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Tel : (012) 748-6066

Fax : (012) 323-9574

E-mail : Maureen.Toka@gpw.gov.za

20 October 2016

Dear Value Customers

The 27th of December 2016 has been declared as a public holiday by the State President Mr Jacob Zuma.

For this reason, the closing date of all gazettes during that week will be a day before scheduled dates as published in the gazette or on the website.

Sincerely,

Maureen Toka
Acting Assistant Director: Publications
(Tel): 012 748-6066

For purposes of reference, all Proclamations, Government Notices, General Notices and Board Notices published are included in the following table of contents which thus forms a weekly index. Let yourself be guided by the gazette numbers in the righthand column:

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Closing times for **ORDINARY WEEKLY** **2017** **GOVERNMENT GAZETTE**

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

- **29 December**, Thursday, for the issue of Friday **06 January 2017**
- **06 January**, Friday, for the issue of Friday **13 January 2017**
- **13 January**, Friday, for the issue of Friday **20 January 2017**
- **20 January**, Friday, for the issue of Friday **27 January 2017**
- **27 January**, Friday, for the issue of Friday **03 February 2017**
- **03 February**, Friday, for the issue of Friday **10 February 2017**
- **10 February**, Friday, for the issue of Friday **17 February 2017**
- **17 February**, Friday, for the issue of Friday **24 February 2017**
- **24 February**, Friday, for the issue of Friday **03 March 2017**
- **03 March**, Friday, for the issue of Friday **10 March 2017**
- **10 March**, Friday, for the issue of Friday **17 March 2017**
- **16 March**, Thursday, for the issue of Friday **24 March 2017**
- **24 March**, Friday, for the issue of Friday **31 March 2017**
- **31 March**, Friday, for the issue of Friday **07 April 2017**
- **06 April**, Thursday, for the issue of Thursday **13 April 2017**
- **12 April**, Wednesday, for the issue of Friday **21 April 2017**
- **20 April**, Thursday, for the issue of Friday **28 April 2017**
- **26 April**, Wednesday, for the issue of Friday **05 May 2017**
- **05 May**, Friday, for the issue of Friday **12 May 2017**
- **12 May**, Friday, for the issue of Friday **19 May 2017**
- **19 May**, Friday, for the issue of Friday **26 May 2017**
- **26 May**, Friday, for the issue of Friday **02 June 2017**
- **02 June**, Friday, for the issue of Friday **09 June 2017**
- **08 June**, Thursday, for the issue of Thursday **15 June 2017**
- **15 June**, Thursday, for the issue of Friday **23 June 2017**
- **23 June**, Friday, for the issue of Friday **30 June 2017**
- **30 June**, Friday, for the issue of Friday **07 July 2017**
- **07 July**, Friday, for the issue of Friday **14 July 2017**
- **14 July**, Friday, for the issue of Friday **21 July 2017**
- **21 July**, Friday, for the issue of Friday **28 July 2017**
- **28 July**, Friday, for the issue of Friday **04 August 2017**
- **03 August**, Thursday, for the issue of Friday **11 August 2017**
- **11 August**, Friday, for the issue of Friday **18 August 2017**
- **18 August**, Friday, for the issue of Friday **25 August 2017**
- **25 August**, Friday, for the issue of Friday **01 September 2017**
- **01 September**, Friday, for the issue of Friday **08 September 2017**
- **08 September**, Friday, for the issue of Friday **15 September 2017**
- **15 September**, Friday, for the issue of Friday **22 September 2017**
- **21 September**, Thursday, for the issue of Friday **29 September 2017**
- **29 September**, Friday, for the issue of Friday **06 October 2017**
- **06 October**, Friday, for the issue of Friday **13 October 2017**
- **13 October**, Friday, for the issue of Friday **20 October 2017**
- **20 October**, Friday, for the issue of Friday **27 October 2017**
- **27 October**, Friday, for the issue of Friday **03 November 2017**
- **03 November**, Friday, for the issue of Friday **10 November 2017**
- **10 November**, Friday, for the issue of Friday **17 November 2017**
- **17 November**, Friday, for the issue of Friday **24 November 2017**
- **24 November**, Friday, for the issue of Friday **01 December 2017**
- **01 December**, Friday, for the issue of Friday **08 December 2017**
- **08 December**, Friday, for the issue of Friday **15 December 2017**
- **15 December**, Friday, for the issue of Friday **22 December 2017**
- **20 December**, Wednesday, for the issue of Friday **29 December 2017**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

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 R1000 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	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

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 **R3000** 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.gpwnonline.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, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 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 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES**NOTICE SUBMISSION PROCESS**

3. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
4. 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.
5. 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.
6. Each notice submission should be sent as a single email. The email should contain **all documentation relating to a particular notice submission**, each as a separate attachment:
 - 6.1. Electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 6.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 6.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 6.2. 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
 - 6.3. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should also be attached as a separate attachment. (See specifications below, point 11).
 - 6.4. Any additional notice information if applicable.
7. 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.
8. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
9. 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.
10. 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.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

11. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
 - 11.1. 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).
 - 11.2. 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

12. 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.
13. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

14. 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

15. 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:
 - 15.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
 - 15.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
 - 15.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
 - 15.4. 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**

16. 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.
17. 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

18. The Government Printer will assume no liability in respect of—
 - 18.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 18.2. 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;
 - 18.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

19. 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.

20. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.
21. 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

22. 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.
23. 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.
24. 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.
25. 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.
26. 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**.
27. 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

28. 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.
29. 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:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

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

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. 63 OF 2016*by the**President of the Republic of South Africa***AMENDMENT OF SCHEDULE 2 TO THE PUBLIC SERVICE ACT, 1994:****LIMPOPO**

In terms of section 7(5)(b) of the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), I hereby amend, at the request of the Premier: Limpopo Province, Schedule 2 to the said Act by the substitution of the words "Department of Safety, Security and Liaison" and "Head: Safety, Security and Liaison" in columns 1 and 2 of Schedule 2 in the Limpopo Province with the words "Department of Community Safety" and "Head: Community Safety" respectively.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria,
this 02 day of December, Two Thousand and Sixteen.

**President**

By Order of the President-in-Cabinet:

**Minister of the Cabinet**

PROKLAMASIE NO. 63 VAN 2016

*van die
President van die Republiek van Suid-Afrika*

WYSIGING VAN BYLAE 2 BY DIE STAATSDIENSWET, 1994: LIMPOPO

Ingevolge artikel 7(5)(b) van die Staatsdienswet, 1994 (gepromulgeer deur Proklamasie No. 103 van 1994), wysig ek hierby, op versoek van die Premier van Limpopo, Bylae 2 by vermelde Wet, deur die vervanging van die woorde "Departement van Veiligheid, Sekuriteit en Skakeling" en "Hoof: Veiligheid, Sekuriteit en Skakeling" in kolomme 1 en 2 van Bylae 2 in die Limpopo Provinsie met die woorde "Departement van Gemeenskap Veiligheid" en "Hoof: Gemeenskap Veiligheid" onderskeidelik.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria.....
op hede die ..08..... dag van Desember....., Tweeduisend en Sestien.



President

Op las van die President-in-Kabinet:



Minister van die Kabinet

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS


DEPARTMENT OF HEALTH

NO. 1559

15 DECEMBER 2016

MEDICAL SCHEMES ACT, 1998 (ACT NO 131 OF 1998)**ADJUSTMENT TO FEES PAYABLE TO BROKERS**

The Minister of Health has, in terms of section 65 of the Medical Schemes Act, 1998 (Act No. 131 of 1998) ("the Act"), read with Regulation 28(2)(a) of the Regulations in terms of the Medical Schemes Act, as amended, determined R85,00 plus Value Added Tax (VAT) as an amount that is payable by medical schemes to brokers with effect from 1 January 2017.



DR. A. MOTSOLEDI, MP
MINISTER OF HEALTH
DATE: 17/11/2016

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 1560

15 DECEMBER 2016

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

CONTINUING EDUCATION AND TRAINING ACT, 2006 (ACT NO. 16 OF 2006)

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

POLICY FRAMEWORK FOR THE REALISATION OF SOCIAL INCLUSION IN
THE POST-SCHOOL EDUCATION AND TRAINING SYSTEM

I, **Bonginkosi Emmanuel Nzimande**, MP, Minister of Higher Education and Training, in terms of the Continuing Education and Training Act, 2006 (Act No. 16 of 2006) and the Higher Education Act, 1997 (Act No. 101 of 1997), hereby publish for implementation the Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training (PSET) System.

This policy framework is intended to assist public higher education and training institutions to implement and report on elements of social inclusion. The Department of Higher Education and Training will use the framework as a monitoring instrument to ensure that the transformation priorities of the Department are taken into account at all public PSET institutions. The policy framework will be fully implemented in 2017/8.



Dr BE Nzimande, MP

Minister of Higher Education and Training

Date:

09/11/2016

POLICY FRAMEWORK FOR THE REALISATION OF SOCIAL INCLUSION IN THE POST-SCHOOL EDUCATION AND TRAINING SYSTEM

2016

Purpose of the Policy Framework

The *Policy Framework for the Realisation of Social Inclusion in Post-School Education and Training Institutions* intends to assist post-school education and training institutions in the implementation of social inclusion and to provide a monitoring instrument to the Department of Higher Education and Training to ensure that the social inclusion priorities of the DHET are taken into account in all PSET institutions.

Through this policy framework, the department is creating an enabling environment for social inclusion in post-school education and training that will ensure that social inclusion-related policies and legislation in institutions are developed, implemented and monitored. The policy framework compliments various international and national policies to enhance human dignity and affirm the Bill of Rights entrenched in the Constitution of the Republic of South Africa.

Foreword by the Minister of Higher Education and Training

The Universal Declaration of Human Rights proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) sets a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally acknowledged and protected. In its preamble, it recognises the inherent dignity and the equal and inalienable rights of all people as the foundation of freedom, justice and peace in the world.

Corresponding to the Universal Declaration, the South African Bill of Rights enshrined in the Constitution of the Republic of South Africa is the cornerstone of our democracy. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. The state must, and therefore my Ministry and the Department of Higher Education and Training, with all its institutions, entities and agencies, will respect, protect, promote and fulfil the rights in the Bill of Rights.

All institutions in the Post-School Education and Training System have the responsibility to nurture students and to prepare them for a positive role in a democratic society. We have to have a socially inclusive society that cuts across state boundaries as well as racial, ethnic, gender, disability, national and religious identities to achieve a united human race based on human dignity.

We have to acknowledge that social inclusion is not only an outcome, but also a process. We have started this process of publishing this '*Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System*'. The intention of this policy framework is to ensure that educational institutions recognise and promote integration, a culture of human rights, unity in diversity as well as human dignity.

I call on all institutions in the post-school education and training system to introduce concrete and progressive measures, from academic programmes, administration and infrastructure to the administration of student hostels to move towards a socially inclusive society. We will work closely with institutions to ensure gender-based violence and all forms of discrimination are eradicated in public education and training institutions, in part contribution towards the achievement of chapter 2 of the Constitutions of the Republic of South Africa.

Dr BE Nzimande, MP

Minister of Higher Education and Training

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Acronyms

AIDS	Acquired Immune Deficiency Syndrome
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women (adopted by the UN General Assembly, 1979)
CET	Community Education and Training
CGE	Commission for Gender Equality
CHE	Council on Higher Education
DAC	Department of Arts and Culture
DOE	Department of Education
DoJ&CD	Department of Justice and Constitutional Development
DHA	Department of Home Affairs
DHET	Department of Higher Education and Training
DOH	Department of Health
DSD	Department of Social Development
EU	European Union
HE	Higher Education
HEAIDS	Higher Education AIDS
HESA	Higher Education South Africa (now Universities South Africa)
HIV	Human Immunodeficiency Virus
MTEF	Medium Term Expenditure Framework

NAP	National Action Plan
nGAP	new Generation of Academics Programme
NSFAS	National Student Financial Aid Scheme
NSIF	National Social Inclusion Forum
PSET	Post-School Education and Training
SAHRC	South African Human Rights Commission
SETA	Sector Education and Training Authority
SI-RIM	Social Inclusion Review and Improvement Model
SRC	Student Representative Council
TVET	Technical and Vocational Education and Training
TRC	Truth and Reconciliation Commission
UNESCO	United Nations Educational, Scientific and Cultural Organisation

Policy Framework for the Realisation of Social Inclusion in Post-School Education and Training Institutions

1. Introduction

*“All human beings are born free
and equal in dignity and rights”*

Universal Declaration of Human Rights, 1948

Through the United Nations General Assembly resolution in Paris on 10 December 1948 (General Assembly resolution 217 A), the Universal Declaration of Human Rights was adopted as a common standard of achievement for all peoples and all nations. To the end, “every individual and every organ of society shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction”.

Since the birth of our constitutional democracy in 1994, legislation and policies at various levels have acknowledged the need for a socially inclusive and cohesive society, united in its diversity.

South Africa has signed numerous regional, international conventions, treaties and protocols that protects the right of every citizen and non-citizen, opposes violation of human rights and the exploitation of vulnerable groups in our society (Department of International Relations and Cooperation : South African Treaty Register). South Africa has an obligation to keep record of national treaty reports and monitors the status thereof.

The Department of Higher Education and Training, through its transformation policies, equally contributes to the realisation of national plans that advance social cohesion, inclusion human rights and social justice. The DHET is also expected to contribute to the fulfilment of regional and international obligations outlined below, under the section, national and international contexts. The Constitution (Act 108 of 1996) together with the national, regional and international protocols and obligations are the foundations and pillars of this social inclusion policy framework.

1.1 National and International Contexts

The history of South Africa before the advent of democracy was characterised by racial, social and economic inequalities. These inequalities were entrenched through legislation that enforced separate and unequal education and training opportunities for South Africans. The Bantu Education Act of 1953 (Act No. 47 of 1953; later renamed the Black Education Act, 1953) was one of the South African segregation laws which legalised several aspects of the apartheid system. Its major provision was enforcing racially separated educational provision and facilities. The then ruling National Party which governed South Africa from 1948 to 1994, ensured that the African majority received education in their own schools, colleges and universities. The Extension of University Education Act (Act No. 45 of 1959) furthermore introduced ethnically-based universities that were underdeveloped as compared to established institutions such as the University of Cape Town, Rhodes University and the University of the Witwatersrand.

The period after 1994 was marked by government efforts aimed at the transformation of the entire education sector. Chapter 1 of the South African Constitution (Act 108 of 1996) stresses equality and the advancement of human rights. The Constitution guarantees equal access to education for all.

The Preamble of the Constitution of the Republic states that “South Africa belongs to all who live in it, united in our diversity.” This is a statement of social cohesion as it embraces all people within the boundaries of South Africa as South Africans. Nation-building and social cohesion are articulated in the founding provisions of the Constitution, Section 1 (a) human dignity, the achievement of equality, and the advancement of human rights and freedoms and (b) non-racialism and non-sexism, and (c) the supremacy of the Constitution and the rule of law.

The Department of Arts & Culture's (DAC's) National Strategy for Developing an Inclusive and Cohesive South African society (June 2014), places dialogue and/or interaction at the centre of promoting and understanding social cohesion.

Notably all policies and legislation after 1994 aimed to transform the society by adopting the principles of redress, quality, equity and access.

The 1995 **White Paper on Education and Training** (Notice 196 of 1995) places "special emphasis on the **redress** of educational inequalities among those sections of our people who have suffered particular disadvantages, or who are especially vulnerable, including street children, out-of-school youth, the disabled and citizens with special educational needs, illiterate women, rural communities, squatter communities, and communities damaged by violence". It furthermore directs that "the state's resources must be deployed according to the principle of **equity**, so that they are used to provide essentially the same **quality** of learning opportunities for all citizens". However, great emphasis is being placed on creating better **access** to diverse education and training opportunities and the improvement of the **quality** of education and training services.

The former Department of Education (DoE) released the **Education White Paper 3: A Programme of Transformation for Higher Education, July 1997**. It explains transformation as:

- Eradicating all forms of discrimination;
- Promoting equity of access and fair chances of success for all;
- Advancing redress of inequalities;
- Meeting, through its teaching, learning and research programmes, national development needs including the economy's high skilled employment needs;
- Supporting a democratic ethos and a culture of human rights through education programmes and practices conducive to critical discourse and creative thinking, cultural tolerance and a commitment to a humane, non-racist and non-sexist social order; and
- Contributing to the advancement of all forms of knowledge and scholarship and upholds rigorous standards of academic quality.

In September 1998, the then Minister of Education, Professor SM Bengu released the **Education White Paper 4: A Programme for the Transformation of Further Education and Training, September 1998** called for a TVET system (then referred to as Further Education and Training) that would invest in the youth, link education and training with the labour market and addressing the fate of ‘out-of-school youth’. It emphasised that students exiting from this sector will have to acquire not only technical and vocational knowledge but should be developed as future citizens of a democratic country where they would participate in social and economic development in society. It recognised the “social, cultural and humanistic dimensions” of the TVET sector and these dimensions are recognised and strengthened in the *Policy Framework for the Realisation of Social Inclusion in the PSET System*.

In 2001 the then Minister of Education, Prof Kader Asmal, released the **Education White Paper 6: Special Needs Education – Building an inclusive education and training system**. In this white paper government commits to the provision of educational opportunities in particular for those learners who experience or have experienced barriers to learning and development or who have dropped out of learning because of the inability of the education and training system to accommodate their learning needs. It recognises that South Africa’s vision of an inclusive education and training system can only be developed over the long term and that the actions taken in the short to medium term will provide models for later system-wide application. It also emphasised the importance of clarity on the capital, material and human resource development, and consequently the funding requirements, of building an inclusive education and training system.

Since 1995, the then DoE and the DHET have effected a legislative and enabling environment in place for the post-school education and training system. All these reflected the values, principles and implementation of social inclusion in the post-school education and training system.

There is a plethora of policies and legislation (from various government departments in general and specific from the DHET) addressing issues of social inclusion. A list is attached as **Annexure A**. It clearly shows that South Africa has, since the advent of democracy and freedom in 1994, included social inclusion in legislation and developed many policies that enable the country to address the injustices of the past and build a more inclusive and cohesive South African society.

When looking at the international context, the birth of a democratic South Africa in 1994 made the country a fully-fledged member of the international community and its multilateral structures. There are numerous international treaties and conventions in this area that South Africa has ratified. The DHET, for example, is expected to observe international conventions such as the United Nations' Universal Declaration for Human Rights, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the Convention for the Elimination of Discrimination Against Women (CEDAW), 2001 United Nations Conference Against Racism, the African Union's Charter for African Cultural Renaissance as well as Africa's AGENDA 2063, and the African Union's Charter for African Cultural Renaissance, to name a few. These treaties and conventions require periodical country reports that must be submitted to relevant multilateral bodies.

The DHET and institutions reporting to it are expected to align their implementation strategies and long-term plans with these international conventions and declarations. In this regard, the DHET is obliged to contribute to periodical country reports and works collaboratively with coordinating departments.

At national level, the DHET is expected to contribute to national initiatives aimed at achieving nation-building and social cohesion. In the context of government programmes, the DHET is expected to actively partake in the implementation of **Outcome 14: Nation-Building and Social Cohesion priorities in its policies and programmes.**

This outcome is based on **the National Development Plan-Vision 2030** vision and trajectory which states:

In 2030, South Africans will be more conscious of the things they have in common than their differences. Their lived experiences will progressively undermine and cut across the divisions of race, gender, disability, space and class. The nation will be more accepting of peoples' multiple identities. In this South Africa there will be:

- *Broad-based knowledge about and support for a set of values shared by all South Africans including the values contained in the Constitution.*

- *An inclusive society and economy. This means tackling the factors that sustain inequality of opportunity and outcomes by building capabilities, removing participating barriers and redressing the wrongs of the past.*
- *Increased interaction between South Africans from different social and racial groups.*
- *Strong leadership across society and a mobilised, active and responsible citizenry.*

Outcome 14, therefore, requires the DHET to intensify its efforts in building cohesive and inclusive PSET institutions and create an environment for the development of responsible citizenship by ‘tackling the factors that sustain inequality of opportunity’ and redressing the injustices of the past in the provision of education and training.

This policy framework will ensure through monitoring and evaluation of institutional policies and programmes that Outcome 14 is realised in the PSET system.

The DHET is represented on inter-departmental committees that deal with nation-building and social cohesion initiatives. It participates in the National Action Plan (NAP) against Racism, Racial Discrimination, Xenophobia and Related Intolerance coordinated by the Department of Justice and Constitutional Development (DoJ&CD). Social inclusion in the PSET system is an important element of the NAP.

The development of languages cuts across departments and the department is expected to submit progress reports on the development of previously marginalised languages to an interdepartmental committee led by the DAC.

The DHET also participates in the reparations process of the Truth and Reconciliation Commission (TRC) Unit under the DoJ&CD as education and training is a key component of the reparations programme of the TRC. This process contributes to national unity and redress as communities that were identified as victims of gross human rights violation under the TRC process receive, among other forms of support, education and training resources. Most of these communities are socially and economically underdeveloped.

Gender equity is a critical part of national development and the framework equally addresses the participation and empowerment of women the PSET system. This policy framework also recognises women's rights as part of human rights in society and a critical part of social inclusion.

The DHET's 'Calendar of Significant Days' (which forms part of this framework) encourages public institutions (TVET colleges, CET colleges and universities) to participate in activities that promote social cohesion, community service and inclusion. Institutions actively observe Human Rights Day (21 March), Freedom Day (27 April), Youth Day (16 June), Mandela Day (18 July), Women's Day (7 August) and Heritage Day (24 September) to celebrate unity in diversity and the birth of democracy and freedom in South Africa. Africa Day on 25 May is celebrated to emphasise South Africa's place on the African continent though this day is not a public holiday in the country.

The DHET is thus working collaboratively with departments such as DAC, Department of Home Affairs (DHA), DoJ&CD, Department of Social Development (DSD), Department of Health (DoH) and the Department of Women (DoW). This requires the DHET not only to coordinate and implement various initiatives within the PSET system, but to work closely and in collaboration with various departments, agencies and organisations to implement social inclusion in the PSET system. This policy framework will assist the DHET in strengthening relationships with other government departments.

It will also serve as a monitoring instrument that will enable the DHET to report on issues of social inclusion.

The development of a Social Inclusion Policy Framework for the DHET will equally ensure that there is synergy and shared understanding as far as the implementation of social inclusion is concerned.

The policy framework will address a major challenge facing the Post-School Education and Training (PSET) system as there has never been an integrated framework developed to define the roadmap to a socially inclusive PSET system that is in line with the values of the Constitution.

The policy framework further locates the PSET system within the universal human rights discourse. Social inclusion as a concept embraces the entire humanity and cuts across all the factors that divide human beings. It recognises the fact that all human beings, regardless of national boundaries of states,

socio-economic background, age, disability, ethnic or racial origin, religion and any other form of belief are entitled to human dignity and should be protected by the State.

There are existing policies and legislation that address social inclusion issues and government in the broader context, and the Department of Higher Education and Training (DHET) in specific, have achieved major successes in promoting a PSET system that accommodates all South Africans, regardless of national boundaries of states, socio-economic background, age, disability, language, ethnic or racial origin, religion and any other form of belief. This has been done through progressive policy developments in support of transformation of the system, increased opportunities for all in the PSET system and increased funding for the education and training of the poor.

This policy framework was developed to build an understanding of social inclusion in the PSET system and to ensure the implementation of social inclusion in all forms of public PSET institutions. These institutions include public universities, higher education colleges, university colleges, Technical and Vocational Education and Training (TVET) colleges, Community Education and Training (CET) colleges as well as Skills Development Centres.

Private PSET institutions are also required to operate in terms of the mandates of the Constitution (the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)¹) and the White Paper for PSET² and other relevant policy directives as outlined in section 2 of this Policy Framework.

The implementation of social inclusion is also regulated through the 'Regulations for the Registration of Private Higher Education Institutions'³ and the 'Regulations for the Registration of Private Further Education and Training Colleges'⁴. These regulations do not cover social inclusion in the broader context (as defined through the elements identified in this document), but touch on it in terms of

¹ The Constitution of the Republic of South Africa, (Act No. 108 of 1996), Section 29, Chapter 2, p.29.

² White Paper for Post-School Education and Training: Building and Expanded, Effective and Integrated Post-School System, approved by the Cabinet on 20 November 2013.

³ Higher Education Act, 1997: Regulations for the Registration of Private Higher Education Institutions (Regulation No. R1564 of Government Gazette No. 24143 dated 13 December 2002)

⁴ Continuing Education and Training Act, 2006 as amended: Regulations for the Registration of Private Colleges (Regulation No. R1134 of Government Gazette No. 8796 dated 7 December 2007)

registration, viz.: “An application must include a signed declaration by the applicant that the institution, if registered, will not discriminate on the basis of race and that it will comply with the provisions of section 9(4) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)”. They are encouraged to support and advance transformation.

Where cases of discrimination and inappropriate behaviour are reported, private institutions are referred to the relevant chapter 9 institutions to investigate.

The policy framework is organised under the following sections:

1. Conceptual Framework;
2. Strategic Intent; and
3. Implementation.

The conceptual framework, discussed below, serves as a rationale for the policy framework for the realisation of social inclusion in the PSET system and the coordination thereof. It outlines the individualised and systemic challenges and opportunities of social inclusion in the PSET system. It also outlines the key terminology used in this context.

Emanating from the conceptual framework, the next section on the strategic intent specified the systemic goals and objectives. It identifies five strategic themes, viz.:

- a. Eradication of poverty and social exclusion in the system by mobilisation all PSET institutions and stakeholders in the sector towards common social inclusion objectives;
- b. Common indicators to measure progress in the achievement of social inclusion;
- c. The development of evidence based progress reports indicating performance against national action plans on social inclusion;
- d. Mutual learning and exchange on social inclusion in the PSET system; and
- e. Social inclusion assessment in the form of annual reports on progress or achievement of social inclusion in PSET.

The last section provides a high-level implementation strategy including implementation challenges. It formulates the policy instruments and mechanisms to be used in implementation. It furthermore

addresses the issues of funding, co-ordination and strategic leadership, as well as assessing the effectiveness of social inclusion over the short, medium and longer term.

2. Conceptual Framework

The following sections are not an attempt to give an exhaustive record of the national and international context. They briefly give an overview of the rationale for the *Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System* and the coordination thereof in the PSET system. The conceptual framework section starts by outlining the constitutional mandate for social inclusion in the PSET system. After the contextual summary, the next section outlines the current legislative and policy context this policy framework is embedded in, as well as the key terminology used in this context. The final one concludes by identifying the need for a *Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System* and the process that has been followed in developing the policy framework.

2.1 Constitutional Mandate

The aim of this *Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System* is to promote and to fulfil the rights contained in the Bill of Rights of the Constitution (the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)⁵). The DHET has committed itself to the provision of quality PSET in South Africa, which is in line with section 29 (1) of the Constitution, that everyone has the right to basic education and to further education, which the state, through reasonable measures, must make progressively available and accessible.

2.2 Continued Challenges in the Post-School Education and Training System

Although much progress has been made in realising social inclusion, including the establishment of a solid policy and legislative environment, major challenges still exist. In 2008, the then Minister of Education, Ms Naledi Pandor, MP, commissioned an investigation into racism and social cohesion in public higher education institutions as a result of a growing trend of racial incidents on university campuses. The *Ministerial Report on Transformation and Social Cohesion and the Elimination of*

⁵ The Constitution of the Republic of South Africa, (Act No. 108 of 1996), Section 29, Chapter 2, p.29.

Discrimination in South Africa's Public Higher Education Institutions (2009) reported that there was still racism and other forms of discrimination in South African public higher education institutions. Other challenges identified were lack of transformation in other areas such as gender, disability and representation of other racial groups in academic positions. The report highlighted the need to promote diversity not only in the student population but also to ensure that the academic staff composition is equally diverse and institutional cultures of exclusion are transformed. It concluded that higher education institutions don't have a shared understanding of "transformation" and "social cohesion."⁶

The Higher Education South Africa's (HESA) (now known as Universities South Africa) position paper in response to the ministerial report stated: "transformation is a contested concept with different constituencies within universities and from one university to another seemingly working with differing conceptions of what transformation means." It further states that the concept, "social cohesion" needs greater interrogation and recognised deep disagreements within the university sector⁷.

