao wa Ditseka tša Tshepetšo ka Dikepe (Sekhwama sa Bosetšhaba sa Phumola Megokga ya Tšhilafatšo ya Oli), 2013" (Wet No. 36 van 2013).

26. Wet op Doeanereg, 2014 (Wet No. 30 van 2014).

27. Wet op Doeanebeheer, 2014 (Wet No. 31 van 2014).

28. Wysigingswet op Doéane en Aksyns, 2014 (Wet No. 32 van 2014).

29. Wet op Skale en Monetêre Bedrae en Wysiging van Inkomstewette, 2016 (Wet No. 13 van 2016).

30. Wet op Skale en Monetêre Bedrae en Wysiging van Inkomstewette (Administrasie), 2016 (Wet No. 14 van 2016).

31. Wysigingswet op Belastingwette, 2017 (Wet No. 17 van 2017).

32. Wysigingswet op Doeane en Aksyns, 2019 (Wet No. 13 van 2019).

33. Wet op Koolstofbelasting, 2019 (Wet No. 15 van 2019).

34. Wet op Globale Minimum Belasting, 2024 (Wet No. 46 van 2024).

35. Wet op Globale Minimum Belasting Administrasie, 2024 (Wet No. 47 van 2024).

36. Enige regulasie, proklamasie, goewermentskennisgewing of reël uitgereik ingevolge bogemelde wetgewing of enige ooreenkoms aangegaan ingevolge hierdie wetgewing of die Grondwet.".

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 3738 OF 2026

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SCHEDULE A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 10456:20xx Ed 2	Building materials and products - Procedures for determining declared and design thermal values. *Specifies methods for the determination of declared and design thermal values for thermally homogeneous building materials and products, together with procedures to convert values obtained under one set of conditions to those valid for another set of conditions*.	**2026-03-24**
SANS 13370:20xx Ed 2	Thermal performance of buildings - Heat transfer via the ground - Calculation methods. *Provides methods of calculation of heat transfer coefficients and heat flow rates for building elements in thermal contact with the ground, including slab-on-ground floors, suspended floors and basements*.	**2026-03-24**
SANS 14520-1:20XX Ed 4	*Gaseous fire-extinguishing systems - Physical properties and system design Part 1: General requirements.* Contains specific requirements for gaseous fire-extinguishing systems, with respect to the HFC 23 extinguishant.	**2026-03-24**
SANS 14520-17:20xx Ed 1	Gaseous fire-extinguishing systems - Physical properties and system design Part 17: Halocarbon Blend 55. *Provides specific requirements for gaseous fire-extinguishing systems with respect to the Halocarbon Blend 55 extinguishant. It includes details of physical properties, specification, usage and safety aspects. It also covers systems operating at nominal pressures of 25 bar, 35 bar and 42 bar, superpressurized with nitrogen. This document does not preclude the use of other systems.*	**2026-03-24**
SANS 50054-3:XXXXXX Ed 2	Fire detection and fire alarm systems Part 3: Fire alarm devices – Sounders. *This standard specifies the requirements, test methods and performance criteria for fire alarm sounders, including voice sounders, in a fixed installation intended to signal an audible warning between the fire detection and fire alarm systems and the occupants of a building (see EN 54-1:2011). This European Standard provides for the assessment and verification of constancy of performance (AVCP) of fire alarm sounders to this EN.This Standard is not intended to cover:* *a) loudspeaker type devices primarily intended for emitting emergency voice messages that are generated from an external audio source;* *b) supervisory sounders, for example, within the control and indicating equipment*	**2026-03-24**
SANS 50197-6:20xx Ed 1	Cement - Part 6: Cement with recycled building materials. *This document specifies cement with recycled concrete fines whose intended use is the preparation of concrete, mortar, grout, etc.*	**2026-03-24**
SANS 23894:202X Ed 1	Information technology - Artificial intelligence - Guidance on risk management. *Provides guidance on how organizations that develop, produce, deploy or use products, systems and services that utilize artificial intelligence (AI) can manage risk specifically related to AI*	**2026-03-24**
SANS 60364-5-51:20xx Ed 1	Electrical installations of buildings - Part 5-51: Selection and erection of electrical equipment - Common rules. *This part of IEC 60364 deals with the*	**2026-03-24**