Clearly, the realisation of the goals of White Papers 1, 3, 4 and 6 remains a major challenge for most PSET institutions in our country. There has also been growing political intolerance of different views, a situation which has the potential of reversing the 1994 democratic gains if left unattended by stakeholders in the PSET system.⁸ More than twenty years into democracy, PSET institutions are still experiencing racial tension and intolerance, despite earlier government efforts to lay the foundations of a united education system during the first five years of democracy, between 1994 and 1999.

The situation in public TVET colleges also needs attention though their racial discrimination and exclusion challenges have not yet reached crisis point. There is a need to constantly nurture attitudes for responsible citizenship and constitutional values as articulated in the Bill of Rights.

⁶ See the Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions (released in April 2009)

⁷ HESA (March 2010) Sector Position Paper on Soudien Report, pp.9-10

⁸ Department of Higher Education and Training, e-bulletin (September 2015), Statement of the Director-General of Higher Education & Training, Mr GF Qonde on political intolerance in Universities and a call to ensure stability in these institutions, especially during SRC elections.

It is important to note that the DHET has, since its inception in 2009, acted decisively in promoting redress⁹ and addressing racism.¹⁰ Incidents of racism have received prompt attention and investigation.

Attention has been paid to staff development and transformation by introducing intervention measures such as the new Generation of Academics Programme (nGAP) which encompasses both historically advantaged and disadvantaged higher education institutions.¹¹ nGAP has the potential of changing the academic landscape of South Africa in all disciplines as young black South Africans below the age of 40 will be able to start the long journey of becoming academic researchers, thus addressing the anomalies identified by the White Paper 3: A Programme for Transformation of Higher Education.

Public TVET colleges, CET colleges, the SETAs and other higher education institutions will have to adopt similar models to ensure that their staff composition reflect the demographics of the country in terms of race, class, disability, gender and geography.

This policy framework has noted the Ministerial Statements on Disability Funding and the fact that no infrastructural programme will take place without addressing disability issues.¹²

The preamble of the Higher Education Act, 1997 (Act No. 101 of 1997)¹³ (the HE Act) and the Continuing Education and Training Act of 2006 (Act No. 16 of 2006)¹⁴ (the CET Act) contain the values of the Constitution and the rights contained in the Bill of Rights, to redress past discrimination and ensure representivity and equal access to post-school education and training institutions; to promote

⁹ Department of Higher Education and Training, The Medium Term Strategic Framework (MTSF), 2014-2019, Indicators on higher education enrolment and post-graduate targets especially in critical, scarce skills of Science, Technology, Engineering and other fields.

¹⁰ Department of Higher Education and Training, Reports on investigations in racial incidents of first year students in the North West University, 2014

¹¹ Department of Higher Education and Training (2015), *Sunday Times* advertisement of posts, Careers Section, 31 May 2015 and other on 7 June 2015, under the nGAP of DHET and also note the MTSF 2014-2019, pp. 18-19

¹² Department of Higher Education and Training (2014) *Woza Sizokwakha!* Building Higher Education: Infrastructural Renewal, Revitalisation and Development

¹³ Higher Education Act (Act No. 101 of 1997) hereinafter referred to as HE Act, 1997 (see section 31(1)(i)-(v) and the White Paper 3: A Programme of Transformation for Higher Education Institutions

¹⁴ Continuing Education and Training Act (Act No.16 of 2006) hereinafter referred to as the CET Act. The CET Act prohibits corporal punishment and initiation practices which undermine the fundamental rights and values which are underpinned in the Constitution (see section 15, 16 and 17(2) of the CET Act).

the values which underlie an open and democratic society based on human dignity, equity and freedom; to respect the freedom of religion, belief and opinion; to respect and encourage democracy, academic freedom, freedom of speech and expression, creativity, scholarship and freedom.

The White Paper for Post-School Education and Training¹⁵ sets the context of cooperation and mutual support among the DHET and institutions for the benefit of the PSET system, its students and other stakeholders. This policy framework acknowledges the vision of the White Paper for PSET as:

- A PSET system that can assist in building a fair, equitable, non-racial, non-sexist and democratic South Africa;
- A single, coordinated PSET system;
- A PSET system that has expanded access, improved quality and increased diversity of provision;
- A stronger and more cooperative relationship between education and training institutions and the workplace; and
- A PSET system that is responsive to the needs of the individual citizens and of employers in the public and private sectors, as well as broader societal and developmental objectives.

Social inclusion will remain on the transformation agenda of the PSET system for a very long time. In the 2nd National Higher Education Summit (2015)¹⁶ it was confirmed that social inclusion is central to the transformation agenda of the PSET system and acknowledged that much has been achieved. The summit agreed that transformation is multidimensional and complex. It further confirmed the centrality of the areas of social inclusion such as democratic citizenship; the right to dignity; redressing inequalities; combating racism, patriarchy, homophobia and class inequalities; impartial language practices; and engaged governance and management practices. The summit resolved that the role of universities (institutions) must be strengthened to ensure the development of democratic citizenship to give concrete expression to the rights and responsibilities of the South African Constitution and Bill of Rights, with particular emphasis on building institutional cultures based on human rights.

¹⁵ White Paper for Post-School Education and Training: Building an Expanded, Effective and Integrated Post-School System, approved by the Cabinet on 20 November 2013.

¹⁶ 2nd National Higher Education Summit. 15 – 17 October 2015. The 2015 Durban Statement on Transformation in Higher Education.

2.3 Definitions of Key Concepts

Definitions of key concepts in the context of social inclusion are expansive with various degrees of overlap. Tangible definitions are rare, with research bodies showing little effort to clearly define it. For the purpose of this document the following key concepts are used.

Social Cohesion, Social Capital and Nation Building

Before the universalisation of “**Social Inclusion**”, the concepts of **social cohesion**, **social capital** and **nation building** spawned a huge body of research and literature.

Social cohesion is defined as the degree/extent to which a society is coherent, united and functional; **provides** an environment within which its citizens can flourish;¹⁷ and in which mutual solidarity finds expression among individuals in communities¹⁸. In terms of this definition, a community or society is cohesive to the extent that the inequalities, exclusion and disparities based on ethnicity, gender, class, nationality, age, disability or any other distinctions which engender divisions distrust and conflict are reduced and/or are eliminated.

In contrast with social cohesion, definitions of **social capital** tend to focus on networks and relations of trust and reciprocity within these networks¹⁹. **Social capital**, according to the World Bank²⁰, “refers to the institutions, relationships and norms that shape the quality and quantity of a society’s social interactions. Increasing evidence shows that social cohesion is critical for societies to prosper economically and for development to be sustainable. Social capital is not just the sum of the institutions which underpin a society – it is the glue that holds them together”.

Social capital can be defined in terms of four features of communities, viz.:

- the existence of community networks;

¹⁷ Human Sciences Research Council (2004). Social Justice and Social Cohesion in South Africa. Accessed at <http://www.thepresidency.gov.za/docs/pcsa/social/social/part1.pdf>

¹⁸ Department of Arts and Culture (2012). A National Strategy for Developing an Inclusive and Cohesive South African society, see paragraph 12.1 (7 June 2012)

¹⁹ Cardo M (2014). Social Inclusion and Policymaking in South Africa: A Conceptual Overview. The Journal of the Helen Suzman Foundation. Issue 73. August 2014

²⁰ World Bank (no date). “What is social capital”. Accessed at <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTTSOCIALCAPITAL/0,,contentMDK:20185164~menuPK:418217~pagePK:148956~piPK:216618~theSitePK:401015,00.html>

- civic engagement or participation in community networks;
- a sense of community identity, solidarity and equality with other community members; and
- norms of trust and reciprocal help and support²¹.

Nation-building is the process whereby a society of people (all communities) with diverse origins, histories, languages, cultures and religions come together within the boundaries of a sovereign state with a unified constitutional and legal dispensation, a national public education system, an integrated national economy, shared symbols and values, as equals, to work towards eradicating the divisions of the past; to foster unity; and promote a countrywide conscious sense of being proudly South African.²²

Social Inclusion

Social inclusion²³ as a concept embraces the entire humanity and cuts across all the factors that divide human beings. It recognises the fact that all human beings, regardless of national boundaries of states, socio-economic background, age, disability, ethnic or racial origin, religion and any other form of belief, have human rights that enable them to participate optimally in society and that reinforce their individual and collective identity. Social inclusion therefore goes beyond social cohesion as it is informed by a desire to achieve a more humane and interconnected world. The two concepts, however, reinforce each other and cannot be treated in isolation.

Social inclusion does therefore not refer to “passive citizenry receiving services from the state”, but one that is moving towards “active champions of their own development” and where government works to “develop people’s capabilities to lead the lives they desire”.²⁴ It is a process referring both to integration into social, economic and civic life and the pursuit of active citizenship as well as a means to counter poverty understood in the sense of capability deprivation. An inclusive society is a society for

²¹ Putnam, R. (1993). The prosperous community: social capital and economic growth. *The American Prospect*, 13: 35-42; Putnam, R. (2000). *Bowling Alone: The collapse and revival of American community*. New York: Simon & Shuster

²² Department of Arts and Culture. (2012). *A National Strategy for Developing an Inclusive and Cohesive South African society*, see paragraph 12.2 (7 June 2012)

²³ UNESCO. (2012). *Social inclusion, social transformations, social innovation. What role for UNESCO in 2014-2021*

²⁴ National Development Plan: Vision 2030 (2012), Accessed at <http://www.gov.za/issues/national-development-plan-2030>

all, in which every individual – each with rights and responsibilities – feels he or she has an active role to play, thus reducing the risk of social dysfunction and disintegration²⁵.

Social inclusion is defined as a universal human right and aims at embracing all people irrespective of race, class, gender, disability, language, age, geography, HIV and AIDS status, citizenship, values or medical standing. It is about giving equal access and opportunities and getting rid of discrimination and intolerance.

Within the context of social inclusion, terms relating to discrimination, as well as racial, ethnic, gender, disability, national and religious identities, have to be identified. The following section attempts to provide working definitions within this context.

Racism is an ideological construct that assigns a certain race and/or ethnic group to a position of power over others on the basis of physical and cultural attributes, as well as economic wealth, involving hierarchical relations where the ‘superior’ race exercises domination and control over others.²⁶

Racism is a denial of people’s basic human rights, dignity and respect. Its expression ranges from small everyday acts of discrimination, through to barriers and omissions that may inadvertently be established at an institutional level, to acts of threatening behaviour and violence.²⁷

Racial discrimination means any act or omission, including a policy, law, rule, practice, condition or situation which directly or indirectly imposes a burden, obligations or disadvantage; withholds benefits, opportunities or advantages from any person on prohibited grounds, including race, ethnic or social origin, colour, culture, language and birth.²⁸

Gender refers to the social attributes and opportunities associated with being female or male and the relationship between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are

²⁵ Cardo M (2014). Social Inclusion and Policymaking in South Africa: A Conceptual Overview. The Journal of the Helen Suzman Foundation. Issue 73. August 2014

²⁶ Department of Justice and Constitutional Development (2015). National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2015-2020, Revised Draft 13 Version, Pretoria, p.2

²⁷ Ibid, p.2

²⁸ Ibid, p.2

learned through socialisation processes. They are context/time-specific and changeable. In most societies, there are differences and inequalities between men and women in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context.²⁹

The term **youth** refers to young people as those falling within the age group of 14 to 35 years.³⁰ This definition is informed by the National Youth Commission Act of 1996, the National Youth Policy of 2000, the National Youth Policy 2009-2014 and the African Youth Charter (African Union, 2006).

Disability refers to a person with a long-term physical, psychosocial, cognitive, neurological and/or sensory impairment. Disability also leads to a denial of access to full participation in all aspects of life. As a result of disability, affected individuals are deprived by society in the exercise of their human rights.

Persons with disabilities include those who have long-term physical, psychosocial, cognitive, neurological and/or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

The definition of persons with disabilities, requires a degree of self-definition, where the individual determines whether he/she is disabled or not, based on environmental factors and contexts. Declaration of disability should be linked to access to reasonable accommodation measures.³¹

Democracy is one of the fundamental values that this policy framework enshrines having its relevance in education. The achievement of the greater social justice is closely dependent on equitable access by all sections of the population to quality education. Widespread and good quality education and training is explained in the White Paper for Post-School Education and Training to allow more rapid economic, social and cultural development for society as a whole.

²⁹ <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>, FAQ/USEFUL DEFINITIONS (UN sources) accessed on 3 November 2015

³⁰ Government Gazette No. 38393, Notice No. 15 of 2015, Draft National Youth Policy 2014-2019, p.17

³¹ Department of Social Development (May 2015), Draft White Paper on National Disability Rights Policy, p.12

Non-racism and non-sexism implies the need by this policy framework to expand access to post-school opportunities to all students despite the colour of their skin, class, background or their sexual orientation as elaborated in the White Paper for Post-School Education and Training.

Human dignity and social justice means that this policy framework recognises the fundamental right to human dignity of all students from different backgrounds, and non-sexism and non-racism in order to rectify the inequities of the past by providing quality access of education to all in the education and training system.

Accountability in terms of this policy framework means that all post-school institutions must be accountable in upholding the rights contained in the Bill of Rights in the education and training system and ensuring social inclusion for its students and other stakeholders.

Respect means that this policy framework respects the constitutional values listed in the Constitution and within this policy framework.

Reconciliation is the reconciling of our differences and redressing the post-school education and training system that is responsive to the needs of all who are disadvantaged by our past legacy.

Unity in diversity as elaborated in the White Paper for Post-School Education and Training where the number of diverse educational institutions will be increased in order to deal with the diverse needs of the large and increasing student population, and also with the diverse needs of students and staff within each institution.

Post-school education and training institutions

This policy framework focuses on PSET Institutions and is defined as:

- public institutions, viz. universities, higher education colleges, university colleges, TVET colleges and CET colleges; and
- private colleges and private higher education institutions. Although private institutions have to adhere to the directives of this policy framework, they are not included in the implementation.

Although SETAs are not offering teaching and learning, they facilitate teaching and learning in the skills development area. Therefore, for the purpose of this policy framework, SETAs might be included when referred to institutions, but it will clearly be stated as such.

This section did not attempt to provide an exhaustive list of definitions in the context of social inclusion, but rather working definitions for the purpose of this document.

2.4 The need for a Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System and the Process followed to develop the Policy Framework

From the above brief description of the social inclusion context, it is evident that DHET has to provide leadership in the realisation of social inclusion in PSET and provide guidance to institutions in the implementation. It has to outline the strategic intent for the realisation of social inclusion in PSET institutions as well as devise strategies for implementation.

2.5 Processes followed in developing the Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System

This *Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System* has been developed through an intensive consultation process by experts in the DHET.

On 21 August 2014, the Minister of Higher Education and Training published the *Draft Social Inclusion Policy Framework* in the Government Gazette for public comment (Notice 681 of 2014). It clearly stated that the final policy framework (that will emanate from the draft policy framework) will assist PSET institutions in the implementation of social inclusion and to provide a monitoring instrument to the DHET to ensure that the transformation priorities of the DHET are taken into account in all PSET institutions.

The DHET received comments from a wide variety of stakeholders including individuals, public universities, non-governmental organisations as well as from stakeholder bodies such as HESA (now Universities South Africa); the Council for Higher Education (CHE); and the Commission for Gender Equality, a Chapter 9 institution tasked with the advancement of gender rights.

The draft policy framework was widely consulted and several presentations were made. Consultations include Disability People of South Africa, South African Human Rights Commission, the Commission for the Rights of Cultural Religious and Linguistic Communities, Higher Education AIDS, Higher Education Disability South Africa and the Office of the Public Protector who provided comment on the draft policy framework.

A final Social Inclusion Policy Framework was prepared for the Minister's consideration to publish in the Government Gazette. The Minister requested the CHE for input and advice on the policy framework. The CHE provided their advice in terms of section 5.1a of the Higher Education Act of 1997, as amended.

The policy framework was changed based on the recommendations from the CHE, Universities South Africa (USA) and other submissions that were received during the public comment process. The document has been strengthened to align it with the broader transformation agenda of Government.

More universal definitions of key concepts of social inclusion were introduced, and the policy was structured to be primarily focused on social inclusion, its elements and how it will be implemented in the diverse but interlinked PSET system. The relationship between the two concepts, social inclusion and social cohesion, was explained. The elements of social inclusion were broadened and the influence on teaching and learning included.

The legislative and policy context has been strengthened and the policy framework anchored in it without going into detail of how each impact on social inclusion due to their dynamic nature.

The structure of the policy framework has been conceptualised into three distinct sections viz.:

1. Conceptual Framework;
2. Strategic Intent; and
3. Implementation.

Acknowledging the financial constraints of the DHET and institutions, the policy framework calls for the integration of social inclusion into all aspects of institutional functions within current budgets as well as

the development of a broader funding strategy for social inclusion implementation. The strategy will provide details of priorities and implementation directives.

The annual action plans have been conceptualised within the annual reporting framework of institutions, and not as a separate reporting regime.

The final *Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System* was finalised and is now published in the Government Gazette.

2.6 Conclusion

The existence of a plethora of policies and legislation addressing issues of social inclusion clearly show that South Africa has, since the advent of democracy and freedom in 1994, developed many policies that enable the country to address the injustices of the past and build a more inclusive and cohesive South African society.

This policy framework aims to identify interventions that will contribute to reporting on elements of social inclusion, as well as to the development of some common analyses and understandings. It furthermore aims to deliver a process for mutual exchange and peer review, and identifies key common areas of concern for institutions to work on and key consensus areas to move forward.

3. Strategic Intent

The PSET system plays a key role in building an inclusive economy for South Africans as defined in Delivery Outcome 5 of government. Such an inclusive economy can only take root in an inclusive and cohesive society as articulated in the National Development Plan and Outcome 14.

This policy framework affirms the role of the PSET system in contributing to a united and democratic South Africa, narrowing the skills gap and by implication redresses the past inequalities in society based on race, gender, class, age, HIV and AIDS status, disability and geography.

There is also a need to entrench a culture of human rights in our institutions as defined in the Constitution of the country in order to promote national consciousness and social solidarity.

This policy framework acknowledges that the concept of social inclusion in the PSET system is currently ill-defined and uncoordinated and it affects all sectors of society. The existence of a PSET policy framework will strengthen coordination between DHET and other departments as well as with institutions and avoid unfunded mandates.

Institutional policies on social inclusion will go a long way in strengthening human rights and social justice in the PSET system.

The areas of DHET intervention are articulated in this document. They are also articulated in Strategic Plans of the DHET since its inception. These are areas of race, class, gender (affirmative action for women and empowering experiences for both men and women), disability, HIV and AIDS, age (youth) and geography (bridging the urban-rural divide in the provision of quality education).

Through this policy framework, the DHET is creating an empowering environment for social inclusion in the PSET that will ensure that social inclusion-related policies and legislation in the PSET institutions are implemented and monitored. There should be effective instruments of redress (the example is the National Student Financial Aid Scheme (NSFAS) funding and inclusive admission policies) as well as the improvement of quality education in educational institutions, especially in rural areas.

National norms and standards, where they do not already exist, should be developed on what constitutes student accommodation and health and wellness centres. This will assist in developing acceptable models for institutions.

3.1 Purpose of the Social Inclusion Policy Framework

The purpose of this *Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System* is to assist PSET institutions in the implementation of social inclusion and to provide a monitoring instrument to the DHET to ensure that the social inclusion priorities of the DHET are taken into account in all PSET institutions. Through this policy framework, the DHET is creating an empowering environment for social inclusion in PSET that will ensure that social inclusion-related policies and legislation in institutions are implemented and monitored.

3.2 Principles of Social Inclusion

This policy framework embeds social inclusion in the Constitution, and outlines the principles of social inclusion as:

- Constitutional democracy;
- Human rights and equality;
- Non-racialism, non-tribalism and non-sexism;
- Unity in diversity;
- Inclusivity and social justice;
- Redress and transformation;
- Intergroup and community cooperation;
- Social solidarity;
- Civic responsibility; and
- National consciousness.

Based on these principles, social inclusion strategies have been identified.

3.3 Values underpinning Social Inclusion

This policy framework locates social inclusion within the South African context and is characterised by a set of shared values, norms, visions and goals that foster bonds of belonging. These bonds cut across racial, ethnic, national and religious identities. Social inclusion therefore refers to interconnectedness between members of the human race and can be defined in clear terms as a sense of human solidarity.³² It is a universal human right, aims at embracing all people irrespective of race, gender, disability, medical or other need and is about giving equal access and opportunities and getting rid of discrimination and intolerance. It is thus important to note that social inclusion goes beyond the concept of social cohesion and nation building. It embraces all people, even those who do not share similar value systems, territories and histories.

³² Department of Arts and Culture, A National Strategy for developing an inclusive and cohesive South African society (June 2014), introductory section.

The policy framework recognises the constitutional values underpinned in the preamble of the Constitution and which are also restated in the Manifesto on Values, Education and Democracy³³ as published by the DOE in 2001. These values are:

- Democracy;
- Non-racism and non-sexism;
- (Ubuntu) Human dignity and social justice;
- Accountability;
- Respect;
- Reconciliation; and
- Unity in diversity.

3.4 Transformation Priorities of the Policy Framework

This policy framework is based on the transformation priorities of the DHET as stated in its Strategic Plans. These are:

- Race;
- Class;
- Gender;
- Disability;
- Language;
- Age;
- HIV and AIDS;
- Geography; and
- Citizenship in its broader sense.

³³ Department of Education. (2001). Manifesto on Values, Education and Democracy.

3.5 What must be done in order to realise Social Inclusion in the Post-School Education and Training System?

As outlined above, social inclusion is both an outcome and a process of improving the conditions under which people take part in society. In order to realise social inclusion in the PSET system, five strategic themes have been identified, viz.:

- a. Eradication of poverty and social exclusion in the system by mobilisation all PSET institutions and stakeholders in the sector towards common social inclusion objectives;
- b. Common indicators to measure progress in the achievement of social inclusion in the PSET system;
- c. The development of national strategic reports for social inclusion in the PSET system – which incorporated national action plans on social inclusion;
- d. Mutual learning and exchange on social inclusion in the PSET system; and
- e. PSET social inclusion assessment in the form of an annual report on social inclusion in the PSET system.

3.5.1 Common social inclusion objectives

In order to move towards a socially inclusive society, the DHET, institutions (including SETAs) and stakeholders must have a common understanding of and adopt a set of common social inclusion objectives. These include:

a. Leadership in social inclusion in the post-school education and training system

- The DHET and institutions (including SETAs) must provide leadership in the implementation of social inclusion in the PSET system. They must work together and devise deliberate steps to build cohesive institutions that attach value to nation building and a South African identity based on constitutional values as outlined in Chapter 2 of the Constitution, the Bill of Rights;
- The DHET and institutions must collaborate in ensuring that all people (staff and students) are able to express their identities without fear within the values of the Constitution as articulated in the Bill of Rights³⁴;

³⁴ Constitution of the Republic of South Africa, Act No. 108 of 1996, See Chapter 2 and sections dealing with human dignity, the right to life, freedom of religion, belief and opinion as well as freedom of association

- The DHET must work with government departments and social inclusion organisations and associations in creating a unified socially inclusive PSET system where government initiatives driven by other departments are implemented in a coordinated and planned manner;
- The DHET must work together with social inclusion groups, civil society groups and public institutions in ensuring that the advocacy campaigns are undertaken to strengthen social inclusion and cohesion. One of them is the DHET's 'Calendar of Significant Days' to promote awareness on human rights issues, social cohesion and inclusion; and
- The Human Sciences Research Council policy brief (June 2014) states that South Africa has passed an array of legislation dealing with gender equity. The policy brief proposes the improvement of coordination between government departments such as the DAC, DHA, DoW, DoH and DSD will go a long way in strengthening gender equity policy implementation. It further points out that the quality of educational experiences for both boys and girls remains poor in South Africa. There is therefore a need for priority assistance for women in the higher education system as they had undergone more difficult experiences in education as compared to their male counterparts.
- The DHET will set up a National Social Inclusion Forum (NSIF) that will guide and monitor the implementation of this policy framework.
- In order to accelerate transformation and reporting, the Minister will explore if incentivising will assist in accelerating inclusion.

b. Legislation and policy environment

This policy framework does not call for the promulgation of a new set of laws in the PSET system, but rather for a critical analysis and strengthening of existing policies and legislation and how they are linked to social inclusion, its implementation as well as its impact in the context of advancing transformation. The amendment of the Higher Education Act has already included that the Minister will determine the targets for transformation for public and private higher education institutions.

There is a need to communicate and advocate and implement legislative and policy directives throughout the PSET system.

Existing legislation will furthermore be used to deal with non-compliance issues.

c. Norms, standards and guidelines

The DHET will develop national norms, standards and guidelines (where they do not exist) for the implementation of social inclusion in the PSET system.

d. Institutional policies

Public institutions have a range of institutional policies that govern and guide the institution in its operations. This policy does not call for additional policies to be developed, but rather for the critical analysis of current policies in terms of social inclusion, identification of gaps and addressing these gaps by updating existing policies and develop new policies where necessary.

Therefore, this policy framework calls for public institutions to ensure that their institutional policies include social inclusion mechanisms and are guided by principles of substantive equality that aim to remove all barriers that perpetuate and create inequalities in society.

Elements of social inclusion that have to be included in institutional policies are, but are not limited to:

- Promote the building of a non-racial, non-sexist and democratic society as defined in Chapter 1, Founding Provisions of the South African Constitution, its Bill of Rights (Chapter 2) and international human rights protocols ratified by South Africa;
- Nurture responsible citizenship, social cohesion and inclusion;
- Advance human rights and social justice;
- Promote culturally and racially mixed student residences;

- Promote multilingualism and ensure that students are not excluded from teaching and learning on the basis of their language policies. The medium of instruction must be inclusive and cater equally for all students. This should be in line with Section 6 of the Constitution of the Republic of South Africa, 1996, which provides for 11 official languages of South Africa; recognises the diminished use and status of indigenous languages and the Use of Official Languages Act, 2012 (Act No. 12 of 2012);
- Promote an inclusive South African identity in institutional life;
- Eliminate sexual harassment through setting standards and policies on how to deal with offenders must be mandatory for all post-school education and training institutions; and
- Develop internal guidelines that promote awareness on Lesbians, Gays, Bisexual, Transgender and Intersex (LGBTI) rights and combat any form of homophobic violence against these groups. These must apply to both staff and students.

e. Teaching and Learning

Teaching and learning practices as well as pedagogical design of curriculum should reflect the context of social inclusion in institutions and the place of South Africa in Africa. This policy framework calls for critical engagement and improvement of current teaching and learning practices as well as pedagogical design of curriculum in the context of social inclusion and transformation of the entire PSET sector.

Therefore, critical and inclusive engagement has to take place on teaching and learning and pedagogical design of curriculum. Furthermore, institutions must embark on infrastructure development programmes and advocacy, communication and training programmes for both students and staff in elements of social inclusion and in the case of staff, how to deal with violation of social inclusion policies.

Institutions must identify the unique needs of vulnerable students and staff and provide infrastructure and support for teaching and learning.

The DHET, together with institutions, must take concrete steps in strengthening the creative arts as vehicles for African cultural values and the universal principles of human rights in education³⁵. The creative arts³⁶ are also vehicles for understanding African identity and they play a key role in economic development, youth development as well as addressing the need for social cohesion and inclusion in society.

Institutions will be required to integrate social inclusion in their annual action plans and report annually on the implementation of these plans.

f. Adoption of a social inclusion charter for the post-school education and training system

In support of this policy framework, all public PSET institutions will, under the leadership of the DHET, adopt a '*Charter on Social Inclusion in Post-School Education and Training Institutions*'.

The adoption of the charter will follow a specific national process led by senior management of the DHET. The Minister of Higher Education and Training will convene an assembly of representatives from public institutions, including the SETAs, to draft the charter. The assembly will adopt the charter, which will be published for comments and finalisation. Thereafter the charter will be ratified and implemented by **the Department of Higher Education and Training** and all public PSET institutions.

g. Funding strategies

In their submissions on the first Draft Social Inclusion Policy Framework, the CHE and HESA (now Universities South Africa) advocated for departmental financial support for social inclusion programmes. This is relevant to most institutions and programmes. The DHET's financial and material support for formal and non-formal programmes will be specifically necessary for TVET colleges and the newly established CET college sector will definitely expand in future.