	selection of equipment and its erection. It provides common rules for compliance with measures of protection for safety, requirements for proper functioning for intended use of the installation, and requirements appropriate to the external influences foreseen.	
SANS 60364-5-52:20xx Ed 1	Low-voltage electrical installations - Part 5-52: Selection and erection of electrical equipment - Wiring systems. *Part 5-52 of IEC 60364 deals with the selection and erection of wiring systems.* *NOTE 1 This standard also applies in general to protective conductors, while IEC 60364-5-54 contains further requirements for those conductors.* *NOTE 2 Guidance on Part 5-52 of IEC 60364 is given in IEC 61200-52*.	**2026-03-24**
SANS 60364-5-53:20xx Ed 1	Low-voltage electrical installations - Part 5-53: Selection and erection of electrical equipment - Devices for protection for safety, isolation, switching, control and monitoring. *Provides requirements for:* *a)isolation, switching, control and monitoring, and b)selection and erection of:* *1) devices for isolation, switching, control and monitoring, and* *2) devices to achieve compliance with measures of protection for safety.*	**2026-03-24**
SANS 60364-5-54:20xx Ed 1	Low-voltage electrical installations - Part 5-54: Selection and erection of electrical equipment - Earthing arrangements and protective conductors. *Low-voltage electrical installations - Part 5-54: Selection and erection of electrical equipment - Earthing arrangements and protective conductors.*	**2026-03-24**
SANS 60364-7-706:20xx Ed 1	Low-voltage electrical installations - Part 7-706: Requirements for special installations or locations - Conducting locations with restricted movement. *The particular requirements of this part of IEC 60364 apply to:* *• fixed equipment within conducting locations with restricted movement; and* *• supplies to equipment used within conducting locations with restricted movement.*	**2026-03-24**
SANS 60364-7-708:20xx Ed 1	Low-voltage electrical installations - Part 7-708: Requirements for special installations or locations - Caravan parks, camping parks and similar locations. *The particular requirements contained in this part of IEC 60364 apply only to circuits intended to supply leisure accommodation vehicles, tents or residential park homes in caravan parks,camping parks and similar locations.* *NOTE For the purposes of this document caravan park includes camping parks and similar locations.* *The particular requirements do not apply to the internal electrical installations of leisure accommodation vehicles, mobile or transportable units or residential park homes.*	**2026-03-24**
SANS 60364-7-709:20xx Ed 1	Low-voltage electrical installations - Part 7-709: Requirements for special installations or locations - Marinas and similar locations. *Applies only to circuits intended to supply pleasure craft or houseboats in marinas and similar locations.*	**2026-03-24**
SANS 60364-7-711:20xx Ed 1	Low-voltage electrical installations - Part 7-711: Requirements for special installations or locations - Exhibitions, shows and stands. *The particular requirements of this part of IEC 60364 apply to the temporary electrical installations of exhibitions, shows and stands (including mobile and portable displays and equipment).*	**2026-03-24**
SANS 60364-7-714:20xx Ed 1	Low-voltage electrical installations - Part 7-714: Requirements for special installations or locations - External lighting installations. *The particular requirements of this part of IEC 60364 apply to the selection and erection of luminaires and lighting installations forming part of an outdoor fixed installation. The origin of the external lighting installation is the supply delivery point of electrical energy by the supply authority or the origin of the circuit supplying the external lighting installation exclusively.* *The requirements apply to, for example, lighting installations for roads, parks, gardens, places open to the public, sporting areas, illumination of monuments, floodlighting, telephone kiosks, bus shelters, advertising panels, town plans and road signs. The requirements do not apply to:* *– public street-lighting installations which are part of the public power grid;* *– temporary festoon lighting;*	**2026-03-24**