Therefore, the DHET, with the NSIF and in collaboration with institutions, must develop multipronged funding strategies for the realisation of social inclusion in the PSET system.

³⁵ African Union, Charter for African Cultural Renaissance, revised, 4 January 2006, Article 10.

³⁶ *Ibid.*, See Articles 11, 12, 13, 22 and 24

3.5.2 Common indicators to measure progress in the achievement of social inclusion in the post-school education and training system

While social inclusion provides an outcome for the future, the process in achieving social inclusion in PSET institutions and the integration into curriculum and teaching and learning must be monitored, reported and recommendations made on how to improve social inclusion in PSET institutions.

An analysis of the international environment shows that since 2001, much work has been done within the European Union (EU)³⁷ to determine the level of social inclusion in European countries and the EU has played a leading role in developing measures that capture significant dimensions of social inclusion. Similar work has taken place in non-EU countries. Countries such as Australia³⁸ has considered EU indicators as foundational for its purposes and supplemented them with additional measures that match the country's social and political priorities. It is also noted that the EU indicators are somewhat better developed for material and labour market deprivation than for social, political or cultural dimensions of inclusion.

In order for institutions to understand the dimensions and elements of social inclusion and for the DHET to monitor progress in the implementation of social inclusion and to determine the level of social inclusion in PSET institutions, the DHET will, in consultation with institutions and stakeholders, identify drivers for social inclusion and develop social inclusion indicators for institutions to be appraised against.

The DHET will also develop a Social Inclusion Review and Improvement Model (SI-RIM) that can be used by the DHET and institutions to collect data and to measure progress in the process of social inclusion.

³⁷ Silver, H & Miller, S (2002). Social Exclusion: The European Approach to Social Disadvantage. Poverty and Race. Vol II, Issue 5, October 2002

³⁸ Australian Government (2009). Social Inclusion. A compendium of social inclusion indicators. How's Australia faring?

3.5.3 National strategic reports for social inclusion in the post-school education and training system

The DHET has to monitor the effectiveness of the implementation of this policy framework and the progress made in terms of realisation of social inclusion in the PSET system. As outlined in the national context, the DHET must not only report on such progress and effectiveness of social inclusion, but also has to report on performance plans and planning frameworks of government and provide reports on the dimensions and elements of social inclusion to other Departments to comply with treaty and agreement arrangements as well as their performance plans and planning frameworks.

While social inclusion indicators are necessary to identify critical factors a standardised process of collecting data and report on progress must be adopted.

The DHET, in consultation with institutions and stakeholders will develop a data standard for national strategic reports for social inclusion in the PSET system and publish it annually. These reports will contain the data that departments, organisations and associations need for their own reporting. This mechanism will enable the DHET to fulfil its national, regional and international reporting on issues of social inclusion and human rights. Relevant and cross-cutting national reports on social inclusion, as well as regional and international instruments will be covered through this standard (see 3.5.5).

The regulations governing reporting of higher education institutions, Higher Education Act No. 101 of 1997, section 41 read with section 69, as published in Government Gazette No. 37726 Notice No. 464 of June 2014 will enable the DHET to receive social inclusion reports from public universities. Currently universities are reporting annually to the DHET as prescribed by the *Regulations for Reporting by Public Higher Education Institutions*. Social inclusion performance indicators will be included as part of the governance indicator process.

The same process will apply to public TVET and CET colleges. In terms of Section 12(1) of the CET Act of 2006, College Councils are encouraged to establish special sub-committees. One of the sub-committees will be a College Transformation Sub-Committee that will support and monitor social

cohesion and inclusion programmes at each college. TVET and CET colleges will follow a similar integrated reporting mechanism as universities to report annually on national action plans on social inclusion.

3.5.4 Mutual learning and exchange on social inclusion in the post-school education and training system

As stated in the 2nd Higher Education Summit Statement it is evident that social inclusion is a complex area that is ill-defined and consists of a multifaceted set of drivers and implementation areas. Furthermore, as explained in the definition, social inclusion is a process of reaching an outcome and not only the outcome itself.

The DHET, institutions and stakeholders must continuously engage in the bigger issue of social inclusion, but also engage in specific areas within social inclusion. Therefore, dialogue in areas of social inclusion and in social inclusion itself must be established and nurtured. The DHET will play a pivotal role for these engagements to take place.

3.5.5 Social inclusion assessment in the form of an annual report on social inclusion in the PSET system

As outlined in 3.5.3, the mechanism of indicators and national strategic reports will enable the DHET to fulfil its national, regional and international reporting on issues of social inclusion. Not only relevant and cross-cutting national reports on social inclusion, as well as regional and international instruments, will be covered through this standard, but it will also be used for the monitoring and evaluation of the realisation of social inclusion in the PSET system.

The DHET will report on PSET social inclusion assessment in the form of an annual report on social inclusion in the PSET system.

4. Implementation Strategy

Implementation is at the heart of any policy or policy framework. As per the definition of social inclusion, the outcome has to be aspired to and the process has to be carefully planned, communicated, implemented, monitored and evaluated. This section does not aim to provide a detailed implementation plan. It provides a high-level implementation strategy, including implementation challenges. Because of the different levels of development of each institutional type, it briefly discusses the priority areas for each.

It formulates the policy instruments and mechanisms to be used in implementation. It furthermore addresses the issues of funding, co-ordination and strategic leadership as well as providing a high level implementation plan.

4.1 *Implementation Challenges for Social Inclusion*

4.1.1 **Social inclusion is at the heart of transformation in the PSET system**

Social inclusion and transformation in the PSET system cannot be separated. Much more dialogue is necessary to build greater understanding of transformation issues. This policy framework calls for new and different ways of engaging so that transformation debates are characterised by dignity and recognition of diverse perspectives. It furthermore calls for deliberate actions by all role players in the PSET system.

4.1.2 **Social inclusion is both an outcome and a process**

As argued throughout this document, social inclusion is not only an outcome to be achieved of a socially inclusive society embracing human rights and dignity, but also a process of improving the terms on which people take part in society. Therefore, social inclusion is an ongoing process where government, management, staff and students of institutions have to take hands and work together toward achieving the outcome of a socially inclusive society.

4.1.3 **Social inclusion covers diverse elements and have a range of role players**

Social inclusion is an extensive field, it consists of a number of elements, and each element contains specialisation issues. There is a range of organisations, associations and institutions

driving agendas and supporting specific social inclusion elements. For example, people living with disabilities consist of a range of specialist areas, each with its own unique challenges and role players.

4.1.4 Social inclusion elements influence successful teaching and learning

Social inclusion elements involve interfaces between language, educational disadvantage and class/socio economic status, to name a few. They influence successful teaching and learning. It is thus important to emphasise that inclusion in the PSET system cannot be fully realised without establishing conditions for successful teaching and learning. It is thus necessary for Social inclusion realisation to be measured against teaching and learning success.

4.1.5 Different levels of implementation of the social inclusion agenda

Social inclusion is on the transformational agenda of all institutions in the PSET system. However, universities were compelled to deliver on social inclusion for much longer than other institutional types. They have grappled with social inclusion discourses much longer and more in-depth than the rest of the PSET system.

With the conceptualisation of the newly established CET colleges, the establishment of higher education colleges and university colleges, and the function shift of TVET colleges to the DHET, much different implementation strategies will be pursued.

4.1.6 Implementation of some social inclusion elements is resource intensive

Implementation of social inclusion needs to be resourced at various levels in the PSET system. Some elements such as people living with disabilities are resource intensive and specialised infrastructure, equipment, programmes and staff have to be deployed.

4.2 Coordination and Strategic Leadership

As outlined in 3.5.1 the DHET and institutions must provide leadership in the implementation of social inclusion in the PSET system. They must build a common understanding of and adopt a set of common social inclusion objectives. They also have to devise deliberate steps to build cohesive institutions that attach value to nation building and a South African identity. The DHET will take the lead in this process

through a series of position papers that will be debated at different forums and recommendations for implementation formulated.

Of importance is that the DHET and institutions must collaborate in ensuring that all people (staff and students) are able to express their identities without fear within the values of the Constitution as articulated in the Bill of Rights³⁹. The DHET must work with government departments, social inclusion organisations and associations in creating a unified socially inclusive PSET system where government initiatives driven by other departments are implemented in a coordinated and planned manner.

In the short term (2017/8 – 2019/20 [2 years]) the DHET will work closely with institutions and other departments to develop and implement instruments to assist institutions in the implementation of social inclusion. These include the adoption of a Social Inclusion Charter for the PSET system and the official launch of the 'Calendar of Significant Days'.

DHET will work with other government departments, agencies, organisations and institutions to carefully plan, communicate, implement, monitor and evaluate social inclusion in the PESET system. It will work in specific with core (relevant) government departments towards the improvement of coordination between core government departments such as the DoW, DSD, DOH and DHA.

Other departments have specific transformation agendas that address social inclusion such as the Departments of Science and Technology (women in science and technology) and the Department of Telecommunication and Postal Services (people with disabilities in the communication sector) to name only two. The DHET will form partnerships with these departments in order to support the national social inclusion agenda.

It will furthermore set up an NSIF that will guide and monitor the implementation of this policy framework that has representation from government, social inclusion groups, civil society groups and public institutions.

³⁹ Constitution of the Republic of South Africa, Act No. 108 of 1996, See Chapter 2 and sections dealing with human dignity, the right to life, freedom of religion, belief and opinion as well as freedom of association

4.3 National and Institutional Policies

The DHET will conduct a critical analysis of all national policies and legislation around social inclusion that creates the enabling environment for the realisation of social inclusion in the PSET system. The DHET will communicate and advocate the legislative and policy environment throughout the PSET system.

In the short term, public institutions are to finalise their institutional policies that govern and guide social inclusion realisation where they do not exist. At the end of 2019/20 the DHET will conduct a study on the scope and effectiveness of institutional policies.

4.4 Social Inclusion Indicators, Data Collection and National Strategic Reports

It is important that the DHET within the first year of implementation initiate the process of developing a SI-RIM, social inclusion indicators as well as a standardised process of collecting and reporting on progress. By the end of 2019/20 standardised national strategic reports for social inclusion in the PSET system will be adopted and reported (both DHET and institutions). These include the data and information needed for relevant and cross-cutting national reports on social inclusion, as well as regional and international instruments.

In the medium to long term, the effectiveness of the enabling environment that has been created will be constantly monitored and reported.

4.5 Mutual Learning, Exchange, Advocacy and Communication

The DHET encourages institutions to develop student leadership in social inclusion and to engage with students and staff on an ongoing basis on social inclusion elements and implementation. Furthermore, institutions must continuously advocate and communicate the realisation of social inclusion.

4.6 Institutional Implementation

As outlined in 4.3, a critical analysis of current institutional policies will identify gaps and make recommendations for improvement.

In 2018/9, based on this analysis, institutions will include social inclusion in their annual action plans and report from 2019/20 annually on the implementation of these plans. These include (as deliberated in 3.1.5e) that institutions, in the short to medium term, demonstrate that teaching and learning as well as institutional infrastructure and programmes are deployed to realise social inclusion.

Because of the different levels of implementation of social inclusion in different institutional types, implementation will not be the same for all institutional types. This policy framework therefore identifies areas of focus for each institutional type to be implemented in the short, medium and long term.

4.6.1 Areas of focus for universities

a. Governance

This policy framework asserts that all institutions should at all times observe the rules of democratic engagement of students and staff on matters affecting them.

Therefore:

- Governing structures of institutions should be representative;
- Freedom of association and freedom of expression as articulated in Chapter 2 of the Constitution should be observed; and
- Training of council members in social inclusion dimensions is critical as these structures are crucial in the development and implementation of progressive institutional policies.

b. Democratic representation of staff and students

Democratic representation for both staff and students cannot be divorced from the broader debate of social inclusion, access and transformation.

This policy framework is in agreement with the Soudien Report's recommendations on staff development, creation of posts and mentorship as part of institutional plans. This policy framework supports departmental initiatives such as the new Generation of Academics Programme (nGAP) which encompasses both historically advantaged and disadvantaged higher education institutions.

Institutions should have clear and transformation-supporting policies and guidelines with regard to teaching and learning, staff promotion and clear indicators for teaching, learning and research. University councils should establish functional employment equity processes and procedures and monitor and report on employment equity trends in terms of the Employment Equity Act.

This policy framework further supports the Soudien Report (2008) recommendation which stated that employment equity should be part of the Vice-Chancellors' employment contracts (and extended to TVET and CET college principals).

c. Improving access to previously disadvantaged students

Student demographics in institutions have greatly improved as more black students are entering institutions in greater numbers. Most of these students come from poor and middle class households. The greatest challenge remains the high cost of higher education and training, which continues to increase on an annual basis and thus keep a significant number of qualifying students out of the system.

This policy framework supports current government efforts aimed at addressing financial support for students in institutions through increased NSFAS financial allocations and new management systems, as well as the recent focus on the 'missing middle'⁴⁰.

d. Addressing the needs of students and staff with disabilities

Most universities have already progressed significantly in developing disability units, building needed infrastructure support to staff and students with disabilities and implementing disability policies.

This policy framework noted and supports the Ministerial Statements on Disability Funding and the norm that all infrastructural programmes have to address disability issues.⁴¹

⁴⁰ The subcommittee on education, health, science and technology announced on 9 February 2016 that NSFAS was putting in place a process to develop a new funding model to provide loans for students in the 'missing middle' and that the new funding model would be tested in the 2017 academic year for full implementation in 2018. The missing middle refers to students above the National Student Financial Aid Scheme (NSFAS) threshold but for whom university education is unaffordable.

e. Dialogue forums

Dialogue forums are a necessity in institutions as they nurture a culture of debate and democratic participation in public affairs. Debates around issues of identity, social inclusion and human rights culture should take place in partnership with other institutions and civil society organisations and these should be supported and encouraged.

f. Gender equity

The Human Sciences Research Council policy brief (June 2014)⁴² points out that the quality of educational experiences for both male and female students remains poor in South Africa. There is therefore a need for priority assistance for women in the PSET system. This assistance must be formalised in institutional policies and should be grounded on applicable national legislation.

This means gender equity policies and targets should be in place in all institutions and be part of PSET institutions' transformation reports. These gender equity targets should not be limited to the number of women admitted as students or employed by institutions, but should also address their occupation of leadership positions, participation in post-graduate studies as well as their participation and success rate in previously male-dominated programmes such as engineering and political sciences.

g. Healthcare and HIV and AIDS

Health centres and student support services in institutions must be prioritised to promote a healthy lifestyle on and off campus, assist staff and students in health-related queries and in specific conduct an HIV and AIDS information and awareness campaign.

This policy framework acknowledges the work of the HEAIDS project and re-iterates the view that health centres located in institutions should receive all the necessary support in ensuring that preventive measures are in place and both staff and students receive the necessary support as there should be no discrimination against persons living with HIV and AIDS.

⁴¹ Department of Higher Education and Training (2014) *Woza Sizokwakha!* Building Higher Education: Infrastructural Renewal, Revitalisation and Development

⁴² www.hsrc.ac.za, Rarieya, J, Sanger N, Moolman, B, Policy Brief, Gender inequalities in education in South Africa (June 2014)

h. Student accommodation

This policy framework calls for the abolition of any form of racial segregation and discrimination in student residences. Institutions should have placement policies that will be centrally monitored by the residence office of each institution.

This policy framework supports the recommendation of the Soudien Report (2008) which called for the banning of initiation ceremonies and activities, “irrespective of whether an activity causes bodily harm or not” as these activities and ceremonies could be used as a cover to promote racial bigotry in institutions and thus threaten social cohesion.

Institutional employment equity policies should also be applied to residence employees in order to avoid the perpetuation of ethnic or racial composition of residence staff.

The newly conceptualised institutions (University Colleges and Higher Education Colleges), when established, will be subjected to the same principles and priorities as universities and implementation will be part of the conceptualisation and initial implementation phase. All the elements of social inclusion will be addressed through institutional policies, action plans and implementation.

4.6.2 Areas of focus for TVET colleges and CET colleges

a. Governance

As for universities, this policy framework asserts that all TVET and CET colleges should at all times observe the rules of democratic engagement of students and staff on matters affecting them.

Therefore:

- Governing structures of institutions should be representative of all sectors in the institution;
- Freedom of association and freedom of expression should be observed;
- Institutional forums to broaden the participation of stakeholders in the governance of the institutions should be strengthened;

- Training of council members in social inclusion dimensions is critical as these structures are crucial in the development and implementation of progressive institutional policies; and
- Social inclusion policies should be developed and implemented in all aspects of teaching and learning, staff and student life. Policies should also be published on the college's website.

b. Democratic representation of staff and staff development

As for universities, democratic representation for both staff and students cannot be divorced from the broader debate of social inclusion, access and transformation.

However, in TVET and CET colleges the level of professional education and training of staff is lower than in higher education institutions. Much has to be done both in terms of representivity and professional development of staff. Colleges must have clearly defined and communicated staff development targets and programmes (both formal qualifications and professional development programmes).

Institutions should have clear and transformation-supporting policies and guidelines with regard to staff promotion and clear indicators for teaching. Councils should establish functional employment equity processes and procedures and monitor and report on employment equity trends in terms of the Employment Equity Act.

TVET and CET college staff and students should attend diversity management courses in order to promote cross-cultural and interracial harmony in institutions. This will also greatly assist students as they are likely to enter diversified workplaces after completing their studies.

c. Instilling a culture of human rights

TVET and CET colleges should nurture active citizenship in and beyond the lecture rooms by encouraging students to participate in activities that promote constitutional values, nation building and social cohesion. TVET and CET colleges are encouraged to build leadership skills and give students much-needed life skills.

The 'Calendar of Significant Days' and the Bill of Responsibilities for the Youth of South Africa (2008) should be implemented in TVET and CET colleges as these two documents instil constitutional values and promote social cohesion among the youth.

d. Student support and development services

Each campus of a TVET or CET college should have an office providing student support and development services to students. These facilities will provide integrated professional social inclusion services in the form of information, advice, counselling, assistance and inclusive education support to students. The DHET will provide resource packs and training support to staff working in these offices in implementing social inclusion in TVET and CET colleges.

e. Critical role of student representative councils

All TVET and CET colleges' SRCs should be used as a vehicle to address the issue of social inclusion. Therefore, SRC members will be capacitated to provide leadership in social inclusion issues, be responsible for implementation of social inclusion policies of the institution and promote social inclusion issues within the student community. The SRC will work closely with the student support and development services and management of the institution towards the goal of a socially inclusive society.

f. Promotion of inclusive arts, sport and cultural activities

The arts, sport and cultural activities are vehicles for social inclusion and should receive adequate attention and support. Attention should also be paid to disability sport in TVET and CET colleges in order to ensure that students with disabilities are not excluded from enriching campus experiences.

4.7 Funding

The HESA (now Universities South Africa) sector position paper (March 2010) in response to the Soudien Report (2009) stated: "The skills that are needed to build cultures of anti-racism in administrative structures, in residences, the sporting and cultural arena as well as in teaching and learning are not present in the degree to which they are required and again, the development of these skills and the capacity to train and educate others in meaningful ways, will take an injection of

resources.” The report points to the need for dynamic interaction with the ministry concerning ways in which their transformation efforts can be supported and resourced as well as monitored and evaluated.

The DHET is realistic about the fiscal constraints affecting government, and therefore accepts that the imperatives for a socially inclusive PSET system will require investment from current subsidies and funding sources. Integrated planning and implementation within current budgets will need to be implemented.

The Medium Term Expenditure Framework (MTEF) will provide a sustainable source for the implementation of national social inclusion initiatives, such as the development and communication of the charter and the development of indicators, with a greater degree of predictability and accountability for the planning and funding of social inclusion.

4.8 Monitoring and Evaluation

Monitoring and evaluation of the implementation of this policy will take place on two levels. As discussed in 3.5.2, common indicators will be developed and agreed to measure and report on the progress in the achievement of social inclusion in the PSET sector. Important is that this mechanism will also be used to make recommendations on how to improve the implementation of social inclusion in PSET institutions (3.5.5).

The envisaged development and implementation of the SI-RIM will create a mechanism and instruments for monitoring and evaluation.

Furthermore, the publication of national strategic reports for social inclusion in the PSET system will furthermore monitor progress and evaluate the realisation of social inclusion in the PSET system as well as to provide information for national monitoring and evaluation mechanisms of government departments such as the DoW, DOH and the DSD.

4.9 Dispute Resolution Procedures

There will be instances where individuals will report cases of unfair discrimination to the Minister, the DHET and other organisations. This policy framework calls on institutions to develop clear guidelines for their complaints offices, call centres and ombudsman offices.

The DHET will also apply relevant legislation when intervening in cases of discrimination.

This policy framework also recognises the role of Chapter 9 institutions such as the South African Human Rights Commission (HRC), the Commission for Gender Equality (CGE) and the Commission for the Protection of Cultural, Religious and Linguistic Communities in dispute resolutions.

4.10 High-Level Implementation Plan

This policy framework will come into full implementation in 2017/8, although the DHET and institutions will initiate initiatives to provide an enabling environment for the realisation of social inclusion in PSET institutions during 2016/7.

Initiative	Responsibility	Timeframes		
		Short Term 2017/8 – 2019/20 (2 Years)	Medium Term 2020/1 – 2023/4 (3 Years)	Long Term 2023/4 and beyond
a. Coordination and strategic leadership	DHET (implementation branches), institutions, organisations such as DEFSA	<ul style="list-style-type: none"> Build a common understanding and adopt a set of common social inclusion objectives Monitor debates, issues, recommendations and identify implications 	<ul style="list-style-type: none"> All people (staff and students) are able to express their identities without fear within the values of the Constitution as articulated in the Bill of Rights 	
	DHET (implementation branches)	<ul style="list-style-type: none"> Develop norms, standards and guidelines for the realisation of social inclusion in the PSET system 		
	DHET (planning branch)	<ul style="list-style-type: none"> Work with government departments, social inclusion organisations and associations in creating a unified socially inclusive PSET system Government initiatives driven by other departments are implemented in a coordinated and planned manner Work with core (relevant) government departments towards the improvement of coordination between core government departments Form partnerships with other departments in order to support the national social inclusion agenda Work closely with institutions (implementation branches) and other departments to develop and implement instruments to assist institutions in the implementation of social inclusion Adopt a Social Inclusion Charter for the PSET system Launch of the 'Calendar of Significant Days' Set up an NSIF 		
			<ul style="list-style-type: none"> Monitor the implementation of the Social Inclusion Implementation plan P46) and the 'Calendar of Significant Days' 	
			<ul style="list-style-type: none"> The NSIF guides and monitors the implementation of this policy 	

Initiative	Responsibility	Timeframes		
		Short Term 2017/8 – 2019/20 (2 Years)	Medium Term 2020/1 – 2023/4 (3 Years)	Long Term 2023/4 and beyond
b. National and institutional policies and implementation	DHET	<ul style="list-style-type: none"> • Conduct a critical analysis of all policies and legislation around social inclusion that creates the enabling environment for the realisation of social inclusion in the PSET system 	<ul style="list-style-type: none"> • Communicate and advocate the legislative and policy environment throughout the PSET system 	
	Public institutions	<ul style="list-style-type: none"> • Finalise their institutional policies that govern and guide social inclusion realisation 	<ul style="list-style-type: none"> • Update institutional policies • Monitor the scope and effectiveness of institutional policies 	
		<ul style="list-style-type: none"> • Develop and implement social inclusion objectives (incl. infrastructure and programmes) as outlined in 3.5.1 • Develop, implement and report annually through the agreed reporting systems on annual action plans for social inclusion, including: <ul style="list-style-type: none"> ○ Policy implementation ○ Governance ○ Democratic representation of staff and students ○ Staff development ○ Infrastructure ○ Programmes ○ Access to previously disadvantaged students ○ Addressing needs of students and staff with disabilities ○ Dialogue forums ○ Gender equity ○ Health care and HIV and AIDS ○ Student accommodation ○ Culture of human rights ○ Student support and development services ○ Student leadership ○ Inclusive arts, sport and cultural activities 		

Initiative	Responsibility	Timeframes		
		Short Term 2017/8 – 2019/20 (2 Years)	Medium Term 2020/1 – 2023/4 (3 Years)	Long Term 2023/4 and beyond
c. Social inclusion indicators, data collection and national strategic reports	DHET (planning branch)	<ul style="list-style-type: none"> Develop a SI-RIM Develop social inclusion indicators Develop and implement a standardised process of collecting and reporting on progress 	<ul style="list-style-type: none"> Adoption of standardised national strategic reports for social inclusion in the PSET system 	<ul style="list-style-type: none"> Implementation of the SI-RIM, social inclusion indicators and standardised process of collecting and reporting on progress
d. Mutual learning, exchange, advocacy and communication	DHET (planning and implementation branches) and institutions DHET takes the lead and work with institutions, organisations and associations	<ul style="list-style-type: none"> Advocacy and distribution of the policy framework document to institutions, agencies and organisations Develop an advocacy and communication strategy to strengthen social inclusion 	<ul style="list-style-type: none"> Implementation of the advocacy and communication strategy 	
e. Funding	Institutions DHET, institutions, social inclusion organisations, agencies	<ul style="list-style-type: none"> Develop student leadership in social inclusion Promote a conducive environment for dialogue and debate on social inclusion elements 	<ul style="list-style-type: none"> Engage with students and staff on an ongoing basis on social inclusion elements and implementation Develop funding strategies for national and institutional initiatives 	<ul style="list-style-type: none"> Student leaders advocate and communicate social inclusion and participate in dialogue and debates in a progressive manner Evaluate and revise funding strategies to optimise the realisation of social inclusion in the PSET system
f. Monitoring and	DHET (planning)	<ul style="list-style-type: none"> Engage with students and staff on an ongoing basis on social inclusion elements and implementation 	<ul style="list-style-type: none"> Engage with students and staff on an ongoing basis on social inclusion elements and implementation 	<ul style="list-style-type: none"> Link to c. Social inclusion indicators, data collection and national strategic reports (see above).

Initiative	Responsibility	Timeframes		
		Short Term 2017/8 – 2019/20 (2 Years)	Medium Term 2020/1 – 2023/4 (3 Years)	Long Term 2023/4 and beyond
evaluation	branch), institutions	<p>This will be used to measure and report on the progress in the achievement of social inclusion in the PSET sector, as well as to make recommendations on how to improve the implementation of social inclusion in PSET institutions</p> <ul style="list-style-type: none"> • Develop and implement the SI-RIM to create a mechanism and instruments for monitoring and evaluation • Publication of national strategic reports for social inclusion in the PSET system to monitor progress and evaluate the realisation of social inclusion in the PSET system, and to provide information for national monitoring and evaluation mechanisms of government 		
g. Dispute resolution procedures	Institutions	<ul style="list-style-type: none"> • Develop clear guidelines for handling dispute resolutions within current legislation and policies 	<ul style="list-style-type: none"> • Implement dispute resolution procedures 	

ANNEXURE A

Department of Higher Education and Training social inclusion legislative and policy mandates:

- Republic of South Africa, Constitution of the Republic of South Africa (Act 108 of 1996)
- Department of Education, Higher Education Act, 1997 (Act No. 101 of 1997); as amended
- Department of Higher Education and Training, Continuing Education and Training Act (Act No. 16 of 2006)
- Department of Labour, Skills Development Act (1998)
- Department of Education, White Paper on Education and Training (1995)
- Department of Education, White Paper 3: A Programme of Transformation for Higher Education Institutions (1997)
- Department of Education, Education White Paper 4 – A Programme for Transformation of Further Education and Training (1998)
- Department of Education, White Paper 6: Special Needs Education. Building an inclusive education and training system (2001)
- Department of Education, White Paper 7 on e-Education: Transforming Learning and Teaching through Information and Communication Technologies (ICTs) (2004)
- Government Outcome 5: A skilled and capable workforce for inclusive growth (2010)
- Government Outcome 14: Nation-building and Social Cohesion (2010)
- The Presidency, the National Development Plan (NDP) – Vision 2030 (2012)
- Department of Higher Education and Training, The White Paper for Post-School Education and Training: Building an Expanded, Effective and Integrated Post-School System (2013)

Other legislation and policies impacting on social inclusion in PSET:

- Department of Education, National Student Financial Aid Scheme Act, 1999 (Act No. 56 of 1999), as amended
- Department of Education, National Policy on HIV/AIDS, for learners and educators in public schools, and students in Further Education and Training Institutions (1999)
- Department of Education, Manifesto on Values, Education and Democracy (2001)

- Department of Education, Bill of Responsibilities for the Youth of South Africa (2008)
- Department of Arts and Culture, A National Strategy for Developing an Inclusive and Cohesive South African Society (2012)
- Department of Higher Education and Training, Government Gazette No. 37726, Notice No. 464, 9 June 2014, Regulations for Reporting by Public Higher Education Institutions (2014)
- The Presidency, Draft National Youth Policy, 2014-2019 (2015)
- Department of Social Development, Draft White Paper on National Disability Rights Policy (2015)

DEPARTMENT OF HUMAN SETTLEMENTS

NO. 1561

15 DECEMBER 2016

PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL

*Prepared in terms of section 14 of the Promotion of Access to Information Act, 2000
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FOREWORD

Section 32 of the Constitution of the Republic of South Africa, 1996 (the Constitution) grants everyone the right of access to any information held by the state or by another person and that is required for the exercise or protection of any right.