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	– road traffic signal systems; *– luminaires which are fixed to the outside of a building and are supplied directly from the internal wiring of that building.* *For lighting installations for swimming pools and fountains, see IEC 60364-7-702.*	
SANS 60364-7-715:20xx Ed 1	Low-voltage electrical installations - Part 7-715: Requirements for special installations or locations - Extra-low-voltage lighting installations. *The particular requirements of this part of IEC 60364 apply to the selection and erection of extra-low-voltage lighting installations supplied from sources with a maximum rated voltage of 50 V a.c. or 120 V d.c.* *NOTE 1 For the definition of an extra-low-voltage lighting system see IEC 60598-2-23.* *NOTE 2 AC voltages are given as r.m.s. values.*	**2026-03-24**
SANS 60364-7-716:20xx Ed 1	Low-voltage electrical installations - Part 7-716: Requirements for special installations or locations - ELV DC power distribution over information and communications technology (ICT) cable infrastructure. *This part of IEC 60364 specifies requirements in electrical installations for the distribution of ELV DC power using balanced, information technology cables and accessories primarily designed for data transmission, as specified in terms of a category within the channels of ISO/IEC 11801-1 using power sourcing equipment in accordance with IEC 62368-3. Requirements are included for the design, erection, and verification of telecommunications infrastructure for the purpose of both telecommunications and distribution of ELV DC power. In addition, requirements are included for use of existing telecommunications infrastructure for distribution of ELV DC power.* *The power delivery systems include, but are not restricted to, the Power over Ethernet systems specified by IEEE 802.3.* *This document does not apply to the use of cables and accessories within the core and access networks for example private branch exchange (PBX).*	**2026-03-24**
SANS 60364-7-717:20xx Ed 1	Low-voltage electrical installations - Part 7-717: Requirements for special installations or locations - Mobile or transportable units. *The particular requirements as specified in this part of IEC 60364 are applicable to mobile or transportable units. For the purposes of this part, the term " unit" refers to a vehicle and/or mobile or transportable structure in which all or part of an electrical installation is contained. Units are either of the mobile type or of the transportable type. Examples are units for television and broadcasting, medical services, advertising, fire fighting, using special information technology, units for disaster relief, catering units and the like. The requirements of this part also apply where two or more units are connected together to form a single electrical installation (see 717.551.6 and 717.551.7). The requirements are not applicable to − electrical circuits and equipment for automotive purposes, − generating sets, − units covered by other parts of Part 7 (e.g. caravan and motor-caravan), − pleasure craft (see IEC 60092-507), − mobile machinery in accordance with IEC 60204-1, − traction equipment of electric vehicles, − mobile or transportable homes, offices and the like for extended use at the same location (see general rules of IEC 60364). Where applicable, additional requirements as laid down in other clauses of Part 7 are to be taken into consideration, e.g. for showers, medical locations, etc.*	**2026-03-24**
SANS 60364-7-721:20xx Ed 1	Low-voltage electrical installations - Part 7-721: Requirements for special installations or locations - Electrical installations in caravans and motor caravans. *The particular requirements of this part of IEC 60364 apply to electrical installations in caravans and motor caravans. They apply to those electrical circuits and equipment intended for the use of the caravan for habitation purposes. They do not apply to those electrical circuits and equipment for automotive purposes. They do not apply to the electrical installations of mobile homes, residential park homes and transportable units. NOTE 1 For mobile homes and residential park homes the general requirements apply. NOTE 2 For transportable units see IEC 60364-7-717. NOTE 3 For the purposes of this document, caravans and motor caravans are referred to as "caravans" The particular requirements of some parts from the*	**2026-03-24**

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	IEC 60364-7 series can also apply to such installations in caravans, for example IEC 60364-7-701.	
SANS 63056:20xx Ed 1	Secondary cells and batteries containing alkaline or other non-acid electrolytes - Safety requirements for secondary lithium cells and batteries for use in electrical energy storage systems. *Specifies requirements and tests for the product safety of secondary lithium cells and batteries used in electrical energy storage systems (Figure 2) with a maximum DC voltage of 1 500 V (nominal).*	**2026-03-24**
SATS 62786-1:20xx Ed 1	Distributed energy resources connection with the grid - Part 1: General requirements. *Provides principles and general technical requirements for distributed energy resources (DER) connected to an electric power network (in the following: the "network").*	**2026-03-24**
SATS 62786-3:20xx Ed 1	Distributed energy resources connection with the grid -Part 3: Additional requirements for stationary battery energy storage system. *Provides principles and technical requirements for interconnection of distributed Battery Energy Storage System (BESS) to the distribution network. It applies to the design, operation and testing of BESS interconnected to distribution networks. It includes the additional requirements for BESS, such as connection scheme, choice of switchgear, normal operating range, immunity to disturbance, active power response to frequency deviation, reactive power response to voltage variations and voltage changes, EMC and power quality, interface protection, connection and start to generate electric power, active power management, monitoring, control and communication, and grid-connected tests.*	**2026-03-24**
SATS 62786-41:20xx Ed 1	Distributed energy resources connection with the grid -Part 41: Requirements for frequency measurement used to control distributed energy resources (DER) and loads. *Defines minimum requirements for frequency and rate of change of frequency measurements used to control distributed energy resources (DER) and loads connected to electrical power networks*.	**2026-03-24**
SANS 1853:20XX Ed 3	Disinfectants, detergent-disinfectants and antiseptics for use in the food industry. *This standard specifies general requirements for disinfectants, detergent-disinfectants including antiseptics intended for use in the food industry that might come into contact with food, beverage and dairy products*.	**2026-03-24**
SANS 62232:20xx Ed 1	Determination of RF field strength, power density and SAR in the vicinity of base stations for the purpose of evaluating human exposure. P*rovides methods for the determination of RF field strength, power density and specific absorption rate (SAR) in the vicinity of base stations (BS) for the purpose of evaluating human exposure.*	**2026-03-24**
SATS 17287:20xx Ed 1	Requirements and test methods for electronic cigarette devices. *This document is applicable to electronic cigarettes and similar vapour producing devices intended for the production of aerosol from e-liquids for consumption by inhalation. It is applicable to devices intended for use with or without nicotine content in the aerosol produced. This standard is also applicable to e-liquid containers, filling mechanisms and accessories, electrical and other, intended for use with electronic cigarettes and similar vapour producing devices.* *This standard specifies the minimum safety and technical requirements for electronic cigarette devices, e-liquid containers, and associated accessories when operated and maintained in the manner prescribed by the manufacturer.*	**2026-03-24**
SANS 60364-8-1:20xx Ed 1	Low-voltage electrical installations - Part 8-1: Functional aspects - Energy efficiency. *This part of IEC 60364 provides additional requirements, measures and recommendations for the design, erection, operation and verification of all types of low voltage electrical installation including local production and storage of energy for optimizing the overall efficient use of electricity. It introduces requirements, recommendations and methods for the design and the energy efficiency (EE) assessment of an electrical installation within the framework of an energy efficiency management approach in order to get the best permanent functionally equivalent service for the lowest electrical energy consumption and the most acceptable energy availability and economic balance. These requirements, recommendations and methods apply, within the scope of IEC 60364 (all parts), for new installations and modification of existing installations. This document is applicable to the electrical installation of a building or system and does not apply to products. The energy efficiency of products and their operational requirements are covered by the relevant product standards. Where another standard provides specific requirements for*	**2026-03-24**

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	a particular system or installation application (e.g. manufacturing system covered by ISO 20140 (all parts)), those requirements may supersede this document. This document does not specifically address building automation systems. This group energy efficiency publication is primarily intended to be used as an energy efficiency standard for the low voltage electrical installations mentioned in Clause 1, but is also intended to be used by technical committees in the preparation of standards, in accordance with the principles laid down in IEC Guide 119 and IEC Guide 118.	
SANS 60364-7-753:20xx Ed 1	Low-voltage electrical installations - Part 7-753: Requirements for special installations or locations - Heating cables and embedded heating systems*. This part of IEC 60364 applies to embedded electric heating systems for surface heating. It also applies to electric heating systems for de-icing or frost prevention or similar applications. Both indoor and outdoor systems are covered. Heating systems for industrial and commercial applications complying with relevant parts of IEC 60519, IEC 62395 and IEC 60079 are not covered. NOTE Examples of heating systems covered by this standard are heating systems for walls, ceilings, floors, roofs, drainpipes, gutters, pipes, stairs, roadways, non-hardened compacted areas (e.g. football fields, lawns).*	**2026-03-24**
SANS 60364-7-729:20xx Ed 1	Low-voltage electrical installations - Part 7-729: Requirements for special installations or locations - Operating or maintenance gangways. *The requirements of this part of IEC 60364 apply to basic protection and other aspects in restricted access areas with switchgear and controlgear assemblies, including requirements for operating or maintenance gangways.*	**2026-03-24**
SANS 61643-21:20xx Ed 2	Low voltage surge protective devices Part 21: Surge protective devices connected to telecommunications and signalling networks — Requirements and test methods. *This document, together with IEC 61643-01:2024, is applicable to devices for surge protection against indirect and direct effects of lightning or other transient overvoltages. These devices are intended to be connected to telecommunications and signalling networks, and equipment rated up to 1 000 V RMS and 1 500 V DC. These telecommunications and signalling networks can also provide power on the same line, e.g. Power over Ethernet (PoE). Performance and safety requirements, tests and ratings are specified in this document. These devices contain at least one voltage-limiting component (clamping or switching) and are intended to limit surge voltages and divert surge currents.*	**2026-03-24**
SANS 60364-7-740:20xx Ed 1	Electrical installations of buildings - Part 7-740: Requirements for special installations or locations - Temporary electrical installations for structures, amusement devices and booths at fairgrounds, amusement parks and circuses. *This part of IEC 60364 specifies the minimum electrical installation requirements to facilitate the safe design, installation and operation of mobile, temporarily or permanently installed electrical machines and structures which incorporate electrical equipment. The machines and structures are intended to be installed repeatedly, without loss of safety, temporarily or permanently, at fairgrounds, amusement parks, circuses or any other places. For non-electrical safety, refer to CEN TC 152. The object of this part of IEC 60364 is to define the electrical installation requirements for such structures and machines, both being either integral parts or constituting the total amusement device. This part does not apply to the electrical equipment of machines (see IEC 60204-1).*	**2026-03-24**
SANS 60942:20xx Ed 3	Electroacoustics — Sound calibrators. *This document specifies the performance requirements for three classes of sound calibrator: class LS (Laboratory Standard), class 1 and class 2. Acceptance limits are smallest for class LS and greatest for class 2 instruments. Class LS sound calibrators are normally used only in the laboratory; class 1 and class 2 are considered as sound calibrators for field use. A class 1 sound calibrator is primarily intended for use with a class 1 sound level meter and a class 2 sound calibrator primarily with a class 2 sound level meter, as specified in IEC 61672-1. The acceptance limits for class LS sound calibrators are based on the use of a laboratory standard microphone, as specified in IEC 61094-1, for demonstrations of conformance to the requirements of this document. The acceptance limits for class 1 and class 2 sound calibrators are based on the use of a working standard microphone, as specified in IEC 61094-4, for demonstrations of conformance to the requirements of this document. To promote consistency of testing of sound*	**2026-03-24**