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA), in realisation of these constitutional rights, specifically–

- charges all public bodies with the responsibility to facilitate public access to information/record(s) under their custody;
- provides a framework and procedures for the public to exercise their constitutional right to information as swiftly, inexpensively and effortlessly as reasonably possible;
- stipulates mechanisms which governmental bodies must put in place, to facilitate access to such information by members of the public; and
- outlines conditions under which restricted access apply, including those relating to personal, commercial, financial, technical or scientific information about a third party; information which may affect court or police proceedings, e.g., police dockets in bail proceedings and certain categories of information about the South African Revenue Service.

There are undoubtedly limitations to public realisation of the rights as stipulated in section 36 of the Constitution and sections 33 to 45 of the PAIA Act, respectively.

In compliance with the statutory requirements of the PAIA and to contribute to the promotion of departmental transparency, accountability and effective governance, the Department of Human Settlements has produced a manual as a mechanism to facilitate public access to information/record(s) under its custody.

It is hoped that this manual will serve as an effective platform/tool for providing the public with the relevant information to enable them to exercise their right of access to information under the custody of the Department.



M TSHANGANA
DIRECTOR-GENERAL
DEPARTMENT OF HUMAN SETTLEMENTS
DATE: 19/09/2016

ACRONYMS

BAS	: Basic Accounting System
BNG	: Breaking New Grounds
CD	: Chief Director
CRU	: Community Residential Programme
CSOS	: Community Scheme Ombud Services
DDG	: Deputy Director-General
DFI	: Development Finance Institutions
DHS	: Department of Human Settlements ("the Department")
DIO	: Deputy Information Officer (designated in terms of section 17 of the PAIA)
EAAB	: Estate Agency Affairs Board
FLISP	: Finance Linked Individual Subsidy Programme
HDA	: Housing Development Agency
HR	: Human Resource
HS	: Human Settlements
HSDG	: Human Settlements Development Grant
HSS	: Housing Subsidy System
IO	: Information Officer (Director-General of the Department)
MEIA	: Monitoring, Evaluation and Impact Assessment
M&E	: Monitoring and Evaluation
MTSF	: Medium Term Strategic Framework
MTEF	: Medium Term Expenditure Framework
NHBRC	: National Home Builders Registration Council
NHFC	: National Housing Finance Corporation
NURCHA	: National Urban Reconstruction and Housing Agency
PAIA	: Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
PDHS	: Provincial Department of Human Settlements
PHP	: People's Human Settlement Process
RHLF	: Rural Housing Loan Fund
SABC	: South African Broadcasting Corporation
SAHRC	: South African Human Rights Commission
SALGA	: South African Local Government Association
SHRA	: Social Housing Regulatory Authority
SLA	: Service Level Agreements
USDG	: Urban Settlement Development Grant

DEFINITION OF TERMS

	Term	Definition/Description
1.	Access fee	Fee payable by a requester for search, preparation and reproduction of requested records, as prescribed in PAIA section 22(6).
2.	Act	The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000). Also referred to as the PAIA or "the Act".
3.	Department	The Department of Human Settlements. Also referred to as the DHS.
4.	Deputy Information Officer (DIO)	A person designated by the Director-General to render the public body as accessible as reasonably possible for requesters of its records as prescribed in PAIA section 17(1).
5.	Guide	Document or book produced by the South African Human Rights Commission for the purposes of assisting any person who wishes to exercise any right in terms of the PAIA as prescribed in section 10.
6.	Information Officer (IO)	The Director-General of the Department of Human Settlements as defined in PAIA section 1.
7.	Internal appeal	An appeal against a decision to refuse access to information, as stipulated in PAIA section 74.
8.	Personal information	Information about an identifiable individual, including, but not limited to, information relating to race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual as defined in PAIA section 1.
9.	Personal requester	A person seeking access to information/records containing personal information about himself/herself as defined in PAIA section 1.
10.	Public body	Any department of state or administration in the national or provincial sphere of government, any municipality in the local sphere of government or any institution performing a public function in terms of any legislation as defined in PAIA section 1. Also referred to as government body or department.
11.	Record	Any recorded information, in any form or medium under the

		custody of DHS as defined in PAIA section 1.
12.	Records automatically available	Records that can be accessed without a person having to request access in terms of the Act as stipulated in section 15(1)(a) of PAIA.
13.	Records available on request	Records that can be accessed through following PAIA processes as stipulated in PAIA sections 11 and 18; access to these records may be refused on the basis of sections 33 to 45 of the Act.
14.	Relevant authority	Minister of Human Settlements or the person designated in writing by the Minister to deal with internal appeals as defined in PAIA section 1.
15.	Request fee	A non-refundable fee payable by a requester when submitting a request for access as per the provisions of PAIA section 22(1). (Personal requester excluded from paying request fee).
16.	Request for access	A request for access to a record or records held by the Department made in accordance with PAIA sections 8 and 11.
17.	Requester	Any person making a request for access to information or records of DHS or a person acting on behalf of the person requesting information as defined in PAIA section 1.
18.	Third party	Any person, including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation other than the requester concerned and a public body as defined in PAIA section 1.
19.	Working days	Any days other than Saturdays, Sundays or public holidays as defined in PAIA section 1.

1. INTRODUCTION

This manual is compiled as a statutory requirement in compliance with the provisions of section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA), which mandates all government bodies to compile and publish a manual indicating information/records under its custody that are readily available to the public, as well as those that need to be requested through provisions of the Act.

This manual represents only the Department of Human Settlements (DHS) and does not include information/records of the various provincial departments.

2. OBJECTIVES OF THE ACT

The objectives of PAIA according to section 9 are–

- to give effect to the constitutional right of access to information held by the state and any information that is held by another person that is required for the exercise or protection of any rights;
- to give effect to the right of access to information; subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance; and in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;
- to give effect to the constitutional obligations of the state of promoting a human rights culture and social justice;
- to establish voluntary and mandatory mechanisms or procedures to give effect to the right of access to information in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and
- to promote transparency, accountability and effective governance of all public and private bodies.

3. PURPOSE OF THE MANUAL

This manual is intended to:

- Provide information on the DHS's structure, functions and services it renders to the public and how to gain access to them;
- Provide information about departmental contact information including details of postal, street and electronic mail addresses; phone and fax numbers of the Information Officer (IO) and the designated Deputy Information Officer (DIO);
- Provide a list of automatically available records under departmental custody;
- Outline procedures to be followed by members of the public in accessing information under DHS's custody, in accordance with the provisions of PAIA.

4. GUIDE ON HOW TO USE PAIA (SECTION 10)

The South African Human Rights Commission (HRC) compiled a guide on the use of the PAIA as prescribed by section 10 of the Act. The guide is available at the offices of the HRC.

South African Human Rights Commission

National Head Office

33 Hoofd Street

Braampark Forum III

Braamfontein

Johannesburg, Gauteng

2014

Telephone number: +27 11 877 3600/3803

Fax number: +27 11 403 0625

Email address: paia@sahrc.org.za

Website: www.sahrc.org.za

5. CONTACT INFORMATION

5.1 Information Officer

As provided for in the Act, the Director-General is the IO.

Director-General: Mr M Tshangana

Telephone: +27 12 421 1486/1312/+27 12 444 5246

Fax: +27 12 421 2998

Email: InformationOfficer@dhs.gov.za

5.2 Deputy Information Officer

The Chief Director (CD): Corporate Support is designated as the DIO, as provided for in section 17(1) of the Act.

Deputy Information Officer: Mr M Moerane
Telephone: +27 12 444 9006
Fax: +27 86 510 8601
Email: DeputyInformationOfficer@dhs.gov.za

5.3 PAIA Unit

The PAIA unit facilitates the provision of public access to departmental information.

Telephone: +27 12 444 9045/57/58
Fax: +27 86 471 1939
Email: paia@dhs.gov.za

5.4 General information

Postal address: Private Bag X644
PRETORIA
0001

Physical address: Govan Mbeki House
240 Justice Mahomed Street
PRETORIA
0002

Telephone: +27 12 421 1311
Fax: +27 12 341 8512/+27 12 444 9000
Email: info@dhs.gov.za
Website: www.dhs.gov.za

6. LEGISLATIVE MANDATE INFORMING THE FUNCTIONS OF THE DEPARTMENT

- Breaking New Ground: A Comprehensive Plan for the Creation of Sustainable Human Settlements
- Community Schemes Ombud Service Act, 2011 (Act No. 9 of 2011)
- Constitution of the Republic of South Africa, 1996
- Division of Revenue Act, 2015 (Act No. 1 of 2015)
- Estate Agency Affairs Act, 1976 (Act No. 112 of 1976)
- Home Loan and Mortgage Disclosure Act, 2000 (Act No. 63 of 2000)
- Housing Act, 1997 (Act No. 107 of 1997)
- Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998)
- Housing Development Agency Act, 2008 (Act No. 23 of 2008)
- Inclusionary Housing Bill (2007)
- Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005)
- National Development Plan
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998)
- Public Finance Management Act, 1999 (Act No. 1 of 1999)
- Rental Housing Act, 1999 (Act No. 50 of 1999)
- Sectional Titles Schemes Management Act, 2011 (Act No. 8 of 2011)
- Social Housing Act, 2008 (Act No. 16 of 2008)

7. FUNCTIONS AND STRUCTURE OF THE DEPARTMENT OF HUMAN SETTLEMENTS

7.1 STRATEGIC OVERVIEW

7.1.1 VISION: A nation housed in sustainable human settlements.

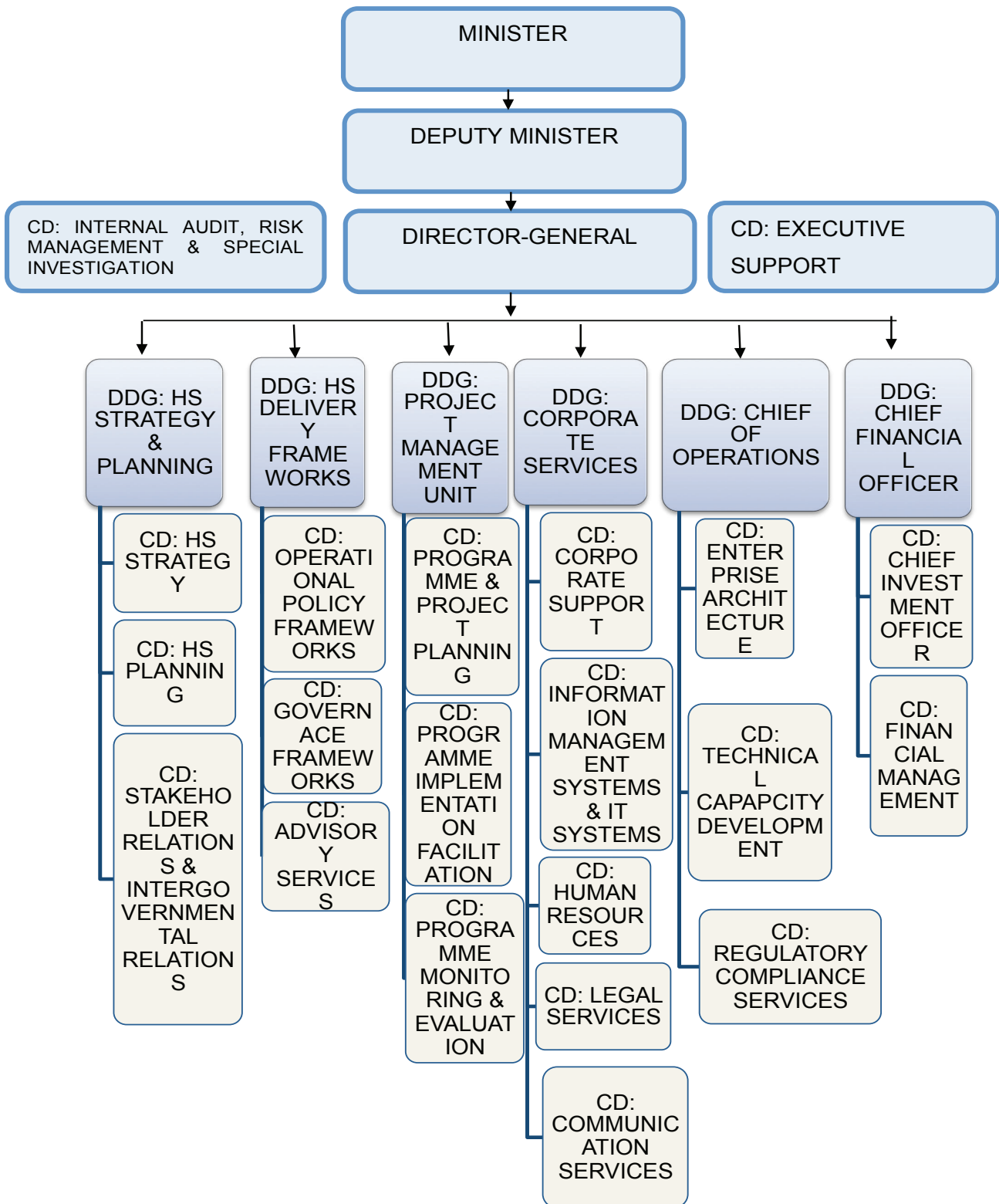
7.1.2 MISSION: To facilitate the creation of sustainable human settlements and improved quality of household life.

7.1.3 VALUES

The core values guiding and regulating the Department are based on the Constitution and supporting legislations and includes:

- Accountability
- Fairness and equity
- Choice, quality and affordability
- Sustainability
- Innovation
- *Batho Pele* principles

7.2 ORGANISATIONAL STRUCTURE OF THE DEPARTMENT



7.3 SERVICES RENDERED BY THE DEPARTMENT

The Department primarily:

- Establishes and maintains a policy and legislative framework required for facilitation of a sustainable and integrated human settlements objective in line with government's objective and departmental mandate; and
- Facilitates apportionment of annual allocation to provinces and municipalities for human settlements, infrastructure development and land acquisition.

In addition to the role that provinces and municipalities play with regard to human settlements, the following national institutions were established to facilitate the human settlements related needs of the sector:

Institutions	Services	Clients	Obtain information at
Estate Agency Affairs Board (EAAB)	<ul style="list-style-type: none"> • Regulate, maintain and promote the standard of conduct by estate agents having due regard to the public interest; • Issue fidelity fund certificates to qualifying applicants; • Prescribe the standard of training of estate agents; • Investigate complaints against estate agents and institute disciplinary proceedings against offending estate agents where required; and • Manage and control the estate agents fidelity fund. 	Housing consumers and estate agents.	DHS, EAAB offices.
Community Schemes Ombud Service (CSOS)	<ul style="list-style-type: none"> • Provide a dispute resolution service for community schemes; • Provide training for conciliators, adjudicators and other employees of the ombud service; • Regulate, monitor and control the quality of all sectional title schemes governance documentation; and 	Community scheme body corporate, community scheme unit owners and tenants.	DHS, CSOS offices.

Institutions	Services	Clients	Obtain information at
	<ul style="list-style-type: none"> Take custody of, preserve and provide public access to scheme governance documentation. 		
Housing Development Agency (HDA)	<ul style="list-style-type: none"> Identify, acquire, hold, develop and release well-located land and buildings for the development of housing and human settlements; and Provide project management support and housing development services. 	Housing consumers, developers and organs of state (municipalities and metros).	DHS, provincial department of human settlements (PDHS), municipalities, HDA offices.
National Home Builders Registration Council (NHBRC)	<ul style="list-style-type: none"> Regulate the home building environment through home enrolment and home builder registration processes; Protect the housing consumer against structural defects through building inspections and administration of the warranty reserve; Promote innovative home building technologies; and Set home building standards and improve the capabilities of home builders through training. 	Housing consumers and home builders.	DHS, PDHS, municipalities, NHBRC offices.
National Urban Reconstruction and Housing Agency (NURCHA)	<ul style="list-style-type: none"> Provide bridging finance to small, medium and established contractors building low- and moderate-income housing, and related community facilities and infrastructure; and Provide programme and fund management services. 	Contractors and developers.	DHS, PDHS, municipalities, NURCHA offices.

Institutions	Services	Clients	Obtain information at
National Housing Finance Corporation (NHFC)	<ul style="list-style-type: none"> • Provide innovative and affordable housing finance solutions for the low- to middle-income housing market; • The NHFC provides the following services: <ul style="list-style-type: none"> ▪ Private rental term loans; ▪ Social housing rental facilities; ▪ Bridging finance to developers; ▪ Wholesale incremental housing facilities; ▪ Wholesale homeownership facilities; and ▪ Administration of the Finance Linked Individual Subsidy Programme (FLISP) 	Low-income earners, established housing institutions, social housing institutions, developers, non-banking retail intermediaries and banks lending to poor households.	DHS, PDHS, municipalities, NHFC offices.
Rural Housing Loan Fund (RHLF)	<ul style="list-style-type: none"> • Empower low-income households in rural areas to access housing credit. • Operates as a wholesale lender and thus attains its mandate by providing loans through retail intermediaries to its target market to be utilised for incremental housing purposes. 	Non-banking retail intermediaries	DHS, PDHS, municipalities, RHLF offices.
Social Housing Regulatory Authority (SHRA)	<ul style="list-style-type: none"> • Regulate the social housing sector in South Africa; and • Approve, administer and disburse both institutional investment and capital grants (namely the Restructuring Capital Grant and the Institutional Investment Grant). 	Social housing institutions, private developers.	DHS, PDHS, municipalities, SHRA offices.

7.4 PROGRAMMES OF THE DEPARTMENT

<p>Programme 1: Administration</p>	<p>Purpose: To provide strategic leadership, governance, oversight and essential support; and to promote a compliant and well-functioning Department and agencies.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> • To provide strategic leadership and have governance and oversight policies in place and functional: the Ministry provides leadership and policy direction to the DHS. • To have financial management and internal controls in place and functional: the Office of the Director-General provides overall management to the DHS and manages departmental risks, internal audit and special investigation services. • To have administration and operational support systems and procedures (human resources, communication, internal audit, corporate support and legal services) in place and functional, and to effectively promote an internally cohesive and stable organisation: Corporate Services provides support to human resource management, information and communication technology, legal services, communications and media services, and corporate support.
<p>Programme 2: Human Settlements (HS) Strategy, Policy and Planning</p>	<p>Purpose: To manage the development of HS policies and strategies and to develop and implement a coherent, predictable and transparent regulatory solution that facilitates access to redress the inadequate HS delivery frameworks.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> • To develop and review HS policies and programmes that promote and ensure access for all to adequate housing, and improved quality of living environments and effective coordination of spatial investment decisions. • To review, align and coordinate HS planning between the three spheres of government to promote effective coordination of spatial investment decisions. • To facilitate the development of HS planning frameworks. • To develop stakeholder incentive strategies, and provide cooperative governance among the spheres of government and the sector. • To advise on project integration and quality assurance, and provide assistance to the Portfolio Committee. • To develop HS strategies, and research and evaluate programmes to improve HS outcomes.

<p>Programme 3: Programme Management Unit</p>	<p>Purpose: To build, oversee, support and monitor the sector institutional capacity to deliver HS programmes and projects.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> • To build and ensure institutional capabilities and capacity for the execution and delivery of transformed human settlements and to better on spatial targeting. • To develop bolder measures to execute and implement sustainable human settlements, and to provide access to adequate housing in an improved living environment. • To implement projects that will ensure spatial, social and economic integration. • To monitor and evaluate the execution and delivery of HS projects and programmes, and to assess and report on the extent of access to adequate housing in improved living environment.
<p>Programme 4: Housing Development Finance</p>	<p>Purpose: To provide funding for the delivery of all HS programmes in line with approved policies, planning and strategies.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> • To manage the housing grant and the HS development grant (USDG/HSDG) in line with approved grant frameworks. • To oversee the planning of strategic HS projects and programmes. • To manage the development of a drastically revised financial regime for housing. • To oversee and facilitate the implementation of HS projects and programmes. • To manage the monitoring and evaluation (M&E), and impact assessment of HS projects, policies and programmes.
<p>Programme 5: Office of the Chief Financial Officer</p>	<p>Purpose: To oversee the provisioning of financial management services.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> • To manage and provide financial support services. • To provide overall budgetary and grants management services. • To manage and mobilise sector resources.
<p>Programme 6: Office of the Chief Operations Officer</p>	<p>Purpose: To oversee the provision of HS operational services.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> • To oversee the enhancement of HS operations through effective enterprise architecture services. • To manage the development of the technical capacity of the HS sector. • To ensure regulatory compliance in the Department and sector. • To oversee management of housing entities, which includes monitoring and analysing and reporting on financial and non-financial performance and corporate governance.

8. ACCESS TO RECORDS HELD BY THE DEPARTMENT

Certain records, excluding records that are available on request, are automatically available without having to request access in terms of PAIA. Other records maintained by the DHS must be requested from the DIO in terms of the procedures outlined in sections 11 and 18 of PAIA.

8.1 CATEGORIES OF RECORDS HELD BY THE DEPARTMENT

DHS records are managed in accordance with the provisions and requirements of the National Archives Act of South Africa, 1996 (Act No. 43 of 1996). Categories of records below are provided in accordance with the approved DHS file plan. Some of the records listed in the categories below may be formally requested, but access to parts of these records or the whole record may be refused on the basis of the provisions of PAIA as stipulated in sections 33 to 45.

**Automatically available:* Records that can be accessed without having to request access in terms of the Act as stipulated in section 15(1)(a) of PAIA.

**Available on request:* Records that can be accessed by following the processes as stipulated in PAIA sections 11 and 18; access to these records may be refused on the basis of sections 33 to 45 of the Act.

No.	Category	Subject	Automatically available*	Available on request*
8.1.1	STATUTORY AND REGULATORY FRAMEWORK	DHS legislation (Bills, Acts, regulations and international commitments)	Yes	No
		Sectoral transformation (plans, commendations and social and change management)	No	Yes
8.1.2	ORGANISATION AND CONTROL	Internal policies	No	Yes
		Risk management	No	Yes
		Anti-fraud and corruption policy framework	No	Yes
		Internal audits	No	Yes
		Disaster management measures and reports	No	Yes
		DHS annual reports and medium-term strategic framework (MTSF 2014-2019); strategic plans; annual performance plans	Yes	No
		Occupational health and safety matters	No	Yes
		Security management	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
8.1.3	HUMAN RESOURCE MANAGEMENT	Post control, establishment and planning matters	No	Yes
		Vacancies, appointments and placements	No	Yes
		Personnel records/employee health and wellness staff files	No	Yes
		Staff retention	No	Yes
		Staff development (plans, engagements, skills and academic programmes, learnerships, bursaries, scholarships, fellowships and reports)	No	Yes
		Planning, utilisation, control and monitoring (human resources plan, declarations, leave utilisation, overtime, social matters, movements and mobility, termination of services and exits)	No	Yes
		Performance management and development	No	Yes
		Labour and employee relation matters	No	Yes
		Organisational transformation plans and reports (employment equity, <i>Batho Pele</i> , change management and employee health and wellness)	No	Yes
		Organizational transformation (plans, commendations and social and change management).	No	Yes
		Delegation of powers/authority	No	Yes
		Establishment matters (microstructure)	No	Yes
		Establishment matters (macrostructure)	Yes	No
		8.1.4	FINANCIAL MATTERS	Basic accounting system (BAS) reports
Budget (estimates of national expenditure for human settlements)	Yes			No
Financial compliance (Treasury, Auditor-General, disclosures and declarations)	No			Yes
Financial audits	Yes			No
Claims (intergovernmental payments)	No			Yes
Debtor system	No			Yes

No.	Category	Subject	Automatically available*	Available on request*
		Conditional grants and funds management (allocations, transfers and devolutions, monitoring and analysis, specific losses and reports)	Yes	No
		Bank matters	No	Yes
		Financial irregularities	Yes	No
		Reconciliation of accounts	No	Yes
		Financial assistance (donations and sponsorships)	Yes	No
		Invoices, statements and payments	No	Yes
		Printed receipts	No	Yes
		Supplementary accounting records	No	Yes
		Journal transactions	No	Yes
		Financial system appraisals	No	Yes
		Pay sheets	No	Yes
		Face value forms, warrant vouchers and cheques	No	Yes
		Registers (includes salaries, invoices and payments)	No	Yes
8.1.5	SUPPLY CHAIN MANAGEMENT	Financial statements	Yes	No
		Loss control matters	No	Yes
		Practice notes (HSDG)	No	Yes
		Demand and acquisition (quotations, requisitions and acquisitions)	No	Yes
		Bids (proposals, specifications, advertisements, allocations and committees)	No	Yes
		Acquisition and procurement plans	No	Yes
		Registers (includes bids, suppliers database records, payment register, stocktaking control sheets, invoices, assets and inventory)	No	Yes
		Orders and payments (systems, invoices, service level agreements (SLAs), stock take on inventory (plans), acquisitions)	No	Yes
		Asset management (allocations, maintenance, disposals, inspections and reports, stocktaking control sheets, assets and inventory)	No	Yes
8.1.6	TRAVEL AND	Local trips and journeys	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
	TRANSPORT SERVICES	Transport (hired and government-owned vehicles)	No	Yes
		Log sheets	No	Yes
8.1.7	FACILITIES MANAGEMENT	Buildings, grounds and properties (needs identification and analysis, planning and design, acquisition and leases of offices and official residences, allocations, maintenance and alienation)	No	Yes
		Machinery, equipment and other facilities (installation, repairs and maintenance)	No	Yes
		Energy efficiency and maintenance (plan, management, inspections and reports)	No	Yes
		SLA, maintenance, monitoring, inspections and reports (electrical, plumbing, pest control, and hygiene and cleaning services)	No	Yes
8.1.8	INFORMATION SERVICES	Promotion of Access to Information (Section 32 Reports; PAIA Manual; section 15 List)	Yes	No
		Knowledge management	No	Yes
		Library management	No	Yes
		Records management (file plans, schedule of records other than correspondence files, transfers, disposals, reports and registry registers)	No	Yes
		Security management	No	Yes
		Occupational health and safety matters	No	Yes
		Housing Subsidy System (HSS) environment (applications, national housing needs register and national housing subsidy database); maintenance, support and training provided to PDHS	No	Yes
		Development of and support to infrastructure services for the DHS	No	Yes
		Information systems and applications that support the DHS business process and objectives	No	Yes
8.1.9	COMMUNICATION	Communication strategy	No	Yes
		Departmental logo/emblem	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		Customer care call centre and presidential hotline matters	No	Yes
		Press releases	Yes	No
		Profiles of Executive Authority	Yes	No
		Events, campaigns, launches and publicity programmes (includes speeches of the Minister and Deputy Minister and photographs)	Yes	No
		Departmental publications, brochures, newsletters, magazines and posters	Yes	No
		Economic opportunities created by the DHS (in 11 official languages)	Yes	No
		HS programmes and subsidies (in 11 official languages)	Yes	No
		HS 20-year book	Yes	No
		DHS media monitoring (news clippings, copies of media adverts and the television series Breaking New Ground (BNG), which aired on SABC 2)	Yes	No
		Draft White Paper on HS	Yes	No
		Social contract for the development of sustainable human settlements	Yes	No
		DHS corporate diary	Yes	No
		Guide to owning a government subsidised house	Yes	No
8.1.10	LEGAL SERVICES	Appointment of legal experts	No	Yes
		Legal opinions	No	Yes
		Claims, litigations and appeals	No	Yes
		Prosecutions, including serving of lawsuit documents	No	Yes
		Contracts, memoranda of understanding and SLAs	No	Yes
		DHS legislation (Bills, Acts, regulations and international commitments)	Yes	No
8.1.11	MEETINGS, AND ATTENDING AND HOSTING OF GATHERINGS	Management, corporate, provincial and sector forum meetings (including, appointment of panel to advise the minister, arrangements, agendas, minutes and reports)	No	Yes
		Cabinet memoranda	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		Portfolio Committee questions and replies	No	Yes
		Parliament approved replies	Yes	No
8.1.12	M&E, AND IMPACT ASSESSMENTS	M&E, and impact assessment system matters	No	Yes
		Evaluations, assessments and monitoring reports (includes impact, performance, project monitoring and beneficiary occupancy audits)	No	Yes
		Report on the evaluation of the impact of the Rural Housing Programme	Yes	No
		Report on the evaluation of the performance of social and rental housing programmes	Yes	No
		<i>Measuring success in Human Settlements development: an impact evaluation study of the upgrading of informal settlements programme in selected projects in South Africa</i>	Yes	No
		Upgrading of informal settlements	Yes	No
		Rapid appraisal of Outcome 8 Output 1	No	Yes
		Spatial and non-spatial information	No	Yes
		Data acquisition and management (informal settlement delivery figures, rectification, delivery per project, and blocked projects)	Yes	No
		Monitoring, Evaluation and Impact Assessment (MEIA) Policy and Implementation Framework for the Human Settlement Sector.	Yes	No
		Monitoring Evaluation and Impact Assessment 2013/14 to 2018/19: Policy & Implementation Framework for the Human Settlements Sector	Yes	No
		Environmental implementation plan: DHS 2015–2020	Yes	No
8.1.13	POLICY DEVELOPMENT,	National Housing Code, 2009	Yes	No

No.	Category	Subject	Automatically available*	Available on request*
	ASSISTANCE AND RESEARCH	Comprehensive plan for the creation of sustainable human settlements, 2004	Yes	No
		FLISP policy	Yes	No
		Policy framework for women and youth	Yes	No
		Reports on HS environmental scanning and analysis (economic trends and markets)	Yes	No
		People's Housing Process Policy	Yes	No
		Research (includes reports)	No	Yes
8.1.14	HS SECTOR PLANNING	National planning (multi-year national housing development plans, integrated HS development plans and conditional grant business plans)	No	Yes
		Provincial planning (includes multiyear housing development plans, business plans, instruments and reports).	No	Yes
		Municipal planning (includes integrated development plans, urban settlements development grant plans, built environment performance plans, HS plans and programmes, township establishment matters, municipal accreditation and reports)	No	Yes
		Facilitation of priority projects funded nationally and provincially	No	Yes
8.1.15	PROGRAMME IMPLEMENTATION , SUPPORT AND MONITORING	Blocked projects	No	Yes
		Upgrading informal human settlements (includes plans, implementation, coordination and support)	No	Yes
		Housing Project Process Guide	Yes	No
		Planning of new catalytic projects	No	Yes
		Facilitation of planning for national HS projects in mining towns/areas	No	Yes
8.1.16	EQUITY AND PRIORITY PROGRAMMES	Annual reports on home loan lending patterns	Yes	No
		Equity matters (financial institutions)	Yes	No
		Booklet – Office of Disclosure: Complaints handling procedure manual	Yes	No

No.	Category	Subject	Automatically available*	Available on request*
		(in 8 languages: English; Afrikaans; isiZulu; Sepedi; Setswana; isiXhosa; Xitsonga and Tshivenda)		
		Home loans and mortgages	Yes	No
8.1.17	HS PROGRAMMES AND PROCESSES	Rental HS programmes: 2007 research report, rental accommodation for public sector professionals, and 2015 impact and evaluation of implementation of social housing programme	No	Yes
		Development of private rental projects: National Housing Programme for the provision of basic services to backyard residents and the approved Gauteng Policy on Backyard Rental Housing	No	Yes
		Social housing: Social Housing Act, 2008; Social Housing Regulations and social housing policy guidelines	Yes	No
		Tribunals	No	Yes
		Tenant support	No	Yes
		Analysis, assessments, monitoring, reviews, reports and statistics on rental projects and programmes	No	Yes
		Establishment matters relating to housing institutions and entities (entity enabling Acts, Memorandum of Incorporation)	No	Yes
		Entity board matters (names of board members, term of office, shareholder compacts, mandate documents, board charter and terms of reference, board evaluation reports and remuneration)	No	Yes
		Entity plans/reports (strategic plans, annual performance plans)	No	Yes
		Monitoring and review of entities (quarterly and annual reports)	No	Yes
		Interventions (appointment of administrators, complaints and resolutions)	No	Yes
		Research (includes reports)	No	Yes
		Facilitation of priority	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		projects funded nationally and provincially		
		Community Residential Programme{CRU}	Yes	No
		Budget information and transfers (annual budget, medium-term expenditure framework (MTEF) information, grant allocations, transfers)	No	Yes
8.1.18	STAKEHOLDER RELATIONS AND MOBILISATION	Engagements, alliances and liaisons (includes matters relating to governmental, international and multilateral alliances)	No	Yes
		Govan Mbeki Housing Awards	Yes	No
		Sponsorships for HS projects	No	Yes
		The Enhanced People's Human Settlement Process (EHP) (includes old debts, pipeline/roll-out unblocking of PHP-projects, partnerships and dispute resolutions matters)	No	Yes
		International relations (study tours ,bilateral agreements)	No	Yes
		Seminars, conferences, symposia and summits (includes campaigns and workshops)	Yes	No
		Policy orientation programmes (includes implementation and collaboration)	No	Yes
8.1.19	HUMAN SETTLEMENTS CAPACITY DEVELOPMENT	Beneficiary and community empowerment (includes implementation and collaboration, assessments, and M&E)	No	Yes
		Professionalisation of the HS sector (includes business plans, qualifications, accreditations, matters relating to training providers and institutions, and management of HS professional bodies)	No	Yes
		HS bursaries and scholarships (includes policy applications and allocations, monitoring and assessments)	No	Yes
		Institutional capability	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		development (includes business plans, matters relating to coordination, implementation and support of provincial programmes as well as assessments, and M&E)		
		National technical capacity development strategy	No	Yes
		Cuba-South Africa technical support programme	No	Yes
		Skills transfer framework	No	Yes
		Housing Consumer Education Manual	Yes	No
		Training manuals for councillors (DHS and the S ALGA)	Yes	No
		Introduction to HS management	Yes	No

9. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

The PAIA Unit receives requests for access to information on behalf of the DIO and assists any person wishing to lodge a request.

Any enquiries regarding the lodging of request(s) for access to information of the Department should be made by visiting the PAIA Unit at 260 Justice Mahomed Street; sending a fax to 086 471 1939; calling the PAIA Unit at 012 444 9045/57/58; or sending an email to paia@dhs.gov.za.

9.1 WHO CAN REQUEST INFORMATION?

- Any person can request information.
- Personal requesters requesting information about themselves.
- Requesters requesting information on behalf of another person. A requester that is acting on behalf of someone else must produce a letter of authority.

9.2 MANNER OF ACCESSING INFORMATION

9.2.1 AUTOMATICALLY AVAILABLE RECORDS

Certain categories of records are automatically available without a person having to request them through PAIA processes as per the provisions of section 15(1)(a) of the Act. Information/records that are automatically available will be made available on the departmental website, and at departmental offices in the manner or form requested, should this be reasonable and possible.

9.2.2 TELEPHONIC REQUESTS

The DHS also accepts telephonic requests. Attention will be given to any such request made to the DIO or the PAIA Unit at the numbers provided in this manual. Officials at the PAIA Unit will complete the prescribed Form A on behalf of the requester and furnish them with a copy thereof.

9.2.3 ORAL REQUESTS

If an individual is unable to complete the prescribed form because of illiteracy or a disability, such person may make the request orally to the DIO.

The DIO at the DHS must reduce the oral request to writing in the prescribed form and provide a copy thereof to the requester.

9.3 FORMAL REQUESTS AS PER PAIA REQUIREMENTS

STEP 1: Completing the prescribed access request form

- Obtain the prescribed request form, Form A contained in Annexure B of this manual, which is available on the DHS website or at any office of the DHS upon request.
- Complete the prescribed form in full, clearly indicating the record(s) requested, and sign the request form in the space provided.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the request is made, to the reasonable satisfaction of the DIO.

STEP 2: Payment

The requester must pay the prescribed request fee if due and when requested to do so by making a deposit into the account number provided below. Persons listed in paragraph 9.5.4 of this manual are exempted from paying the request fees.

PAYMENT METHOD

Account name	Department of Human Settlements
Bank	Standard Bank
Account number	010160310
Branch name	Pretoria, Van der Walt Street
Branch code	010145
Reference	Promotion of Access to Information Act

STEP 3: Submission of request

The requester must submit the application form to the DIO through the PAIA Unit at the address, fax number or email address provided in this manual. The request form should be accompanied by proof of payment for the request fee. No proof of payment is attached by people qualifying for exemption, but the reasons for exemption should be clearly stated on the form.

9.4 TURNAROUND TIMES FOR ATTENDING TO REQUESTS

In terms of section 25 of the Act, the DHS must decide whether to grant or refuse a request and give notice with reasons to that effect within 30 days of receipt of the request.

The 30 days within which the DHS has to decide whether to grant or refuse the request may be extended once for a period of not more than 30 days if the request is for large amounts of information or if the request requires a search for information held at another office of the DHS and the information cannot be reasonably obtained within the original period of 30 days.

The DHS must notify the requester in writing if an extension is required.

9.5 FEES

The Act provides for two types of fee, namely:

9.5.1 NON-REFUNDABLE REQUEST FEE

A requester, other than a personal requester, requesting access to information held by the Department will be required to pay the prescribed request fee of R35,00, as specified on Form A, before the request will be processed. Persons listed under paragraph 9.5.4 of this manual are exempted from paying request fees.

The DIO will withhold a record(s) until the requester concerned has paid the applicable fees (if any).

9.5.2 ACCESS FEE

- An access fee is payable in all instances where a request for access to information is granted for reproduction costs and, if applicable, the postal fee and the time reasonably required to search for and prepare the record for disclosure.
- Persons listed under paragraph 9.5.4 of this manual are exempted from paying an access fee.
- A requester requesting copies of records that are publicly available does not have to pay the request fee of R35,00, but must pay the access fee for reproduction, if applicable.

The DIO will withhold a record until the requester has paid the applicable fees if any.

9.5.3 DEPOSITS

If the search for a record(s) and the preparation of the record(s) for disclosure, including arrangements to make it available in the requested format, would require more than the hours prescribed for this purpose in the regulations, the DIO must by notice require the requester to pay as a deposit the prescribed portion (not more than a third) of the access fee which would be payable if the request is granted.

If a deposit has been paid in respect of a request for access which is then refused, the DIO of the DHS will refund the deposit to the requester.

9.5.4 EXEMPTIONS

The following persons are exempted from paying the access fee contemplated in section 22(6) of the Act:

- A single person whose annual income after permissible deductions does not exceed R14 712,00 per annum.
- Married persons or life partners whose combined annual income after permissible deductions does not exceed R27 192,00 per annum.
- Where the cost of collecting any fee in respect of the search and preparation of a record for disclosure exceeds the amount charged, such fee does not apply.
- The search and preparation cost do not apply to the personal records of a requester.
- The request and access fees do not apply to records requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998), or the Regulations made under section 44 of that Act.

10. REFUSED ACCESS AND APPEALS

10.1 GROUNDS FOR REFUSAL

The DHS may refuse a request for access to its information if the requested information relates to:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased individual.
- Mandatory protection of certain records of South African Revenue Service.
- Mandatory protection of commercial information of a third party.
- Mandatory protection of certain confidential information and protection of certain other confidential information of a third party.
- Mandatory protection of safety of individuals and protection of property.
- Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings.
- Mandatory protection of records privileged from production in legal proceedings.

- Defence, security and international relations of the Republic.
- Economic interests and financial welfare of the Republic and commercial activities of the Department.
- Mandatory protection of research information of a third party and protection of research information of the Department.
- Operations of the Department.
- Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources of the Department.

10.2 MANDATORY DISCLOSURE IN PUBLIC INTEREST

A request for access to a record that could otherwise be refused on the grounds for refusal in terms of PAIA may be granted, however, in circumstances where the disclosure of the record is in the public interest, and if such public interest clearly outweighs the harm contemplated in the grounds for refusal.

10.3 DEEMED REFUSAL OF A REQUEST

If the DIO fails to give a decision on a request for access to the requester within the prescribed 30 day period, the DIO will be deemed to have refused such a request. The requester may then lodge an internal appeal against such refusal.

10.4 REMEDIES IF REQUEST FOR ACCESS IS REFUSED

10.4.1 INTERNAL APPEAL

A requester aggrieved by a decision of the DIO to refuse a request for access to information may lodge an internal appeal with the Minister of Human Settlements against the said decision.

10.4.2 LODGING INTERNAL APPEAL

An internal appeal:

- Must be lodged within 60 days after the requester is informed of the decision taken on the request.
- Must be completed on the prescribed internal appeal form contained in Annexure C of this manual, which is also available on the DHS website [www.dhs.gov.za], or from any office of the DHS, upon request.
- Must be completed in full on the prescribed internal appeal form indicating the decision against which the internal appeal is lodged.
- Must be signed in the space provided on the internal appeal form.
- Must be submitted to the DIO through the contact details or address provided in this manual.

10.4.3 REFERRAL OF INTERNAL APPEAL TO RELEVANT AUTHORITY

- The DIO must, within 10 working days of receipt of an internal appeal, refer the internal appeal, together with reasons for his or her decision regarding the request, to the relevant authority.
- The relevant authority must consider and decide on the internal appeal within 30 days after the notice of internal appeal is received.
- The decision of the relevant authority must confirm or set aside the decision of the DIO or, where applicable, substitute a new decision for it.

10.5 APPLICATION TO COURT

A requester who has been unsuccessful in an internal appeal may, within 180 days of receipt of notice of the decision regarding the internal appeal, apply to the court for appropriate relief as stipulated in section 78(2).

11. AVAILABILITY OF MANUAL

11.1 This manual will be made available in three official languages on the DHS website, at all departmental offices and to the Human Rights Commission.

11.2 This manual may be published in the *Government Gazette*.

12. UPDATE AND REVIEW OF MANUAL

This manual will be reviewed by the Department annually and as and when necessary and may be updated and published as contemplated in PAIA.

**GOVERNMENT NOTICE
GOEWERMENSKENNISGEWING**

**DEPARTMENT OF JUSTICE
DEPARTEMENT VAN JUSTISIE**

No. R. 223

9 March 2001

**PROMOTION OF ACCESS TO INFORMATION ACT, 2000
REGULATIONS RELATING TO THE PROMOTION OF ACCESS TO
INFORMATION**

The Minister for Justice and Constitutional Development has, under section 92 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), made the regulations in the Schedule.

SCHEDULE

Definition

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall bear that meaning and, unless the context otherwise indicates -

"the Act" means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

Form of request

2. A request for access to a record, as contemplated in section 18(1) of the Act, must be made in the form of Form A of the Annexure.

Fees for records of public body

3. (1) The fee for reproduction, referred to in section 15(3) of the Act, is as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40

(c)	For a copy in a computer-readable form on -	
	(i) stiffy disc	5,00
	(ii) compact disc	40, 00
(d)	(i) For a transcription of visual images	
	For an A4-size page or part thereof	22,00
	(ii) For a copy of visual images	60, 00
(e)	(i) For a transcript of an audio record	
	for an A4-size page or part thereof	12,00
	(ii) For a copy of an audio record	17, 00

(2) The request fee payable by every requester, other than a personal requester referred to in section 22(1) of the Act, is R 35, 00.

(3) The access fees payable by a requester referred to in section 22(7) of the Act, *unless* exempted under section 22(8) of the Act, are as follows:

		R
(a)	For every photocopy of an A4-size page or part thereof	0,60
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c)	For a copy in a computer-readable form on -	
	(i) stiffy disc	5.00
	(ii) compact disc	40,00
(d)	(i) For a transcription of visual images.	
	for an A4-size page or part thereof	22,00
	(ii) For a copy of visual images	60, 00
(e)	(i) For a transcription of an audio record,	
	for an A4-size page or part thereof	12,00
	(ii) For a copy of an audio record	17, 00
(f)	To search for the record for disclosure, R15, 00 for each hour or part of an hour excluding the first hour reasonably required for such search.	

(4) The actual postal fee is payable when a copy of a record must be posted to a requester.

- (5) For purposes of section 22(2) of the Act the following applies;
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.

Form of request

A request for access to a record, as contemplated in section 53(1) of the Act, must be made in the form of Form B of the Annexure.

Fees for records of private body

5. (1) The fee for reproduction referred to in section 52(3) of the Act, is as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60, 00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

(2) The request fee payable by a requester, other than a personal requester, referred to in section 54(1) of the Act is R 50, 00.

(3) The *access* fees payable by a requester referred to in section 54(7) of the Act, unless exempted under section 54(8) of the Act, are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40.00
(ii) For a copy of visual images	60.00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30, 00
(f) To search for the record for disclosure, R30, 00 for each hour or part of an hour reasonably required for such search.	

(4) The actual postal fee is payable when a copy of a record must be posted to a requester.

(5) For purposes of section 54(2) of the Act the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.

Notice of internal appeal

6. Notice of an internal appeal, as contemplated in section 75(1) of the Act, must be lodged in the form of Form C of the Annexure.

Appeal fees

7. The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his or her request for access, as contemplated in section 75(3)(a) of the Act, is R 50,00 .

8 No 22125

GOVERNMENT GAZETTE, 9 MARCH 2001

Value - added tax

8 Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No.

89

of 1991), as vendors may add value added tax to all fees prescribed in terms of these regulations.

Commencement

9 The regulations shall come into operation on 9 March 2001.

ANNEXURE B: Form A**Department of Human Settlements****REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18(1) of the Promotion of Access to Information Act, 2000, (Act 2 of 2000))

[Regulation 6]**FOR DEPARTMENTAL USE**

Reference number: _____

Request received by _____

(state rank, name and surname of information officer/deputy information officer)

on _____ (date)

at _____ (place)

Request fee (if any): R _____

Deposit (if any): R _____

Access fee: R _____

SIGNATURE OF DEPUTY INFORMATION OFFICER

A. Particulars of public body

Send or deliver your completed request form to:

PAIA Centre	
Postal address:	The Deputy Information Officer Department of Human Settlements Private Bag X644 PRETORIA Republic of South Africa 0001
Street address: (For delivery by hand.)	The Deputy Information Officer: PAIA 260 Justice Mahomed Street Sunnyside PRETORIA

Fax number	086 471 1939		
Email address	paia@dhs.gov.za		
Office hours:	07:30–09:30 09:45–12:15 13:00–14:30 14:45–16:00	Cashier hours:	10:00–11:00 14:00–14:30
Banking details	Account name : Department of Human Settlements Bank : Standard Bank, Van der Walt Street (010145) Account number : 010160310		

B. Particulars of person requesting access to the record

Please mark the appropriate box with an X

<p>Personal requester (Seeking access to record containing personal information about yourself.) NOTE: Please attach a copy of your Identification Document to prevent wrongful disclosure of personal information.</p>	<input type="checkbox"/>
<p>Requester (A person requesting access to a record of the Department of Human Settlements.)</p>	<input type="checkbox"/>
<p>Public body requester (Only those public bodies that are exercising a public power or performing a public function in terms of legislation.)</p>	<input type="checkbox"/>

- | |
|---|
| <p>a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>b) <i>Give an address and/or fax number in the Republic to which the information must be sent.</i></p> <p>c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|---|

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

Email address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

- a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of record: _____

2. Reference number, if available: _____

3. Any further particulars of record, i.e. the type of record(s), e.g. minutes: _____

4. Department/Directorate where the record is held (if known): _____

E. Fees

- | | |
|----|---|
| a) | <i>A request for access to a record, other than a record containing personal information about entities, will be processed only after a request fee has been paid.</i> |
| b) | <i>You will be notified of the amount required to be paid as request fee.</i> |
| c) | <i>The fee payable for access to a record depends on the form in which access is required and reasonable time required to search for and prepare the record.</i> |
| d) | <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption.</i> |

Reason for exemption from payment of fees: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:		Form in which record is required:	
.....		
Mark the appropriate box with an X			
Notes:			
a) <i>Compliance with your request for access in the specified form may depend on the form in which the record is available.</i>			
b) <i>Access in the form requested may be refused in certain circumstances. In such case you will be informed if access will be granted in another form.</i>			
c) <i>The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</i>			
1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If the record consists of visual images: (this includes photographs, slides, video recordings, computer generated images, sketches, etc.)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If the record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of the soundtrack* (written or printed document)

4. If the record is held on computer or in electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*	copy in computer readable form* (compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.				YES	NO
<i>Note that if the record is not available in the language you prefer or if you have not indicated a preference, access may be granted in the language in which the record is available.</i>					
In which language would you prefer the record?					

G. Notice of decision regarding the request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? _____

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE C

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act 2000 (Act No. 2 of 2000))

[Regulation 8]

<p>STATE YOUR REFERENCE NUMBER:</p> <p>_____</p>

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

- | |
|--|
| <p>a) <i>The particulars of the person who lodge the internal appeal must be given below.</i></p> <p>b) <i>Proof of the capacity in which the appeal is lodged, if applicable, must be attached.</i></p> <p>c) <i>If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.</i></p> |
|--|

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

Email address: _____

Capacity in which an internal appeal on behalf of another person is lodged: _____

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
<input type="checkbox"/>	Decision to grant request for access

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based: _____

State any other information that may be relevant in considering the appeal: _____

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: _____

Particulars of manner: _____

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:
OFFICIAL RECORD OF INTERNAL APPEAL:

Appeal received on _____ (date) by _____
_____ (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on _____ (date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER
CONFIRMED/NEW DECISION SUBSTITUTED

NEW DECISION: _____

DATE

RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER
FROM THE RELEVANT AUTHORITY ON (date): _____

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1562

15 DECEMBER 2016

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

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

REF NO.	CLAIMANT	PROPERTY	PORTION	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER
P 0101	Mr Moliswane Freddie Motshwene	Knopjeslaagte 385 JR	Portion 332 R/E	City of Tshwane Metropolitan Municipality	Duelco Inv 132 Pty Ltd	T26451/2007
Z 0033	Mr Marana Pari Piet Sebothuma	Kortfontein 530 JR	Portion 5	Tshwane Local Municipality	Sharp Farming CC	T19352/2000
Z 0265	Mr Khuzelo Mack Skosana	Boschkop 369 JR Klipkop 396 JR	Portion 0 (RE) Portion 58	City of Tshwane Metropolitan Municipality	Astral Operations Ltd McCrindle Cheryl Myra Ethelwyn	T79910/2005 T49429/1981
Interested Parties: Current Land Claimants, the current land owners and the City of Tshwane Metropolitan Municipality, the Tshwane Local Municipality.						

have been submitted to the office of the Regional Land Claim Commission. The Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of Rule 5 of the Rules Regarding Procedure of Commission Established in terms of section 16 of Restitution of Land Rights Act as amended. Any interested party on the claim is hereby invited to submit, representations in terms of section 11A of the Restitution of Land Rights Act No. 22 of 1994 as amended within 60 (sixty) working days from the publication date of this notice, any comments/information may be send to:

MR. L.H. MAPHUTHA
The Regional Land Claims Commissioner
Gauteng Province
Private Bag X 03
ARCADIA
0007
TEL: (012) 310-6500/6620
FAX: (012) 323-2961



Mr. Solomon Maruma
Deputy Director (IMU)

Date: 06/12/2016

DEPARTMENT OF SCIENCE AND TECHNOLOGY

NO. 1563

15 DECEMBER 2016

NATIONAL INTELLECTUAL PROPERTY MANAGEMENT OFFICE DISPUTE PANEL

Rules of Procedure under the Regulations made in terms of section 17 of the Intellectual Property Rights from Publicly Financed Research and Development Act, 2008 (Act No. 51 of 2008) (IPR Act)

The National Intellectual Property Management Office (NIPMO) Dispute Panel has, in terms of regulation 7(7) of the Regulations made in terms of section 17 of the IPR Act (IPR Regulations), established its own Rules of Procedure set out in the Schedule.



Dr Kerry Faul

Head: NIPMO

CONTINUES ON PAGE 130 - PART 2



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REPUBLIEK VAN SUID AFRIKA

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PART 2 OF 3

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

Schedule

PREAMBLE

WHEREAS section 33(1) of the Constitution guarantees everyone a right to administrative action that is lawful, reasonable and procedurally fair;

AND WHEREAS regulation 7 of the IPR Regulations establishes the Dispute Panel for the purpose of hearing and determining all disputes relating to administrative decisions taken by NIPMO in terms of the IPR Act;

AND WHEREAS regulation 7 requires, amongst other things, that the Dispute Panel must apply the principles of fairness, justice and reasonableness when it makes its decisions on disputes referred to it;

NOW NIPMO publishes the following rules of procedure, as established by the Dispute Panel, to guide the Dispute Panel in:

- Hearing and determining disputes relating to the administrative decisions of NIPMO;
- Giving effect to all parties rights to lawful, reasonable and procedurally fair administration action;
- Reviewing arguments and evidence set forth by all parties to the dispute; and
- Issuing its rulings on each matter based on its own interpretation of the IPR Act and its Regulations.

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PART A: APPLICATION OF RULES AND DEFINITIONS**1. Definitions**

(1) Any word or expression to which a particular meaning has been assigned in the IPR Act and the IPR Regulations thereto shall bear the same meaning so assigned unless provided otherwise in sub-rule (2).

(2) In these Rules, unless the context indicates otherwise –

'administrative decision of NIPMO' means the decision taken by NIPMO in the exercise of any of its powers or performance of its duties in terms of the IPR Act or IPR Regulations, and in considering what constitutes an administrative decision of NIPMO, regard must always be had to the definition of *administrative action* and definition of *decision* in section 1 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) (PAJA), or any subsequent amendments thereto;

'Affected Recipient' means a recipient as defined in section 1 of the IPR Act who feels aggrieved by the administrative decision taken by NIPMO against the recipient in terms of the IPR Act or IPR Regulations;

'Chairperson' means the Chairperson appointed by the Minister from other members of the Dispute Panel in terms of regulation 7(5) of the IPR Regulations;

'Constitution' means the Constitution of the Republic of South Africa, 1996;

'days' means the number of days reckoned in terms of section 4 of the Interpretation Act, 1957 (Act No. 33 of 1957) or any subsequent amendments thereto;

'Dispute' means a disagreement between an Affected Recipient and NIPMO over an administrative decision taken by NIPMO during the performance of its functions or exercise of its powers in terms of the IPR Act;

'Dispute Hearing' means a sitting of the Dispute Panel participants to hear arguments by the Parties and make a determination on the administrative decision in Dispute;

'Dispute Panel' means the panel established by the Minister in terms of regulation 7(1) of the IPR Regulations to hear and determine Disputes relating to administrative decisions of NIPMO;

'Dispute Panel members' means all individual persons who, together with the Chairperson, have been appointed by the Minister to serve on the Dispute Panel with a collective membership of at least 5 but not more than 20 members as contemplated in regulation 7(3) of the IPR Regulations and from whom the Chairperson may select a minimum of three (3) to sit on a particular matter in strict accordance with regulation 7(6) of the IPR Regulations;

'Dispute Panel participants' means those Dispute Panel members that will be present at the Dispute Hearing;

'IPR Act' means the Intellectual Property Rights from Publicly Financed Research and Development Act, 2008 (Act No. 51 of 2008) or any subsequent amendments thereto;

'IPR Regulations' means the Regulations issued by GNR675GG 33433 of 2 August 2010, under section 17 of the IPR Act;

'Minister' means the Minister responsible for the Department of Science and Technology;

'NIPMO' means the National Intellectual Property Management Office established by section 8 of the IPR Act;

'Notice' means the notice of appeal or review against the administrative decision of NIPMO on prescribed Form IP3, appropriately authorised and accompanied by supporting documentation;

'Parties' means an Affected Recipient as an appellant or applicant in the appeal or review proceedings before the Dispute Panel and NIPMO as a respondent in the same proceedings; and

'these rules' means these Dispute Panel Rules of Procedure and includes the prescribed Form IP3 annexed hereto for use by Affected Recipients when lodging, with the Dispute Panel, an appeal against or the review of the administrative decision of NIPMO.