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	calibrators and ease of use, this document contains three normative annexes – Annex A "Pattern evaluation tests", Annex B "Periodic tests", Annex C "Pattern evaluation report", and two informative Annexes – Annex D "Relationship between tolerance interval, corresponding acceptance interval and the maximum-permitted uncertainty of measurement" and Annex E "Example assessments of conformance to specifications of this document". This document does not include requirements for equivalent free-field or random-incidence sound pressure levels, such as can be used in the overall sensitivity adjustment of a sound level meter. A sound calibrator can provide other functions, for example, tonebursts. Requirements for these other functions are not included in this document.	
SANS 80601-2-72:20xx Ed 2	Medical electrical equipment Part 2-72: Particular requirements for basic safety and essential performance of home healthcare environment ventilators for ventilator-dependent patients. *Replacement: NOTE 1 There is guidance or rationale for this subclause contained in Clause AA.2. This document applies to the basic safety and essential performance of a ventilator in combination with its accessories, hereafter referred to as ME equipment:* *— intended for use in the home healthcare environment;* *NOTE 2 In the home healthcare environment, the supply mains driving the ventilator is often not reliable.* *NOTE 3 Such ventilators can also be used in non-critical care applications of professional healthcare facilities.* *— intended for use by a lay operator; and* *— intended for those patients who need differing levels of support from artificial ventilation including for ventilator-dependent patients.* *A ventilator is not considered to use a physiologic closed-loop control system unless it uses a physiological patient variable to adjust the ventilation therapy settings. This document is also applicable to those accessories intended by their manufacturer to be connected to a ventilator breathing system or to a ventilator where the characteristics of those accessories can affect the basic safety or essential performance of the ventilator. EXAMPLE Breathing tubes, connectors, water traps, expiratory valve, humidifier, breathing system filter, external electrical power source, and distributed alarm system.* *NOTE 4 If a clause or subclause is specifically intended to be applicable to ME equipment only or to ME systems only, the title and content of that clause or subclause will say so. If that is not the case, the clause or subclause applies both to ME equipment and to ME systems, as relevant. Hazards inherent in the intended physiological function of ME equipment or ME systems within the scope of this document are not covered by specific requirements in this document except for the requirements specified in IEC 60601-1:2005+AMD1:2012+AMD2:2020, 7.2.13 and 8.4.1.* *— This document does not specify the requirements for:* *-ventilators or accessories intended for critical care applications, which are given in ISO 80601-2-12;* *— ventilators or accessories intended for anaesthetic applications, which are given in ISO 80601-2-13;* *— ventilators or accessories intended for emergency and transport which are given in ISO 80601-2-84;* *— ventilators or accessories intended for homecare ventilatory support equipment (intended only to augment the ventilation of spontaneously breathing patients), which are given in ISO 80601-2-79 and ISO 80601-2-80;* *— obstructive sleep apnoea therapy ME equipment, which are given in ISO 80601-2-70;* *— high-frequency ventilators, which are given in ISO 80601-2-87.* *— respiratory high-flow therapy equipment, which are given in ISO 80601-2-90;* *NOTE 6 An ISO 80601-2-72 ventilator can incorporate high-flow therapy operational mode, but such a mode is only for spontaneously breathing patients.* *— user-powered resuscitators, which are given in ISO 10651-4;* *— gas-powered emergency resuscitators, which are given in ISO 10651-5;* *— oxygen therapy constant flow ME equipment; and*	**2026-03-24**