2. Application of Rules

- (1) These rules apply to the review or appeal proceedings instituted before the Dispute Panel by an Affected Recipient in connection with administrative decisions of NIPMO.

PART B: ADMINISTRATIVE DECISIONS OF NIPMO**3. Type of administrative decisions of NIPMO**

The administrative issues that shall be dealt with by the Dispute Panel under these rules include:

- 3.1 Decision taken by NIPMO in the exercise of its discretion under section 4(3) of the IPR Act;
- 3.2 Failure by NIPMO to agree to an extended period for the recipient in terms of section 11(1)(g) of the IPR Act;
- 3.3 Decision taken by NIPMO in the exercise of its discretion under section 11(1)(h) of the IPR Act;
- 3.4 Approval not granted by NIPMO for the recipient to undertake an intellectual property transaction in terms of regulations 11(3), 12(3) and 12(7) of the IPR Act;
- 3.5 Decision taken by NIPMO in the exercise of its discretion under sections 14(4) and 14(5) and regulations 14(2) and 14(3) of the IPR Act;
- 3.6 Decision taken by NIPMO in the exercise of its discretion under regulation 15(6) of the IPR Act;
- 3.7 Decision taken by NIPMO in the exercise of its discretion under regulation 16(1)(f) of the IPR Act; or
- 3.8 Any other administrative decision that would qualify to be heard and determined by the Dispute Panel in terms of the IPR Act and Regulations.

PART C: NIPMO DISPUTE PANEL PROCEDURES**4. Referral of a Dispute to the Dispute Panel**

- 4.1 A Notice of appeal or review against the administrative decision of NIPMO must be –
- 4.1.1 on prescribed Form IP3 as attached to the IPR Regulations;
 - 4.1.2 accompanied by relevant supporting documentation (as referenced in paragraph 13);
 - 4.1.3 signed and dated by the Affected Recipient or an authorised representative of the Affected Recipient;
 - 4.1.4 filed within 14 days of the decision of NIPMO that is sought to be reviewed or appealed against; and
 - 4.1.5 delivered by hand or by registered post and sent electronically to –
 - 4.1.5.1 By hand:
Secretariat: NIPMO Dispute Panel
Department of Science and Technology
DST Building (Building no 53) (CSIR South Gate Entrance)
Meiring Naude Road
Brummeria
Pretoria
 - 4.1.5.2 By registered post:
Secretariat: NIPMO Dispute Panel
Department of Science and Technology
Private Bag X727
PRETORIA
0001
 - 4.1.5.3 Electronically:
dispute@nipmo.org.za
- 4.2 In the event that the same appeal or review is brought by more than one Affected Recipient with different authorised representatives the –
- 4.2.1 Form IP3 must be signed by the recipient or authorised representative of the Affected Recipient whose name is listed on the form; and
 - 4.2.2 remaining Affected Recipients or their authorised representatives must each confirm by way of an affidavit or written affirmation¹ that all declarations and statements of fact set out on the signed Form IP3 are true.

¹ A statement or proposition that is declared to be true. A solemn declaration accepted instead of a statement under oath.

5. Process before the Dispute Hearing

5.1 Upon receipt of the Notice–

- 5.1.1 Within 3 days, the Secretariat for the Dispute Panel must provide the –
 - 5.1.1.1 Affected Recipient with an electronic acknowledgement of receipt and provide the Affected Recipient with a list of all Dispute Panel members;
 - 5.1.1.2 Notice to NIPMO;
 - 5.1.1.3 Notice to the Chairperson of the Dispute Panel.
- 5.1.2 Within 5 days of receiving the Notice in terms of sub-rule (1)(a)(i), the Affected Recipient must inform the Secretariat whether any of the Dispute Panel members should be excluded from the Dispute Hearing and provide reasons for such exclusion; the Secretariat shall immediately send this list to the Chairperson of the Dispute Panel.
- 5.1.3 Within 5 days of receiving the Notice in terms of sub-rule (1)(a)(ii), NIPMO must–
 - 5.1.3.1 file its response to the Secretariat and copy the Affected Recipient;
 - 5.1.3.2 inform the Secretariat whether any of the Dispute Panel members should be excluded from the Dispute Hearing and provide reasons for such exclusion; the Secretariat shall immediately send this list to the Chairperson of the Dispute Panel.
- 5.1.4 Within 8 days the Chairperson must decide and confirm the selection of the Dispute Panel participants. In order to make this selection, the Chairperson may consult all Parties regarding the selection of the Dispute Panel members who shall hear the dispute and will, subject to regulation 7(6) of the IPR Act, take into account:
 - 5.1.4.1 that all Dispute Panel members may participate;
 - 5.1.4.2 whether a Dispute Panel member is, for any reason, unable to sit in a particular Dispute Hearing;
 - 5.1.4.3 a request for exclusion of a Dispute Panel Member in terms of rules (5)(1)(b) or 5(1)(c)(ii); and
 - 5.1.4.4 the expertise required to hear the dispute.
- 5.1.5 Within 5 days after the confirmed selection of Dispute Panel participants, and at least 30 days before the Dispute Hearing, the Secretariat must provide the Dispute Panel participants and the Parties with the Notice and NIPMO's response, appropriately paginated and in form requested (memory stick, courier, electronic mail).
- 5.1.6 Secretariat must bind the documents into a single pack and disseminate these together with the agenda to Dispute Panel participants and Parties no less than 7 days before the Dispute Hearing.

- 5.2 If the scheduled Dispute Hearing must be cancelled or postponed for any reason the Secretariat must–
- 5.2.1 be notified in writing of this at least 7 days before such hearing;
 - 5.2.2 immediately extend the notification to the Chairperson, all Dispute Panel participants and Parties.

6. The Dispute Hearing

- 6.1 The Chairperson shall preside over all sittings of the Dispute Panel unless the Chairperson is unavailable for an indeterminate period of time in which case the Chairperson will appoint an alternative from the Dispute Panel members to preside for the particular Dispute hearing.
- 6.2 Unless the IPR Act or any other relevant legislation precludes the Dispute Panel from doing so, the Dispute Panel may at its sitting –
- 6.2.1 give directions for the proper conduct of proceedings under these rules such as outlining the manner and procedure in which the hearing will unfold;
 - 6.2.2 on good cause shown or when the public interest so dictates, shorten or extend any period prescribed in these rules for doing anything; or
 - 6.2.3 extend any period prescribed in these rules for doing anything on the occurrence of one or more of the circumstances set out in rule 12 herein.
- 6.3 All hearings before the Dispute Panel will typically go through the following stages –
- 6.3.1 Introductory remarks and a brief description of the matter by the Chairperson;
 - 6.3.2 Opening statements by both Parties, with the Affected Recipient presenting first, to provide Dispute Panel participants with a clear overview of each Party's case;
 - 6.3.3 Each Party must –
 - 6.3.3.1 present its detailed factual background to the Dispute;
 - 6.3.3.2 state the issue that it seeks the Dispute Panel to decide on;
 - 6.3.3.3 cite the relevant rule of law or other relevant authority that the Dispute Panel must have regard to/and or the facts/research that support the commercial argument of the Affected Recipient;
 - 6.3.3.4 demonstrate the applicability of such rule of law or other relevant authority to the issue before the Dispute Panel; and
 - 6.3.3.5 make a closing statement comprising of its summarised submissions;
 - 6.3.4 After NIPMO has finished stating its case, the Affected Recipient will be afforded an opportunity to present a response; and
 - 6.3.5 the Dispute Hearing will then be adjourned for the Dispute Panel to analyse and evaluate the matter.
- 6.4 The Dispute Panel may, at any time during the Dispute Hearing, direct the Parties to deliver any outstanding documents, exhibits or other evidence as it deems necessary to enable the parties to discharge their respective burdens of proof.

7. Non-attendance by one of the parties at the hearing

- 7.1 Where one party fails to attend the proceedings either in person or through an authorised representative, the hearing shall proceed in that party's absence unless –
- 7.1.1 there is a reason to believe that the party concerned did not receive the notice of hearing; or
- 7.1.2 it is established that although the party concerned received the notice of hearing, it informed the Secretariat in writing of a good and sufficient cause for its inability to attend.

8. NIPMO Dispute Panel decisions and handling of information

- 8.1 Within 30 days the presiding Chairperson will provide the decision of the Dispute Panel in writing, via the Secretariat, to the parties;
- 8.2 The decision of the Dispute Panel is final and subject only to appeal or review by a competent court at the instance of the aggrieved party;
- 8.3 Access to information concerning any document related to the review or appeal lodged with the Dispute Panel, including decisions and reasons for decision of the Dispute Panel, is subject to the relevant provisions of Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- 8.4 To the extent that the notices for review or appeal of NIPMO's decision lodged with the Dispute Panel in terms of regulation 5(8) of the IPR Regulations and any other incidental process may contain personal information of either party, all relevant provisions of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) shall apply.

PART D: GENERAL**9. Condonation**

9.1 The Dispute Panel –

9.1.1 may refuse to accept any process filed outside the timelines prescribed in the IPR Regulations or in these rules; and

9.1.2 may, but is not obliged to, grant requests for condonation of late filing of any process.

9.2 A request for condonation may be granted on good cause shown by the party requesting it: Provided that it is considered that such condonation will not lead to unnecessary delays or otherwise prejudice the public interest or unduly prejudice any other party concerned.

9.3 Any party requesting the condonation must therefore state –

9.3.1 the degree of lateness;

9.3.2 the reasons for delay;

9.3.3 why it considers that the late filing concerned will not unnecessarily delay the resolution of the matter; and

9.3.4 why it considers that the late filing will not unduly prejudice the other party to the dispute or otherwise prejudice the public interest.

10. Circumstances under which duration of Dispute Panel proceedings may be varied

10.1 The Dispute Panel may, in consultation with the Parties, extend any period prescribed in these rules for doing anything under one or both the following circumstances when the –

10.1.1 period concerned falls on any day between 16 December of one year and 15 January of the following year;

10.1.2 Chairperson or the majority of other members of the Dispute Panel are, for any reason beyond their control, unavailable to guide the process of the Dispute Panel forward.

11. Type of information to be submitted with or in response to FORM IP3

11.1 Every notice of appeal or review on prescribed Form IP3 must –

11.1.1 as part of the level of detail required under the section titled “**NIPMO DECISION BEING APPEALED/REVIEW REQUESTED**”, be accompanied by –

11.1.1.1 a copy of the notice of intention to be heard previously lodged with NIPMO on Form IP2 together with all supporting documentation presented to NIPMO;

11.1.1.2 a copy of the correspondence by which NIPMO communicated the possible dates, times and place for hearing the recipient;

11.1.1.3 any available proof regarding the actual date when the hearing took place; and

11.1.1.4 a copy of NIPMO's decision leading up directly to the lodgement of the notice in Form IP3.

11.1.2 as part of the level of detail required under the section titled "**BASIS OF APPEAL/REVIEW**", be accompanied by:

11.1.2.1 a brief account of what happened and when it happened;

11.1.2.2 how this affects the Affected Recipient;

11.1.2.3 the basis and the process on which the Affected Recipient deems such decision to have been unfair;

11.1.2.4 the relief or remedy sought;

11.1.2.5 whether they will be represented throughout the Dispute Panel proceedings;
and

11.1.2.6 the address of their representative for delivery of any future correspondence.

11.2 NIPMO's response must be filed by way of a written submission which provides –

11.2.1 information used to arrive at their decision; and

11.2.2 the process followed by NIPMO in arriving at its decision

12. Short title and commencement

12.1 These rules are called NIPMO Dispute Panel Rules of Procedure, and shall come into operation on the date of publication by NIPMO.

DEPARTMENT OF SOCIAL DEVELOPMENT

NO. 1564

15 DECEMBER 2016

CALL FOR COMMENTS ON THE DEPARTMENT OF SOCIAL DEVELOPMENT LANGUAGE POLICY

I, Bathabile Olive Dlamini, Minister of Social Development, hereby publish the Department of Social Development Language Policy for public comment in terms of section 4(1) of the Use of Official Languages Act 12 of 2012, which provides that every national department, national public entity and national public enterprise must adopt a language policy on its use of official language. The draft of the new Department of Social Development Language Policy has been published on the on the Department of Social Development's website www.dsd.gov.za

All stakeholders and members of the public with an interest in the use of official language by national department are invited to provide their comments and inputs on the draft Department of Social Development Language Policy. Written comments should reach Department of Social Development by 31 January 2017.

Written comments about the Department of Social Development Language Policy can be emailed to michaelm@dsd.gov.za or mailed to:

The Director-General
Department of Social Development
Private Bag X901
PRETORIA
0001

For attention: Mr Michael Machubeng

Hard copies of the draft Department of Social Development Language Policy will be available upon request from the address provided above.



MS BO DLAMINI, MP
MINISTER OF SOCIAL DEVELOPMENT
DATE: 5 DECEMBER 2016



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

DSD LANGUAGE POLICY

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1. Definitions

Terms	Definitions
Constitution	The Constitution of the Republic of South Africa, 1996
Minister	The Minister of the Department of Arts and Culture
Policy	The Language Policy of the Department of Social Development
Regulations	The Regulations in terms of the Act
Republic	The Republic of South Africa

2. List of abbreviations

Abbreviations	Definition
CDA	Central Drug Authority
DG	Director-General of the Department of Social Development
DRF	Disaster Relief Fund
DSD	Department of Social Development
NDA	National Development Agency
NLPF	National Language Policy Framework, 2003
NPO	Non-Profit Organization
PAIA	Promotion of Access to Information Act, no 02 of 2000
PanSALB	The Pan South African Language Board, established in terms of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995)
SASSA	South African Social Security Agency

3. Legislative Mandate

3.1 The Constitution of the Republic of South Africa, 1996

The following are the sections of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) that have been taken into consideration in the drafting of the DSD Language Policy:

- 3.1.1 Section 6(1) declares that the official languages of South Africa are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.
- 3.1.2 Section 6(2) recognises the historically diminished use and status of the indigenous languages of South Africa, and compels the state to take practical steps and design mechanisms to elevate the status and advance the use of these languages.
- 3.1.3 Section 6(3)(a) specifies that national and provincial governments must use at least two of the official languages for the purposes of government subject to considerations of practicality, expense, regional usage and circumstances, and the needs and preferences of the public as a whole, or in the province concerned.
- 3.1.4 Section 6(3)(b) stipulates that local governments must take into account the language usage and preferences of their residents.
- 3.1.5 Section 6(4) obliges national and provincial governments to regulate and monitor their use of official languages to ensure parity of esteem and equitable treatment.
- 3.1.6 Section 9(3) protects citizens against unfair discrimination on the grounds of language.
- 3.1.7 Section 29(2) states that everyone has the right to receive the education in the official language or languages of their choice in public institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, all reasonable educational alternatives must be considered, taking into account equity, practicability and redress.

3.1.8 Sections (30) and 31(1) uphold the rights of citizens to use the language of their choice.

3.2 The Use of Official Languages Act, no 12 of 2012

The objects of The Use of Official Languages Act, no 12 of 2012 are the following:

- 3.2.1 To provide for the regulation and monitoring of the use of official languages by national government for government purposes; to require the adoption of a language policy by a national department, national public entity and national public enterprise;
- 3.2.2 To provide for the establishment and functions of a National Language Unit;
- 3.2.3 To provide for the establishment and functions of language units by a national department, national public entity and national public enterprise;
- 3.2.4 To provide for monitoring of and reporting on use of official languages by national government;
- 3.2.5 To facilitate intergovernmental coordination of language units; and to provide for matters connected therewith.

3.3 Regulations under the Use of Official Languages Act, no 12 of 2012

- 3.3.1 The Regulations are applicable to national departments, public entities, and public enterprises.
- 3.3.2 The Regulations provide for the guidelines on how to implement the Policy.
- 3.3.3 The Regulations also provide for practical and positive measures that could elevate the status and advancement of indigenous languages be considered where possible.

3.4 National Language Policy Framework, 2003

- 3.4.1 The NLPF stipulates that all government structures (national and local government), as well as institutions exercising public power or performing public function, are bound by it.

3.5 Promotion of Access to Information Act, no 02 of 2000

- 3.5.1 The objects of the PAIA are to give effect to the Constitutional right of access to any information held by the state, private bodies or persons subject to justifiable limitations.
- 3.5.2 Such access might not only refer to physically obtaining the information but must, as far as possible, be in a language of choice of the requester.

4 Purpose and regulatory context of this policy

This Policy is required by section 4 of the Act, as follows:

- 4.1 Section 4(1) provides that every national department, national public entity and national public enterprise must adopt a language policy on its use of official languages.
- 4.2 Section 4(2) provides that a language policy adopted in terms of subsection (1) must:
- 4.2.1 Identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes,
 - 4.2.2 Stipulate how official languages will be used in effectively communicating with the public, official notices, government publications, and inter and intra-government communication,
 - 4.2.3 Describe how the national department, national public entity or national public enterprise will effectively communicate with members of the public whose language of choice is not one of its chosen official language by a national department, national public entity or national public enterprise,
 - 4.2.4 Describe how members of the public can access the language policy, and
 - 4.2.5 Provide complaints mechanism to enable members of the public to lodge complaints regarding the use of official language by a national department, national public entity or national public enterprise.

5 Principles

The principles underpinning this Policy are:

- 5.1 Commitment to the promotion of all languages in the Republic in order to ensure constitutional language equity and language rights as required by a democratic dispensation;
- 5.2 Recognition of multilingualism as a resource to maximise collaborative partnerships in nation building, economic development and social cohesion;
- 5.3 Promotion of good language management by the DSD to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of the DSD;
- 5.4 Prevention of the use of any language(s) for the purposes of exploitation, domination and discrimination within the DSD;
- 5.5 Enhancement of people-centeredness by addressing the interests, needs and aspirations of language communities through on-going dialogue and debate;
- 5.6 Recognition of a community-based approach, i.e. a decentralised and participatory approach to language planning and policy implementation in which each government structure is given the power to identify its own working languages, as the most viable manner in which to promote multilingualism given South Africa's highly pluralistic society; and
- 5.7 Support for special redress programmes for previously marginalised official indigenous languages, and the learning and teaching of all the official languages of the Republic at all levels of schooling.

6 Nature of the Department

- 6.1 The DSD's vision is to create a caring and self-reliant society. Its mission is to transform our society by building conscious and capable citizens through the provision of comprehensive, integrated and sustainable social development services.
- 6.2 The DSD is a national department that embodies the Batho-Pele Principles in its efforts so as to ensure that its service provision is done in humane ways and results in positive and sustainable outcomes for the citizens of South Africa.
- 6.3 The DSD's direct communication with members of the public and other public entities; other government departments; private sector; and NPOs is usually conducted in English. However the DSD is working towards broader engagement

with the public by using the language spoken in a particular area during engagement with communities.

7 The Work of the DSD

7.1 The DSD is responsible for the management and oversight over social security, encompassing social assistance and social insurance policies that aim to prevent and alleviate poverty in the event of life-cycle risks such as loss of income due to unemployment, disability, old age or death.

7.2 The DSD provide developmental social welfare services that provide support to reduce poverty, vulnerability and the impact of HIV and AIDS through sustainable development programmes in partnership with implementing agents such as state-funded institutions, Non-Governmental Organisations (NGOs), Community-Based Organisations (CBOs) and Faith-Based Organisations (FBOs).

7.3 The DSD through Integrated Community Development facilitates the implementation of appropriate policies, strategies and programmes aimed at promoting sustainable livelihoods and human development.

7.4 To provide leadership and government-wide coordination of population development, including the national disability rights agenda.

7.5 The DSD's other functions are performed and implemented through public entities that report to the Minister of Social Development, namely, SASSA, NDA, CDA, and DRF.

8 The DSD Language Unit

The DSD Language Unit will support this Policy. The functions of the Language Unit will be to:

8.1 Advise the DG on the development, adoption and implementation of this Policy;

8.2 Monitor and assess the use of official languages by the DSD;

8.3 Monitor and assess compliance with this policy;

- 8.4 Compile and submit a report to the Minister and to the PanSALB in terms of section 9 of the Act;
- 8.5 Promote parity of esteem and equitable treatment of the official languages of the Republic;
- 8.6 Facilitate equitable access to the services and information of the DSD;
- 8.7 Promote good language management; and
- 8.8 Perform any other functions that the Minister may prescribe.

9 Training and Capacity Building

- 9.1 In order to achieve the professional and efficient implementation of this Policy, the DSD Language Unit will advise on training and capacity building.

10 Official Languages of the DSD

- 10.1 The DSD has adopted all 11 official languages of the Republic as its official languages for purposes of this Policy.

11 Use of Official Language by the DSD

- 11.1 The following factors will be taken into account in arriving at the choice of official language(s) the DSD will use in each context/situation:

11.1.1 Usage

11.1.2 Practicality

11.1.3 Expense

11.1.4 Regional circumstances

11.1.5 The balance of the needs and preferences of the public it serves.

The table below indicates how the DSD will use the official languages.

DSD purpose	Languages
Inter- and intra-government	English

communication	
Communicating with members of the public (official written correspondence)	The official languages of the Republic with due respect to the criteria outlined in clause 11.1 above.
Communication with members of the public (oral communication)	The official languages of the Republic with due respect to the criteria outlines in clause 11.1 above.
Official publications intended for public distribution (notices on the DSD website, advertisements, forms and signage on buildings)	The official languages of the Republic with due respect to the criteria outlines in clause 11.1 above.
Public hearings (Imbizos) and other official proceedings.	The official languages of the Republic with due respect to the criteria outlines in clause 11.1 above.
Communication with the hearing or sight impaired	The DSD Language Unit will facilitate Sign Language interpreting and conversion of text into Braille or alternatively audio on request.
International communication	English and/or the preferred language of the country concerned.

12 Communication with members of the public whose language of choice is not one of the official languages of the Republic

12.1.1 A member of the public who wishes to communicate with the DSD in a language that is not one of the official languages of the Republic must notify the DSD in writing.

12.1.2 The DSD will arrange for appropriate translation or interpreting within 30 working days of the date of the request having been received by the DSD.

13 Communication with members of the public whose language of choice is South African Sign Language

- 13.1 A member of the public who wishes to communicate with the DSD in South African Sign Language must notify the DSD in writing.
- 13.2 The DSD will arrange for appropriate interpreting within 20 working days of the date of the request having been received by the DSD.

14 Publication and access to this Policy

- 14.1 This Policy will be published in all the official languages of the Republic.
- 14.2 It will be available on the DSD's website (<https://www.dsd.gov.za>).
- 14.3 It will be available in Braille or alternatively in audio on the DSD's Website (<https://www.dsd.gov.za>).
- 14.4 It will be displayed at all DSD offices in such a manner and place that it can be read by the public.

15 Complaints mechanism

- 15.1 Any person who is dissatisfied with a decision of the DSD regarding its use of official languages may lodge a complaint in writing to the DG.
- 15.2 Any complaint must be lodged:
- 15.2.1 In writing, and
- 15.2.2 Within three months of the complaint arising.
- 15.3 Any complaint lodged must state the name, address, and contact information of the person lodging it.
- 15.4 Any complaint lodged must provide a full and detailed description of the complaint.
- 15.4.1 The DG may request a complainant to supply any additional information necessary to consider the complaint and to attend a meeting for the purpose of making an oral enquiry into the complaint.

15.4.2 The DG will consider the complaint and respond in writing, not later than three months after the complaint was lodged, informing the complainant of the decision.

16 Review of Policy

16.1 This Policy will be reviewed whenever necessary but at least within three years.

17 Effective Date

17.1 This Policy becomes effective on the date of the signature by the Director-General.

SIGNED ON THIS _____ DAY OF _____ 2017

SOUTH AFRICAN REVENUE SERVICE**NO. 1565****15 DECEMBER 2016****INCOME TAX ACT, 1962****AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE UNITED ARAB EMIRATES FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME**

In terms of section 108(2) of the Income Tax Act, 1962 (Act No 58 of 1962), read in conjunction with section 231(4) of the Constitution of the Republic of South Africa, 1996, it is hereby notified that the Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income set out in the Schedule to this Notice has been entered into with the Government of the United Arab Emirates and has been approved by Parliament in terms of section 231(2) of the Constitution.

It is further notified in terms of paragraph 1 of Article 29 of the Agreement that the date of entry into force is 23 November 2016.

SCHEDULE

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE UNITED ARAB EMIRATES FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

The Government of the Republic of South Africa and the Government of the United Arab Emirates desiring to promote and strengthen their economic relations by concluding an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

PERSONS COVERED

1. This Agreement shall apply to persons who are residents of one or both of the Contracting States.
2. Nothing in this Agreement shall affect the right of either Contracting State, any political subdivision, local authority or local government thereof, to apply its own laws and regulations relating to the taxation of income and profits derived from hydrocarbons situated in that State.

ARTICLE 2

TAXES COVERED

1. This Agreement shall apply to taxes on income imposed on behalf of a Contracting State or its political subdivisions or local authorities or local governments, irrespective of the manner in which they are levied.
2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income, including taxes on gains from the alienation of movable or immovable property.
3. The existing taxes to which this Agreement shall apply are:
 - (a) in the United Arab Emirates:
 - (i) the income tax; and
 - (ii) the corporation tax;
(hereinafter referred to as "United Arab Emirates tax");

- (b) in South Africa:
 - (i) the normal tax;
 - (ii) the withholding tax on royalties;
 - (iii) the dividend tax;
 - (iv) the withholding tax on interest; and
 - (v) the tax on foreign entertainers and sportspersons; (hereinafter referred to as “South African tax”).

4. This Agreement shall apply also to any identical or substantially similar taxes that are imposed by either Contracting State after the date of signature of this Agreement in addition to, or in place of, the existing taxes referred to in paragraph 3 of this Article. The competent authorities of the Contracting States shall notify each other of any substantial changes that have been made in their respective taxation laws.

ARTICLE 3

GENERAL DEFINITIONS

1. For the purposes of this Agreement, unless the context otherwise requires:
 - (a) the term “United Arab Emirates” means the United Arab Emirates and, when used in a geographical sense, means the area in which the territory is under its sovereignty, including the mainland and islands, as well as the territorial sea, airspace and submarine areas over which the United Arab Emirates exercises, in conformity with international law and the laws of the United Arab Emirates, sovereign rights or jurisdiction in respect of any activity carried on in connection with the exploration for or the exploitation of the natural resources;
 - (b) the term “South Africa” means the Republic of South Africa and, when used in a geographical sense, includes the territorial sea thereof as well as any area outside the territorial sea, including the continental shelf, which has been or may hereafter be designated, under the laws of South Africa and in accordance with international law, as an area within which South Africa may exercise sovereign rights or jurisdiction;
 - (c) the terms “a Contracting State” and “the other Contracting State” mean South Africa or the United Arab Emirates, as the context requires;
 - (d) the term “tax” means South African tax or United Arab Emirates tax, as the context requires;
 - (e) the term “person” includes an individual, a company and any other body of persons that is treated as an entity for tax purposes;
 - (f) the term “company” means any body corporate or any entity that is treated as a body corporate for tax purposes;

- (g) the terms “enterprise of a Contracting State” and “enterprise of the other Contracting State” mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;
- (h) the term “national” means:
 - (i) any individual possessing the nationality of a Contracting State;
 - (ii) any legal person or association deriving its status as such from the laws in force in a Contracting State;
- (i) the term “international traffic” means any transport by a ship or aircraft operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;
- (j) the term “competent authority” means:
 - (i) in the United Arab Emirates, the Minister of Finance and Industry or an authorised representative; and
 - (ii) in South Africa, the Commissioner for the South African Revenue Service or an authorised representative;
- (k) the term “business” includes the performance of professional services and of other activities of an independent character; and
- (l) the term “enterprise” applies to the carrying on of any business.

2. As regards the application of this Agreement at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which this Agreement applies.

ARTICLE 4

RESIDENT

1. For the purposes of this Agreement, the term “resident of a Contracting State” means:
 - (a) in South Africa, any person who, under the laws of South Africa, is liable to tax therein by reason of that person’s domicile, residence, place of management or any other criterion of a similar nature, but this term does not include any person who is liable to tax in South Africa in respect only of income from sources therein;

- (b) in the United Arab Emirates:
 - (i) any individual who, under the laws of the United Arab Emirates is considered a resident thereof by reason of that individual's domicile, residence, place of management or any other criterion of a similar nature;
 - (ii) any company or other legal entity which is incorporated or created under the laws of the United Arab Emirates by reason of its residence, domicile, place of management or any other criterion of a similar nature;
- (c) that State itself and any political subdivision, local authority, local government or governmental institution thereof.

2. Where by reason of the provisions of paragraph 1 of this Article an individual is a resident of both Contracting States, then that individual's status shall be determined as follows:

- (a) the individual shall be deemed to be a resident only of the State in which a permanent home is available to the individual; if a permanent home is available to the individual in both States, the individual shall be deemed to be a resident only of the State with which the individual's personal and economic relations are closer (centre of vital interests);
- (b) if the State in which the individual has a centre of vital interests cannot be determined, or if the individual has not a permanent home available in either State, the individual shall be deemed to be a resident only of the State in which the individual has an habitual abode;
- (c) if the individual has an habitual abode in both States or in neither of them, the individual shall be deemed to be a resident only of the State of which the individual is a national;
- (d) if the individual is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 of this Article a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the Contracting State in which its place of effective management is situated.

ARTICLE 5

PERMANENT ESTABLISHMENT

1. For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

2. The term “permanent establishment” shall include:
 - (a) a place of management;
 - (b) a branch;
 - (c) an office;
 - (d) a factory;
 - (e) a workshop;
 - (f) a mine, an oil or gas well, a quarry or any other place of exploration for or extraction of natural resources; and
 - (g) a farm or plantation.

3. The term “permanent establishment” likewise encompasses:
 - (a) a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than twelve months;
 - (b) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate nine months in any twelve-month period commencing or ending in the fiscal year concerned;
 - (c) the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned.

4. Notwithstanding the provisions of paragraphs 1 to 3 of this Article, the term “permanent establishment” shall be deemed not to include:
 - (a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
 - (b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
 - (c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
 - (d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or of collecting information, for the enterprise;
 - (e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character; and
 - (f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

5. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, where a person – other than an agent of an independent status to whom paragraph 6 of this Article applies – is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 of this Article which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.

6. An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.

7. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

ARTICLE 6

INCOME FROM IMMOVABLE PROPERTY

1. Income derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other Contracting State.

2. The term “immovable property” shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources. Ships and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 of this Article shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4. The provisions of paragraphs 1 and 3 of this Article shall also apply to the income from immovable property of an enterprise.

ARTICLE 7**BUSINESS PROFITS**

1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment.

2. Subject to the provisions of paragraph 3 of this Article, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

3. In determining the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.

4. Insofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 of this Article shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary. The method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.

5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

6. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.

7. Where profits include items of income which are dealt with separately in other Articles of this Agreement, then the provisions of those Articles shall not be affected by the provisions of this Article.

ARTICLE 8**SHIPPING AND AIR TRANSPORT**

1. Profits derived by an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall be taxable only in that State.

2. For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include:

- (a) profits from the rental on a bare boat basis of ships or aircraft; and
- (b) profits from the use, maintenance or rental of containers (including trailers and related equipment for the transport of containers) used for the transport of goods or merchandise;

where such rentals or such use, maintenance or rental, as the case may be, is incidental to the operation of ships or aircraft in international traffic.

3. For the purposes of this Article, interest on funds directly connected with the operation of ships or aircraft in international traffic shall be regarded as profits derived from the operation of such ships or aircraft, and the provisions of Article 11 of this Agreement shall not apply in relation to such interest.

4. The provisions of paragraphs 1, 2 and 3 of this Article shall also apply to profits from the participation in a pool, a joint business or an international operating agency, but only to so much of the profits so derived as is attributable to the participant in proportion to its share in the joint operation.

ARTICLE 9**ASSOCIATED ENTERPRISES**

1. Where

- (a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or
- (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

2. Where a Contracting State includes in the profits of an enterprise of that State – and taxes accordingly – profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State may make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Agreement and the competent authorities of the Contracting States shall if necessary consult each other.

ARTICLE 10

DIVIDENDS

1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in the other State.

2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed:

- (a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company the capital of which is wholly or partly divided into shares which holds directly at least 10 per cent of the capital of the company paying the dividends;
- (b) 10 per cent of the gross amount of the dividends in all other cases.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of these limitations.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3. The term “dividends” as used in this Article means income from shares or other rights participating in profits (not being debt-claims), as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the Contracting State of which the company making the distribution is a resident.

4. The provisions of paragraphs 1 and 2 of this Article shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident through a permanent establishment situated therein and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment situated in that other State, nor subject the company's undistributed profits to a tax on the company's undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

6. The provisions of this Article shall not apply if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of the shares or other rights in respect of which the dividend is paid to take advantage of this Article by means of that creation or assignment.

ARTICLE 11

INTEREST

1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such interest may also be taxed in the Contracting State in which it arises and according to the laws of that State, but if the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the interest.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.

3. The term "interest" as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as interest for the purposes of this Article.

4. The provisions of paragraph 1 of this Article shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises, through a permanent establishment situated therein and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

5. Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the State in which the permanent establishment is situated.

6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

7. The provisions of this Article shall not apply if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of the debt-claim in respect of which the interest is paid to take advantage of this Article by means of that creation or assignment.

ARTICLE 12

ROYALTIES

1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.

3. The term "royalties" as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work (including cinematograph films and films, tapes or discs for radio or television broadcasting), any patent, trade mark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience.

4. The provisions of paragraph 1 of this Article shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise through a permanent establishment situated therein and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

5. Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated.

6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds for whatever reason, the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

7. The provisions of this Article shall not apply if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of the rights in respect of which the royalties are paid to take advantage of this Article by means of that creation or assignment.

ARTICLE 13

CAPITAL GAINS

1. Gains derived by a resident of a Contracting State from the alienation of immovable property, as defined in Article 6 and situated in the other Contracting State may be taxed in the other Contracting State.

2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State, including such gains from the alienation of such a permanent establishment (alone or together with the whole enterprise), may be taxed in that other State.

3. Gains from the alienation of ships or aircraft operated by an enterprise of a Contracting State in international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that Contracting State.

4. Gains from the alienation of any property other than that referred to in paragraphs 1 to 3 of this Article, shall be taxable only in the Contracting State of which the alienator is a resident.

ARTICLE 14

INCOME FROM EMPLOYMENT

1. Subject to the provisions of Articles 15, 17 and 18, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

2. Notwithstanding the provisions of paragraph 1 of this Article, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

- (a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned; and
- (b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State; and
- (c) the remuneration is not borne by a permanent establishment which the employer has in the other State.

3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State shall be taxable only in that State.

4. An individual who is both a national of a Contracting State and an employee of an enterprise of that Contracting State the principal business of which consists of the operation of aircraft in international traffic and who derives remuneration in respect of duties performed in the other Contracting State shall be exempt from tax in that other State on remuneration derived from the employee's employment with that enterprise for a period of four years beginning with the date on which the employee first performs duties in that other State.

ARTICLE 15

DIRECTORS' FEES

Directors' fees and similar payments derived by a resident of a Contracting State in that person's capacity as a member of the board of directors of a company which is a resident of the other Contracting State may be taxed in that other State.

ARTICLE 16

ENTERTAINERS AND SPORTSPERSONS

1. Notwithstanding the provisions of Articles 7 and 14, income derived by a resident of a Contracting State as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsperson, from that person's personal activities as such exercised in the other Contracting State, may be taxed in that other State.

2. Where income in respect of personal activities exercised by an entertainer or a sportsperson in that person's capacity as such accrues not to the entertainer or sportsperson but to another person, that income may, notwithstanding the provisions of Articles 7 and 14, be taxed in the Contracting State in which the activities of the entertainer or sportsperson are exercised.

3. Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2 of this Article, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned Contracting State, a political subdivision or a local authority or a local government thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States.

ARTICLE 17

PENSIONS AND ANNUITIES

1. Subject to the provisions of paragraph 2 of Article 18, pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State.

2. Notwithstanding the provisions of paragraph 1 of this Article, pensions and other similar payments made under the social security system of a Contracting State or a political subdivision or a local authority or a local government thereof shall be taxable only in that State.

3. The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE 18

GOVERNMENT SERVICE

1. (a) Salaries, wages and other similar remuneration, other than a pension, paid by a Contracting State or a political subdivision or a local authority or a local government thereof to an individual in respect of services rendered to that Contracting State or political subdivision or local authority or local government shall be taxable only in that State.
- (b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:
 - (i) is a national of that State; or
 - (ii) did not become a resident of that State solely for the purpose of rendering the services.

2. (a) Any pension paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority or a local government thereof to an individual in respect of services rendered to that Contracting State or political subdivision or local authority or local government shall be taxable only in that State.
 - (b) However, such pension shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State.
3. The provisions of Articles 14, 15, 16 and 17 shall apply to salaries, wages and other similar remuneration, and to pensions, in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority or a local government thereof.
 4. The provisions of paragraph 1 of this Article shall likewise apply in respect of remuneration paid by a Contracting State to a specialist or volunteer seconded to the other Contracting State under a development assistance agreement concluded between the Contracting States paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority or a local government thereof.

ARTICLE 19

PROFESSORS AND TEACHERS

1. Notwithstanding the provisions of Article 14, a professor or teacher who makes a temporary visit to one of the Contracting States for a period not exceeding in the aggregate two years from the date of first arrival in that State, solely for the purpose of teaching or carrying out research at a university, college, school or other educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching or research, be exempt from tax in the first-mentioned State, provided that such remuneration is derived by that professor or teacher from outside that State.
2. The provisions of this Article shall not apply to income from research if such research is undertaken not in the public interest but wholly or mainly for the private benefit of a specific person or persons.

ARTICLE 20

STUDENTS AND TRAINEES

1. A student or business trainee who is present in a Contracting State solely for the purpose of education or training and who is, or immediately before being so present was, a resident of the other Contracting State, shall be exempt from tax in the first-mentioned Contracting State on payments received from outside that first-mentioned Contracting State for the purposes of that student or business trainee's maintenance, education or training.

2. In respect of grants, scholarships and remuneration from employment not covered by paragraph 1 of this Article, a student or business trainee described in paragraph 1 of this Article shall, in addition, be entitled during such education or training to the same exemptions, reliefs or reductions in respect of taxes available to residents of the Contracting State which the student or business trainee is visiting.

ARTICLE 21

OTHER INCOME

1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that State.

2. The provisions of paragraph 1 of this Article shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein and the right or property in respect of which the income is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

ARTICLE 22

ELIMINATION OF DOUBLE TAXATION

Double taxation shall be eliminated as follows:

- (a) in South Africa, subject to the provisions of the law of South Africa regarding the deduction from tax payable in South Africa of tax payable in any country other than South Africa, United Arab Emirates tax paid by residents of South Africa in respect of income taxable in the United Arab Emirates, in accordance with the provisions of this Agreement, shall be deducted from the taxes due according to South African fiscal law. Such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income;
- (b) in the United Arab Emirates, where a resident of the United Arab Emirates derives income which, in accordance with the provisions of this Agreement, may be taxed in South Africa, the United Arab Emirates shall exempt such income from tax.

ARTICLE 23**NON-DISCRIMINATION**

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances, in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.

2. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

3. Except where the provisions of paragraph 1 of Article 9, paragraph 5 of Article 11 or paragraph 5 of Article 12 apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State.

4. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.

5. Nothing in this Article shall be construed as imposing a legal obligation on a Contracting State to extend to the residents of the other Contracting State the benefit of any treatment, preference or privilege which may be accorded to any other State or its residents by virtue of the formation of a customs union, economic union, a free trade area or by virtue of any regional or sub-regional arrangement relating wholly or mainly to taxation, to which the first-mentioned State may be a party pursuant to the practice of either Contracting State.

6. The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description.

ARTICLE 24**MUTUAL AGREEMENT PROCEDURE**

1. Where a person considers that the actions of one or both of the Contracting States result or will result for that person in taxation not in accordance with this Agreement, that person may, besides the remedies provided by the domestic law of those Contracting States, present a case to the competent authority of the Contracting State of which the person is a resident or, if the case comes under paragraph 1 of Article 23, to that of the Contracting State of which the person is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of this Agreement.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with this Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Agreement. They may also consult together for the elimination of double taxation in cases not provided for in this Agreement.

4. The competent authorities of the Contracting States may communicate with each other directly, including through a joint commission consisting of themselves or their representatives, for the purpose of reaching an agreement in the sense of the preceding paragraphs.

ARTICLE 25**EXCHANGE OF INFORMATION**

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions in so far as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Articles 1 and 2.

2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.

3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:

- (a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
- (b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;
- (c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information the disclosure of which would be contrary to public policy (*ordre public*).

4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

ARTICLE 26

MEMBERS OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

Nothing in this Agreement shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

ARTICLE 27

REFUNDS

1. Taxes withheld at source in a Contracting State shall be refunded at the request of the taxpayer or of the State of which the taxpayer is a resident if the right to collect the said taxes is affected by the provisions of this Agreement.

2. Any claim for refund shall be lodged within the time limit fixed by the law of the Contracting State which is obliged to make the refund, and shall be accompanied by an official certificate of the Contracting State of which the taxpayer is a resident certifying the existence of the conditions required for being entitled to the application of the benefits provided for by this Agreement.

3. The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this Article, in accordance with the provisions of Article 24 of this Agreement.

ARTICLE 28

MISCELLANEOUS RULES

1. Notwithstanding the provisions of paragraph 2 of Article 10 and paragraph 2 of Article 11, dividends and interest paid by a resident of a Contracting State to the Government of the other Contracting State or political subdivision or local authority thereof shall be exempt from tax in the first-mentioned State.

2. For the purposes of paragraph 1, the term "Government" shall include:

(a) in the case of the United Arab Emirates:

- (i) the Government of the United Arab Emirates;
- (ii) a local government of the United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ras al Khaima, Fujairah, Umm al Qaiwain and Ajman);
- (iii) the following financial institutions particularly but not exclusively:
 1. the Abu Dhabi Investment Council;
 2. Abu Dhabi Investment Authority;
 3. Emirates Investment Authority;
 4. Dubai Investment Corporation;
 5. any other statutory body or institution or instrumentality wholly owned by the Government of the Federal or local Government of the United Arab Emirates, as may be agreed from time to time between the competent authorities of the Contracting States.

(b) In the case of South Africa:

- (i) the South African Reserve Bank; and
- (ii) any other statutory body or institution wholly owned by the Government of the Republic of South Africa, as may be agreed from time to time between the competent authorities of the Contracting States.

ARTICLE 29**ENTRY INTO FORCE**

1. Each of the Contracting States shall notify the other in writing, through the diplomatic channel, of the completion of the procedures required by its law for the ratification of this Agreement. This Agreement shall enter into force on the date of receipt of the later of these notifications.

2. The provisions of this Agreement shall apply:

- (a) with regard to taxes withheld at source, in respect of amounts paid or credited on or after the first day of January next following the date upon which this Agreement enters into force; and
- (b) with regard to other taxes, in respect of taxable years beginning on or after the first day of January next following the date upon which this Agreement enters into force.

ARTICLE 30**TERMINATION**

1. This Agreement shall remain in force indefinitely but either of the Contracting States may terminate this Agreement, through the diplomatic channel, by giving to the other Contracting State written notice of termination not later than 30 June of any calendar year starting five years after the year in which this Agreement entered into force.

2. In such event this Agreement shall cease to apply:

- (a) with regard to taxes withheld at source, in respect of amounts paid or credited after the end of the calendar year in which such notice is given; and
- (b) with regard to other taxes, in respect of taxable years beginning after the end of the calendar year in which such notice is given.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed and sealed this Agreement in duplicate in the Arabic and English languages, both texts being equally authentic.

DONE at Pretoria, on this 23rd day of November 2015.

**FOR THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA**

**FOR THE GOVERNMENT OF THE
UNITED ARAB EMIRATES**

PROTOCOL

At the time of signing the Agreement between the Government of the United Arab Emirates and the Government of the Republic of South Africa for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, the undersigned have agreed upon the following provisions which shall form an integral part of this Agreement.

1. It was agreed that in terms of current legislation in South Africa, the income of any other State is exempt from tax on income.

For the purposes of this paragraph the term "State" shall include:

- (a) the Government of the United Arab Emirates;
- (b) a local government of the United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ras al Khaimah, Fujairah, Umm al Qaiwain and Ajman);
- (c) an agency of the federal or local government which is agreed to form an integral part of the Government of the United Arab Emirates or an integral part of one of its local governments.

The Abu Dhabi Investment Authority is one of the institutions which are recognised as being an integral part of the Government of Abu Dhabi.

2. With respect to Article 6:

The provisions of paragraph 4 of Article 6 shall not apply in respect of the mere purchase by an enterprise of a Contracting State of land or buildings for its own use.

3. With respect to Article 8:

It is understood that where a transport enterprise of a Contracting State provides goods to, or performs services for, other transport enterprises in the other Contracting State that are supplementary or incidental to its operation of ships or aircraft in international traffic, the income from the provision of such goods or services will be dealt with under the provisions of Article 8.

4. With respect to paragraph 6 of Article 10, paragraph 7 of Article 11 and paragraph 7 of Article 12 of this Agreement:

It is understood that in the event that a resident of a Contracting State is denied relief from taxation in the other Contracting State by reason of one of those provisions, the competent authority of that other Contracting State shall explain the reasons for this to the competent authority of the first-mentioned Contracting State. In the event of any difficulties as to the application of these paragraphs, the competent authorities of the Contracting States shall endeavour to resolve these by mutual agreement within the framework of Article 24 of this Agreement.

5. With respect to paragraph 4 of Article 13:

It is understood that gains from the alienation of shares in a company or of securities, bonds or debentures shall be dealt with in accordance with the provisions of the said paragraph and shall be taxable only in the Contracting State of which the alienator is a resident.

6. With respect to Article 25:

It is understood that a Contracting State is not obliged to exchange information concerning taxes other than those covered by this Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed and sealed this Protocol in duplicate in the Arabic and English languages, both texts being equally authentic.

DONE at Pretoria, on this 23rd day of November 2015.

**FOR THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA**

**FOR THE GOVERNMENT OF THE
UNITED ARAB EMIRATES**

SUID-AFRIKAANSE INKOMSTEDIENS

NO. 1565

15 DESEMBER 2016

INKOMSTEBELASTINGWET, 1962**OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN DIE VERENIGDE ARABIESE EMIRATE TER VERMYDING VAN DUBBELE BELASTING EN TER VOORKOMING VAN FISKALE ONTDUIKING MET BETREKKING TOT BELASTINGS OP INKOMSTE**

Ingevolge artikel 108(2) van die Inkomstebelastingwet, 1962 (Wet No 58 van 1962), saamgelees met artikel 231(4) van die Grondwet van die Republiek van Suid-Afrika, 1996, word hiermee kennis gegee dat die ooreenkoms ter vermyding van dubbele belasting en die voorkoming van fiskale ontduiking met betrekking tot belasting op inkomste wat in die Bylae tot hierdie Kennisgewing vervat is, aangegaan is met die Regering van die Verenigde Arabiese Emirate en deur die Parlement goedgekeur is ingevolge artikel 231(2) van die Grondwet.

Daar word verder bekendgemaak dat ingevolge paragraaf 1 van Artikel 29 van die Ooreenkoms, die datum van inwerkingtreding 23 November 2016 is.

BYLAE**OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA EN DIE REGERING VAN DIE VERENIGDE ARABIESE EMIRATE TER VERMYDING VAN DUBBELE BELASTING EN TER VOORKOMING VAN FISKALE ONTDUIKING MET BETREKKING TOT BELASTINGS OP INKOMSTE**

Die Regering van die Republiek van Suid-Afrika en die Regering van die Verenigde Arabiese Emirate, begerig om hulle ekonomiese betrekkinge te bevorder en te versterk deur 'n Ooreenkoms aan te gaan ter vermyding van dubbele belasting en ter voorkoming van fiskale ontduiking met betrekking tot belasting op inkomste,

HET SOOS VOLG OOREENGEKOM:**ARTIKEL 1****PERSONE GEDEK**

1. Hierdie Ooreenkoms is van toepassing op persone wat inwoners van een van of albei die Kontrakterende State is.

2. Niks in hierdie Ooreenkoms tas die reg aan van enigeen van die Kontrakterende State of hul staatkundige onderverdelings of plaaslike owerhede of plaaslike regerings om hulle eie wette en regulasies betreffende die belasting van inkomste en winste verkry uit koolwaterstowwe geleë in daardie Staat toe te pas nie.

ARTIKEL 2**BELASTINGS GEDEK**

1. Hierdie Ooreenkoms is van toepassing op belasting op inkomste wat ten behoeve van 'n Kontrakterende Staat of sy staatkundige onderverdelings of plaaslike owerhede of plaaslike regerings gehef word, ongeag die wyse waarop dit gehef word.

2. Alle belasting wat op totale inkomste gehef word, of op elemente van inkomste, insluitende belasting op wins uit die vervreemding van roerende of onroerende eiendom, word as belasting op inkomste beskou.

3. Die bestaande belasting waarop hierdie Ooreenkoms van toepassing is, is:-

(a) in die Verenigde Arabiese Emirate:

- (i) die inkomstebelasting; en
 - (ii) die korporasiebelasting;
- (hieronder die "Verenigde Arabiese Emirate-belasting" genoem");

(b) in Suid-Afrika:

- (i) die normale belasting;
- (ii) die terughoubelasting op tantième;
- (iii) die dividendbelasting;
- (iv) die terughoubelasting op rente; en
- (v) die belasting op buitelandse vermaaklikheidskunstenaars en sportpersone; (hieronder die "Suid-Afrikaanse belasting" genoem).

4. Hierdie Ooreenkoms is ook van toepassing op enige identiese of wesenlik soortgelyke belastings wat ná die datum van ondertekening van hierdie Ooreenkoms deur enigeeen van die Kontrakterende State benewens of in die plek van die bestaande belastings in paragraaf 3 van hierdie Artikel genoem, gehef word. Die bevoegde owerhede van die Kontrakterende State moet mekaar in kennis stel van enige beduidende veranderinge wat aan hulle onderskeie belastingreg aangebring is.

ARTIKEL 3

ALGEMENE WOORDOMSKRYWING

1. Vir doeleindes van hierdie Ooreenkoms, tensy dit uit die samehang anders blyk:
 - (a) beteken die uitdrukking "Verenigde Arabiese Emirate" die Verenigde Arabiese Emirate en, wanneer dit in 'n geografiese sin gebruik word, die gebied waarin die grondgebied onder sy heerskappy is, ook die vasteland en eilande, asook die territoriale waters, die lugruim en die ondersese gebiede waaroor die Verenigde Arabiese Emirate in ooreenstemming met die volkereg en die wette van die Verenigde Arabiese Emirate soewereine regte of jurisdiksie uitoefen ten opsigte van enige bedrywigheid wat in verband met die opsporing of die ontginning van die natuurlike hulpbronne verrig word;
 - (b) beteken die uitdrukking "Suid-Afrika" die Republiek van Suid-Afrika en, wanneer dit in 'n geografiese sin gebruik word, ook die territoriale waters daarvan asook enige gebied buite die territoriale waters, insluitende die vastelandsplat, wat ingevolge die wette van Suid-Afrika en ooreenkomstig die volkereg aangewys is of hierna aangewys word as 'n gebied waarin Suid-Afrika soewereine regte of jurisdiksie kan uitoefen;
 - (c) beteken die uitdrukkings "'n Kontrakterende Staat" en "die ander Kontrakterende Staat" Suid-Afrika of die Verenigde Arabiese Emirate, na gelang van die samehang;
 - (d) beteken die uitdrukking "belasting" die Suid-Afrikaanse belasting of die Verenigde Arabiese Emirate-belasting, na gelang van die samehang;
 - (e) beteken die uitdrukking "persoon" ook 'n individu, 'n maatskappy en enige ander liggaam van persone wat vir belastingdoeleindes as 'n entiteit behandel word;
 - (f) beteken die uitdrukking "maatskappy" enige regspersoon of enige entiteit wat vir belastingdoeleindes as 'n regspersoon behandel word;

- (g) beteken die uitdrukking "onderneming van 'n Kontrakterende Staat" en "onderneming van die ander Kontrakterende Staat" onderskeidelik 'n onderneming wat deur 'n inwoner van 'n Kontrakterende Staat gedryf word en 'n onderneming wat deur 'n inwoner van die ander Kontrakterende Staat gedryf word;
- (h) beteken die uitdrukking "burger":
 - (i) enige individu wat burgerskap van 'n Kontrakterende Staat het;
 - (ii) enige regspersoon of vereniging wat sy status as sodanig verkry uit die wette wat in 'n Kontrakterende Staat van krag is;
- (i) beteken die uitdrukking "internasionale verkeer" enige vervoer per skip of lugvaartuig wat deur 'n onderneming van 'n Kontrakterende Staat bedryf word, uitgesonderd waar die skip of lugvaartuig slegs tussen plekke in die ander Kontrakterende Staat bedryf word;
- (j) beteken die uitdrukking "bevoegde owerheid":
 - (i) in die Verenigde Arabiese Emirate, die Minister van Finansies en Nywerheid of 'n gemagtigde verteenwoordiger; en
 - (ii) in Suid-Afrika, die Kommissaris van die Suid-Afrikaanse Inkomstediens of 'n gemagtigde verteenwoordiger;
- (k) behels die uitdrukking "besigheid" ook die verrigting van beroepsdienste en van ander bedrywighede van 'n onafhanklike aard; en
- (l) behels die uitdrukking "onderneming" die dryf van enige besigheid.

2. Betreffende die toepassing van hierdie Ooreenkoms te eniger tyd deur 'n Kontrakterende Staat het enige uitdrukking wat nie daarin omskryf is nie, tensy dit uit die samehang anders blyk, die betekenis wat dit op daardie tydstep ingevolge die reg van daardie Staat het vir doeleindes van die belastinge waarop die Ooreenkoms van toepassing is.

ARTIKEL 4

INWONER

1. Vir doeleindes van hierdie Ooreenkoms beteken die uitdrukking "inwoner van 'n Kontrakterende Staat":

- (a) in Suid-Afrika, enige persoon wat ingevolge die wette van Suid-Afrika daarin belastingpligtig is uit hoofde van daardie persoon se domisilie, verblyf, plek van bestuur of enige ander kriterium van 'n soortgelyke aard, maar behels hierdie uitdrukking nie ook 'n persoon wat in Suid-Afrika belastingpligtig is net ten opsigte van inkomste uit bronne daarin nie;

- (b) in die Verenigde Arabiese Emirate:
- (i) enige individu wat ingevolge die wette van die Verenigde Arabiese Emirate geag word 'n inwoner daarvan te wees uit hoofde van daardie persoon se domisilie, verblyf, plek van bestuur of enige ander kriterium van 'n soortgelyke aard;
 - (ii) enige maatskappy of ander regsentiteit wat ingevolge die wette van die Verenigde Arabiese Emirate ingelyf of opgerig is, uit hoofde van sy domisilie, verblyf, plek van bestuur of enige ander kriterium van 'n soortgelyke aard;
- (c) daardie Staat en enige staatkundige onderverdeling, plaaslike owerheid, plaaslike regering of staatsinstelling daarvan.
2. Waar 'n individu uit hoofde van die bepalings van paragraaf 1 van hierdie Artikel 'n inwoner van albei Kontrakterende State is, word daardie individu se status soos volg bepaal:
- (a) die individu word geag 'n inwoner te wees net van die Staat waarin 'n permanente tuiste tot die individu se beskikking is; indien 'n permanente tuiste in albei State tot die individu se beskikking is, word die individu geag 'n inwoner te wees net van die Staat waarmee die individu se persoonlike en ekonomiese betrekkinge die nouste is (tuiste van lewensbelange);
 - (b) indien die Staat waarin die individu 'n tuiste van lewensbelange het, nie bepaal kan word nie of indien die individu nie in een van die State 'n permanente tuiste tot sy beskikking het nie, word die individu geag 'n inwoner te wees net van die Staat waarin die individu 'n gebruikelike verblyfplek het;
 - (c) indien die individu 'n gebruikelike verblyfplek in albei State of in nie een van hulle het nie, word die individu geag 'n inwoner te wees net van die Staat waarvan die individu 'n burger is;
 - (d) indien die individu 'n burger van albei State of van nie een van hulle is nie, moet die bevoegde owerhede van die Kontrakterende State die saak deur onderlinge ooreenkoms beslis.
3. Waar uit hoofde van die bepalings van paragraaf 1 van hierdie Artikel 'n ander persoon as 'n individu 'n inwoner van albei Kontrakterende State is, word hy geag 'n inwoner te wees net van die Staat waarin sy plek van doeltreffende bestuur geleë is.