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	— cuirass and "iron-lung" ventilators.	
SANS 5151:20xx Ed 3	Non-ducted air conditioners and heat pumps — Testing and rating for performance. *This document specifies performance testing, the standard conditions and the test methods for determining the capacity and efficiency ratings of air-cooled air conditioners and air-to-air heat pumps.*	**2026-03-24**

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 1414:202X Ed 1.1	*General specification and testing procedures for sealed insulated glass units (SIGU)*	Amended to update referenced standards, and to delete reference to a trade name.	**2026-03-24**
SANS 3001-GR1:2XXXX Ed 1.4	*Civil engineering test methods Part GR1: Wet preparation and particle size analysis*	Amended to update referenced standards, and to update the clauses on apparatus, and procedure.	**2026-03-24**
SANS 251:202X Ed 5.2	*Long-link and extra-long-link medium tolerance steel chains for general purposes*	Amended to delete the annex on notes to purchasers, and to update the note in the table for mechanical properties.	**2026-03-24**
SANS 1638:XXXX Ed 3.1	*Pneumatically powered chain hoists*	Amended to correct the annex on testing of load limiters and to delete the annex on notes to purchasers.	**2026-03-24**
SANS 1043:202X Ed 3.2	*Disposable sanitary pads*	Amended to change title, change the word "towels" and update requirements on packaging.	**2026-03-24**
SANS 21149:20xx Ed 2.1 and ISO amdt 1	*Cosmetics — Microbiology — Enumeration and detection of aerobic mesophilic bacteria*	Amended to add a new culture medium as an alternative to Eugon LT 100 liquid broth.	**2026-03-24**

If your organization is interested in participating in these committees, obtaining a copy of the draft or would like to send comments on draft documents, please send an e-mail to Dsscomments@sabs.co.za for more information or visit SABS website

SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice (Schedule B) can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

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BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 872 OF 2026

This Board Notice is effective as from 1 April 2026

SOUTH AFRICAN COUNCIL FOR NATURAL SCIENTIFIC PROFESSIONS

FEE STRUCTURE FOR 2026/2027

The South African Council for Natural Scientific Professions herewith retracts all Board Notices regarding the fee structure as published in Government Gazette.

1. NOTES

(a) "**application fee"** means the fee payable on submission of an application for registration. A fee is payable for each field of practice for which registration is requested and is not refundable, should an application not be successful.

(b) **"annual fee"** means the fee payable by the registered person within 60 days from the date on which he/she is informed (in writing) that his/her annual fee has become payable. Annual fees will become payable on the 1st of April of every year.

(c) **"qualifications assessment fee"** must be paid for evaluation of qualifications for registration purposes.

(d) **"re-instatement fee"** means the fee payable on submission of an application to reinstate a registration. A fee is payable for each field of practice for which re-instatement is required.

(e) **"appeal fee"** means the fee payable in terms of Section 25(1) of the Act when a person lodges a complaint against a Council decision.

2. FEES

Table 1: Annual Fees

Category/Type	Amount
Professional	**R 1,920**
Certificated	**R 1,210**
Candidate	**R 610**
Pensioners	**R 370**

Table 2: Registration Fees

Category/Type	Amount
Application Fee	**R 2,560**
Application Fee - Candidate only	**R 650**
Critical Skills visa fee	**R 5,410**
Upgrading fee	**R 2,030**
Reinstatement fee - Professional	**R 4,880**
Reinstatement fee - Certificated	**R 3,480**
Reinstatement fee - Candidate	**R 1,850**
Qualification assessment fee	**R 3,280**
Appeal fee	**R 3,390**

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