ARTIKEL 5

PERMANENTE SAAK

1. Vir doeleindes van hierdie Ooreenkoms beteken die uitdrukking "permanente saak" 'n vaste besigheidsplek waardeur die besigheid van 'n onderneming in geheel of gedeeltelik bedryf word.

2. Die uitdrukking "permanente saak" sluit in:
- (a) 'n plek van bestuur;
 - (b) 'n tak;
 - (c) 'n kantoor;
 - (d) 'n fabriek;
 - (e) 'n werkwinkel;
 - (f) 'n myn, 'n olie- of gasbron, 'n steengroef of enige ander plek van opsporing of winning van natuurlike hulpbronne; en
 - (g) 'n plaas of plantasie.
3. Die uitdrukking "permanente saak" behels eweneens:
- (a) 'n bouperseel, 'n konstruksie-, monteer- of installeerprojek of enige toesighoudende bedrywighede in verband met so 'n perseel of projek, maar net waar so 'n perseel, projek of bedrywighede langer as twaalf maande voortduur;
 - (b) die lewering van dienste, ook konsultasiedienste, deur 'n onderneming deur middel van werknemers of ander personeel wat vir dié doel deur 'n onderneming in diens geneem word, maar net as bedrywigheids van daardie aard in die Kontrakterende Staat voortduur (vir dieselfde of 'n daaraan verbonde projek) vir 'n tydperk of tydperke wat altesaam meer is as nege maande in enige twaalfmaandetydperk wat in die betrokke fiskale jaar begin of eindig;
 - (c) die verrigting van beroepsdienste of ander bedrywigheids van 'n onafhanklike aard deur 'n individu, maar net indien daardie dienste of bedrywigheids in 'n Kontrakterende Staat voortduur vir 'n tydperk of tydperke wat altesaam meer is as 183 dae in enige twaalfmaandetydperk wat in die betrokke fiskale jaar begin of eindig.
4. Ondanks die bepalings van paragrawe 1 tot 3 van hierdie Artikel word die uitdrukking "permanente saak" nie geag die volgende in te sluit nie:
- (a) die gebruik van fasiliteite uitsluitlik met die doel om goedere of handelware wat aan die onderneming behoort, te stoor, ten toon te stel of te lewer;
 - (b) die instandhouding van 'n voorraad goedere of handelware wat aan die onderneming behoort, uitsluitlik met die doel om dit te stoor, ten toon te stel of te lewer;
 - (c) die instandhouding van 'n voorraad goedere of handelware wat aan die onderneming behoort, uitsluitlik vir die doel van verwerking deur 'n ander onderneming;
 - (d) die instandhouding van 'n vaste besigheidsplek uitsluitlik met die doel om vir die onderneming goedere of handelware aan te koop of inligting in te win;
 - (e) die instandhouding van 'n vaste besigheidsplek uitsluitlik met die doel om enige ander bedrywighede van 'n voorbereidende of bykomstige aard vir die onderneming te beoefen; en
 - (f) die instandhouding van 'n vaste besigheidsplek uitsluitlik vir enige kombinasie van bedrywigheids in subparagrawe (a) tot (e) genoem, met dien verstande dat die oorkoepelende bedrywighede van die vaste besigheidsplek wat uit hierdie kombinasie voortspruit, van 'n voorbereidende of bykomstige aard is.

5. Ondanks die bepalings van paragrafe 1 en 2 van hierdie Artikel, waar 'n persoon – uitgesonderd 'n agent met onafhanklike status op wie paragraaf 6 van hierdie Artikel van toepassing is – namens 'n onderneming optree en in 'n Kontrakterende Staat 'n bevoegdheid het en gewoonlik uitoefen om kontrakte in die naam van die onderneming aan te gaan, word daardie onderneming geag 'n permanente saak in daardie Staat te hê ten opsigte van enige bedrywighede wat daardie persoon vir die onderneming hanteer, tensy die bedrywighede van sodanige persoon beperk is tot daardie in paragraaf 4 van hierdie Artikel genoem, wat, indien dit deur 'n vaste besigheidsplek uitgeoefen word, hierdie vaste besigheidsplek ingevolge die bepalings van daardie paragraaf nie 'n permanente saak maak nie.

6. 'n Onderneming word nie geag 'n permanente saak in 'n Kontrakterende Staat te hê bloot omdat hy in daardie Staat deur 'n makelaar, algemene kommissieagent of enige ander agent met onafhanklike status besigheid dryf nie, met dien verstande dat sulke persone in die gewone loop van hulle besigheid handel.

7. Die feit dat 'n maatskappy wat 'n inwoner van 'n Kontrakterende Staat is, beheer het oor of beheer word deur 'n maatskappy wat 'n inwoner van die ander Kontrakterende Staat is of wat in daardie ander Staat besigheid dryf (hetsy deur 'n permanente saak of andersins), beteken nie op sigself dat enigeen van die maatskappye 'n permanente saak van die ander is nie.

ARTIKEL 6

INKOMSTE UIT ONROERENDE EIENDOM

1. Inkomste wat 'n inwoner van 'n Kontrakterende Staat verkry uit onroerende eiendom (ook inkomste uit landbou of bosbou) wat in die ander Kontrakterende Staat geleë is, kan in daardie ander Kontrakterende Staat belas word.

2. Die uitdrukking "onroerende eiendom" het die betekenis wat daaraan geheg word ingevolge die reg van die Kontrakterende Staat waarin die betrokke eiendom geleë is. Die uitdrukking sluit in elk geval eiendom in bykomstig by onroerende eiendom, lewende hawe en toerusting wat in die landbou en bosbou gebruik word, regte waarop die bepalings van die algemene reg ten opsigte van onroerende eiendom van toepassing is, vruggebruik op onroerende eiendom en regte op veranderlike of vaste betalings as vergoeding vir die ontginning, of die reg op die ontginning, van mineraalafsettings, bronne en ander natuurlike hulpbronne. Skepe en lugvaartuie word nie as onroerende eiendom beskou nie.

3. Die bepalings van paragraaf 1 van hierdie Artikel is van toepassing op inkomste wat verkry word uit die regstreekse gebruik, verhuring of gebruik in enige ander vorm van onroerende eiendom.

4. Die bepalings van paragrafe 1 en 3 van hierdie Artikel is ook van toepassing op die inkomste uit die onroerende eiendom van 'n onderneming.

ARTIKEL 7**BESIGHEIDSWINSTE**

1. Die winste van 'n onderneming van 'n Kontrakterende Staat is net in daardie Staat belasbaar, tensy die onderneming in die ander Kontrakterende Staat besigheid dryf deur 'n permanente saak wat daarin geleë is. Indien die onderneming besigheid dryf soos in die laaste deel van die voorgaande sin genoem, kan die winste van die onderneming in die ander Staat belas word, maar net soveel daarvan as wat aan daardie permanente saak toeskryfbaar is.

2. Behoudens die bepalings van paragraaf 3 van hierdie Artikel, waar 'n onderneming van 'n Kontrakterende Staat in die ander Kontrakterende Staat besigheid dryf deur middel van 'n permanente saak wat daarin geleë is, word daar in elke Kontrakterende Staat aan daardie permanente saak die winste toegeskryf wat hy na verwagting sou maak as hy 'n aparte en afsonderlike onderneming was wat met dieselfde of soortgelyke bedrywighede besig is onder dieselfde of soortgelyke toestande en heeltemal onafhanklik handel met die onderneming waarvan hy 'n permanente saak is.

3. By die vasstelling van die winste van 'n permanente saak word uitgawes wat vir die doel van die permanente saak aangegaan is, ook uitvoerende en algemene administratiewe uitgawes aldus aangegaan, hetsy in die Staat waarin die permanente saak geleë is of elders, as aftrekkings toegelaat.

4. In soverre dit in 'n Kontrakterende Staat gebruiklik is om die winste wat aan 'n permanente saak toegeskryf moet word, vas te stel op die grondslag van 'n toedeling van die totale winste van die onderneming aan sy onderskeie dele, belet niks in paragraaf 2 van hierdie Artikel daardie Kontrakterende Staat om die winste wat belas moet word, vas te stel deur sodanige toedeling as wat gebruiklik is nie. Die metode van toedeling wat aanvaar word moet egter sodanig wees dat die resultaat in ooreenstemming is met die beginsels vervat in hierdie Artikel.

5. Geen winste word aan 'n permanente saak toegeskryf op grond van die blote aankoop deur daardie permanente saak van goedere of handelsware vir die onderneming nie.

6. Vir doeleindes van die voorgaande paragrawe word die winste wat aan die permanente saak toegeskryf moet word, jaar na jaar volgens dieselfde metode vasgestel, tensy daar goeie en afdoende redes vir die teendeel is.

7. Waar winste inkomste-items insluit wat afsonderlik in ander Artikels van hierdie Ooreenkoms behandel word, word die bepalings van daardie Artikels nie deur die bepalings van hierdie Artikel geraak nie.

ARTIKEL 8**SKEEPS- EN LUGVERVOER**

1. Die winste wat 'n onderneming van 'n Kontrakterende Staat verkry uit die bedryf van skepe of lugvaartuie in internasionale verkeer is net in daardie Staat belasbaar.

2. Vir doeleindes van hierdie Artikel sluit winste uit die bedryf van skepe of lugvaartuie in internasionale verkeer in:-

- (a) winste uit die verhuring op 'n sonderbemanningbasis van skepe of lugvaartuie; en
- (b) winste uit die gebruik, instandhouding of verhuring van houers (ook treilers en verwante toerusting vir die vervoer van houers) wat vir die vervoer van goedere of handelsware gebruik word;

waar sodanige verhurings of sodanige gebruik, instandhouding of verhuring, na gelang van die geval, bykomstig is by die bedryf van skepe of lugvaartuie in internasionale verkeer.

3. Vir doeleindes van hierdie Artikel, word die rente op fondse wat regstreeks met die bedryf van skepe of lugvaartuie in internasionale verkeer verband hou, geag as winste verkry uit die bedryf van sodanige skepe of lugvaartuie, en geld die bepalings van Artikel 11 van hierdie Ooreenkoms nie ten opsigte van daardie rente nie.

4. Die bepalings van paragrawe 1, 2 en 3 van hierdie Artikel is ook van toepassing op winste uit deelname aan 'n poel, 'n gesamentlike besigheid of 'n internasionale bedryfsagentskap, maar net op soveel van die wins aldus verkry wat aan die deelnemer toedeelbaar is in verhouding tot sy aandeel in die gesamentlike bedryf.

ARTIKEL 9**VERWANTE ONDERNEMINGS**

1. Waar-

- (a) 'n onderneming van 'n Kontrakterende Staat regstreeks of onregstreeks aan die bestuur van, beheer oor of kapitaal van 'n onderneming van die ander Kontrakterende Staat deelneem, of
- (b) dieselfde persone regstreeks of onregstreeks aan die bestuur van, beheer oor of kapitaal van 'n onderneming van 'n Kontrakterende Staat en 'n onderneming van die ander Kontrakterende Staat deelneem,

en in enigeen van die gevalle voorwaardes tussen die twee ondernemings in hulle handels- of finansiële betrekkinge gestel of opgelê word wat verskil van dié wat tussen onafhanklike ondernemings gestel sou word, kan enige wins wat by ontstentenis van daardie voorwaardes aan een van die ondernemings sou toegeval het maar as gevolg van daardie voorwaardes nie aldus toegeval het nie, by die winste van daardie onderneming ingesluit en dienooreenkomstig belas word.

2. Waar 'n Kontrakterende Staat by die winste van 'n onderneming van daardie Staat wins insluit – en dit dienooreenkomstig belas – waarop 'n onderneming van die ander Kontrakterende Staat in daardie ander Staat belas is en die wins aldus ingesluit wins is wat aan die onderneming van eersgenoemde Staat sou toegeval het indien die voorwaardes wat tussen die twee ondernemings gestel is, dieselfde was as dié wat tussen onafhanklike ondernemings gestel sou gewees het, moet daardie ander Staat die bedrag van die belasting wat hy daarin op daardie wins hef, toepaslik aanpas. By die vasstelling van sodanige aanpassing moet daar behoorlik ag geslaan word op die ander bepalings van hierdie Ooreenkoms en moet die bevoegde owerhede van die Kontrakterende State, indien nodig, met mekaar oorleg pleeg.

ARTIKEL 10

DIVIDENDE

1. Dividende wat deur 'n maatskappy wat 'n inwoner van 'n Kontrakterende Staat is, aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in die ander Staat belas word.

2. Sodanige dividende kan egter ook belas word in die Kontrakterende Staat waarvan die maatskappy wat die dividende betaal, 'n inwoner is, en wel ooreenkomstig die wette van daardie Staat, maar as die voordelige eienaar van die dividende 'n inwoner van die ander Kontrakterende Staat is, mag die belasting wat aldus gehef word nie meer wees nie as:–

- (a) 5 persent van die bruto bedrag van die dividende indien die voordelige eienaar 'n maatskappy is, waarvan die kapitaal in geheel of gedeeltelik in aandele verdeel is, wat regstreeks minstens 10 persent hou van die kapitaal van die maatskappy wat die dividende betaal;
- (b) 10 persent van die bruto bedrag van die dividende in alle ander gevalle.

Die bevoegde owerhede van die Kontrakterende State moet deur onderlinge ooreenkoms besluit oor die wyse van toepassing van hierdie beperkings.

Hierdie paragraaf raak nie die belasting van die maatskappy ten opsigte van die winste waaruit die dividende betaal word nie.

3. Die uitdrukking "dividende" soos in hierdie Artikel gebruik, beteken inkomste uit aandele of ander regte wat in winste deel (wat nie skuldeise is nie), asook inkomste uit ander regsperseone wat onderhewig is aan dieselfde belastingbehandeling as inkomste uit aandele ingevolge die reg van die Kontrakterende Staat waarvan die maatskappy wat die uitkering doen, 'n inwoner is.

4. Die bepalings van paragrawe 1 en 2 van hierdie Artikel is nie van toepassing nie indien die voordelige eienaar van die dividende, wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat waarvan die maatskappy wat die dividende betaal 'n inwoner is, besigheid dryf deur middel van 'n permanente saak wat daarin geleë is en die aandeelhouding ten opsigte waarvan die dividende betaal word, effektief aan sodanige permanente saak verbonde is. In sodanige geval is die bepalings van Artikel 7 van toepassing.

5. Waar 'n maatskappy wat 'n inwoner van 'n Kontrakterende Staat is, wins of inkomste uit die ander Kontrakterende Staat verkry, hef daardie ander Staat geen belasting op die dividende wat deur die maatskappy betaal word nie, uitgesonderd in soverre sodanige dividende aan 'n inwoner van daardie ander Staat betaal word of in soverre die aandeelhouding ten opsigte waarvan die dividende betaal word, effektief verbonde is aan 'n permanente saak wat in daardie ander Staat geleë is, en onderwerp hy ook nie die maatskappy se onuitgekeerde wins aan 'n belasting op onuitgekeerde wins nie, selfs al bestaan die dividende wat betaal word of die onuitgekeerde wins in geheel of gedeeltelik uit wins of inkomste wat in sodanige ander Staat ontstaan.

6. Die bepalings van hierdie Artikel is nie van toepassing nie indien dit die hoofmerk of een van die hoofmerke was van enige persoon betrokke by die skep of toedeling van die aandele of ander regte ten opsigte waarvan die dividende betaal word, om by wyse van daardie skepping of toedeling voordeel te trek uit hierdie Artikel.

ARTIKEL 11

RENTE

1. Rente wat in 'n Kontrakterende Staat ontstaan en aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in daardie ander Staat belas word.

2. Sodanige rente kan egter ook in die Kontrakterende Staat waarin dit ontstaan en ooreenkomstig die wette van daardie Staat belas word, maar as die voordelige eienaar van die rente 'n inwoner van die ander Kontrakterende Staat is, mag die belasting wat aldus gehef word nie meer as 10 persent van die bruto bedrag van die rente wees nie.

Die bevoegde owerhede van die Kontrakterende State moet deur onderlinge ooreenkoms besluit oor die wyse van toepassing van hierdie beperking.

3. Die uitdrukking "rente" soos dit in hierdie Artikel gebruik word, beteken inkomste uit alle soorte skuldeise, hetsy deur 'n verband gesekureer al dan nie en hetsy dit 'n reg inhou om in die skuldenaar se wins te deel al dan nie en, in die besonder, inkomste uit staatseffekte en inkomste uit obligasies of skuldbriewe, ook premies en pryse verbonde aan sodanige effekte, obligasies of skuldbriewe. Boeteheffings vir laat betaling word nie vir die doel van hierdie Artikel as rente beskou nie.

4. Die bepalings van paragraaf 1 van hierdie Artikel is nie van toepassing nie indien die voordelige eienaar van die rente wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat waarin die rente ontstaan, besigheid dryf deur 'n permanente saak wat daarin geleë is, en die skuldeis ten opsigte waarvan die rente betaal word, effektief aan sodanige permanente saak verbonde is. In sodanige geval is die bepalings van Artikel 7 van toepassing.

5. Rente word geag in 'n Kontrakterende Staat te ontstaan wanneer die betaler 'n inwoner van daardie Staat is. Waar die persoon wat die rente betaal, hetsy daardie persoon 'n inwoner van 'n Kontrakterende Staat is al dan nie, in 'n Kontrakterende Staat 'n permanente saak het in verband waarmee die skuld waarop die rente betaal word aangegaan is en sodanige rente deur sodanige permanente saak gedra word, word sodanige rente egter geag te ontstaan in die Staat waarin die permanente saak geleë is.

6. Waar, vanweë 'n besondere verhouding tussen die betaler en die voordelige eienaar of tussen hulle albei en 'n ander persoon, die bedrag van die rente, met inagneming van die skuldeis waarvoor dit betaal word, meer is as die bedrag waarop die betaler en die voordelige eienaar sou ooreengekom het by ontstentenis van so 'n verhouding, is die bepalings van hierdie Artikel net op laasgenoemde bedrag van toepassing. In sodanige geval bly die oormaatdeel van die betalings belasbaar ooreenkomstig die wette van elke Kontrakterende Staat, met behoorlike inagneming van die ander bepalings van hierdie Ooreenkoms.

7. Die bepalings van hierdie Artikel is nie van toepassing nie indien dit die hoofmerk of een van die hoofmerke was van enige persoon betrokke by die skep of oordrag van die skuldeis ten opsigte waarvan die rente betaal word om by wyse van daardie skepping of oordrag voordeel te trek uit hierdie Artikel.

ARTIKEL 12

TANTIÈME

1. Tantième wat in 'n Kontrakterende Staat ontstaan en aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in daardie ander Staat belas word.

2. Sodanige tantième kan egter ook in die Kontrakterende Staat waarin dit ontstaan en ooreenkomstig die wette van daardie Staat belas word, maar as die voordelige eienaar van die tantième 'n inwoner van die ander Kontrakterende Staat is, mag die belasting wat aldus gehef word nie meer as 10 persent van die bruto bedrag van die tantième wees nie.

Die bevoegde owerhede van die Kontrakterende State moet deur onderlinge ooreenkoms besluit oor die wyse van toepassing van hierdie beperking.

3. Die uitdrukking "tantième" soos dit in hierdie Artikel gebruik word, beteken betalings van enige soort wat ontvang word as vergoeding vir die gebruik, of die reg op die gebruik, van enige outeursreg op letterkundige, artistieke of wetenskaplike werk (ook kinematograaffilms en films, bande of skywe vir radio- of televisie-uitsending), enige patent, handelsmerk, ontwerp of model, plan, geheime formule of proses, of vir inligting rakende nywerheids-, handels- of wetenskapondervinding.

4. Die bepalings van paragraaf 1 van hierdie Artikel is nie van toepassing nie indien die voordelige eienaar van die tantième, wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat waarin die tantième ontstaan, besigheid dryf deur middel van 'n permanente saak wat daarin geleë is en die reg of eiendom ten opsigte waarvan die tantième betaal word, effektief verbonde is aan sodanige permanente saak. In so 'n geval is die bepalings van Artikel 7 van toepassing.

5. Tantième word geag in 'n Kontrakterende Staat te ontstaan wanneer die betaler 'n inwoner van daardie Staat is. Waar die persoon wat die tantième betaal, hetsy daardie persoon 'n inwoner van 'n Kontrakterende Staat is al dan nie, in 'n Kontrakterende Staat 'n permanente saak het waaraan die reg of eiendom ten opsigte waarvan die tantième betaal word effektief verbonde is, en sodanige tantième deur sodanige permanente saak gedra word, word sodanige tantième geag te ontstaan in die Staat waarin die permanente saak geleë is.

6. Waar, as gevolg van 'n spesiale verhouding tussen die betaler en die voordelige eienaar of tussen hulle albei en 'n ander persoon, die bedrag van die tantième, met inagneming van die gebruik, reg of inligting waarvoor dit betaal word, meer is as die bedrag waarop die betaler en die voordelige eienaar sou ooreengekom het by ontstentenis van so 'n verhouding, is die bepaling van hierdie Artikel net op laasgenoemde bedrag van toepassing. In so 'n geval bly die oormaatdeel van die betalings belasbaar ooreenkomstig die wette van elk van die Kontrakterende State, met behoorlike inagneming van die ander bepaling van hierdie Ooreenkoms.

7. Die bepaling van hierdie Artikel is nie van toepassing nie indien dit die hoofmerk of een van die hoofmerke was van enige persoon betrokke by die skep of oordrag van die regte ten opsigte waarvan die tantième betaal word om by wyse van daardie skepping of oordrag voordeel te trek uit hierdie Artikel.

ARTIKEL 13

KAPITAALWINS

1. Wins wat 'n inwoner van 'n Kontrakterende Staat verkry uit die vervreemding van onroerende eiendom wat in Artikel 6 bedoel word en in die ander Kontrakterende Staat geleë is, kan in die ander Kontrakterende Staat belas word.

2. Wins uit die vervreemding van roerende eiendom wat deel uitmaak van die besigheidseiendom van 'n permanente saak wat 'n onderneming van 'n Kontrakterende Staat in die ander Kontrakterende Staat het, insluitende die wins uit die vervreemding van so 'n permanente saak (alleen of met die hele onderneming), kan in daardie ander Staat belas word.

3. Wins uit die vervreemding van skepe of lugvaartuie wat deur 'n onderneming van 'n Kontrakterende Staat in internasionale verkeer bedryf word of roerende eiendom wat op die bedryf van sodanige skepe of lugvaartuie betrekking het, is net in daardie Kontrakterende Staat belasbaar.

4. Wins uit die vervreemding van enige ander eiendom as daardie in paragrawe 1 tot 3 van hierdie Artikel bedoel, is net in die Kontrakterende Staat waarvan die vervreemder 'n inwoner is, belasbaar.

ARTIKEL 14

INKOMSTE UIT DIENSBETREKKING

1. Behoudens die bepaling van Artikel 15, 17 en 18 is salarisse, lone en ander soortgelyke besoldiging wat 'n inwoner van 'n Kontrakterende Staat ten opsigte van 'n diensbetrekking ontvang, net in daardie Staat belasbaar, tensy die diens in die ander Kontrakterende Staat beoefen word. Indien die diens aldus beoefen word, kan die besoldiging wat daaruit verkry word in daardie ander Staat belas word.

2. Ondanks die bepalings van paragraaf 1 van hierdie Artikel is besoldiging wat 'n inwoner van 'n Kontrakterende Staat ontvang ten opsigte van diens wat in die ander Kontrakterende Staat beoefen word, net in eersgenoemde Staat belasbaar indien:-

- (a) die ontvanger in die ander Staat teenwoordig is vir 'n tydperk of tydperke wat altesaam hoogstens 183 dae is in enige twaalfmaandetydperk wat in die betrokke fiskale jaar begin of eindig; en
- (b) die besoldiging betaal word deur of namens 'n werkgewer wat nie 'n inwoner van die ander Staat is nie; en
- (c) die besoldiging nie deur 'n permanente saak wat die werkgewer in die ander Staat het, gedra word nie.

3. Ondanks die voorgaande bepalings van hierdie Artikel is besoldiging verkry ten opsigte van 'n diensbetrekking wat uitgeoefen word aan boord van 'n skip of lugvaartuig wat deur 'n onderneming van 'n Kontrakterende Staat in internasionale verkeer bedryf word, net in daardie Staat belasbaar.

4. 'n Individu wat beide 'n burger is van 'n Kontrakterende Staat en 'n werknemer is van 'n onderneming van daardie Kontrakterende Staat waarvan die hoofbesigheid bestaan uit die bedryf van lugvaartuie in internasionale verkeer, en wat besoldiging verkry ten opsigte van pligte verrig in die ander Kontrakterende Staat, word in daardie ander Staat vrygestel van belasting op besoldiging verkry uit die werknemer se diensbetrekking by daardie onderneming vir 'n tydperk van vier jaar wat begin op die datum waarop die werknemer die eerste keer pligte in daardie ander Staat verrig het.

ARTIKEL 15

DIREKTEURSGELDE

Direkteursgelde en soortgelyke betalings verkry deur 'n inwoner van 'n Kontrakterende Staat in daardie persoon se hoedanigheid van lid van die direksie van 'n maatskappy wat 'n inwoner van die ander Kontrakterende Staat is, kan in daardie ander Staat belas word.

ARTIKEL 16

VERMAAKLIKHEIDSKUNSTENAARS EN SPORTPERSONE

1. Ondanks die bepalings van Artikel 7 en 14 kan inkomste verkry deur 'n inwoner van 'n Kontrakterende Staat as 'n vermaaklikheidskunstenaar, soos 'n teater-, rolprent-, radio- of televisiekunstenaar, of 'n musikant, of as 'n sportpersoon, uit daardie persoon se persoonlike bedrywighede wat as sodanig in die ander Kontrakterende Staat beoefen word, in daardie ander Staat belas word.

2. Waar inkomste ten opsigte van persoonlike bedrywighede uitgeoefen deur 'n vermaaklikheidskunstenaar of sportpersoon in daardie persoon se hoedanigheid as sodanig, nie aan die vermaaklikheidskunstenaar of sportpersoon toeval nie maar aan 'n ander persoon, kan daardie inkomste, ondanks die bepalings van Artikel 7 en 14, belas word in die Kontrakterende Staat waarin die bedrywighede van die vermaaklikheidskunstenaar of sportpersoon beoefen word.

3. Inkomste wat 'n inwoner van 'n Kontrakterende Staat verkry uit bedrywighede wat in die ander Kontrakterende Staat beoefen word soos beoog in paragrawe 1 en 2 van hierdie Artikel, is vrygestel van belasting in daardie ander Staat indien die besoek aan daardie ander Staat in geheel of hoofsaaklik gesteun word deur openbare fondse van eersgenoemde Kontrakterende Staat, 'n staatkundige onderverdeling of 'n plaaslike owerheid of 'n plaaslike regering daarvan, of plaasvind kragtens 'n kulturele ooreenkoms of reëling tussen die Regerings van die Kontrakterende State.

ARTIKEL 17

PENSIOENE EN ANNUÏTEITE

1. Behoudens die bepalings van paragraaf 2 van Artikel 18 kan pensioene en ander soortgelyke besoldiging, en annuïteite, wat in 'n Kontrakterende Staat ontstaan en aan 'n inwoner van die ander Kontrakterende Staat betaal word, in eersgenoemde Staat belas word.

2. Ondanks die bepalings van paragraaf 1 van hierdie Artikel is pensioene en ander soortgelyke betalings gedoen kragtens die maatskaplikesekerheidstelsel van 'n Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid of 'n plaaslike regering daarvan, net in daardie Staat belasbaar.

3. Die uitdrukking "annuïteit" beteken 'n vermelde bedrag wat periodiek op vermelde tye gedurende 'n persoon se lewe of gedurende 'n gespesifiseerde of vasstelbare tydperk betaalbaar word ingevolge 'n verpligting om die betalings te doen in ruil vir voldoende en volle teenprestasie in geld of geldwaarde.

ARTIKEL 18

REGERINGSDIENS

1. (a) Salarisse, lone en ander soortgelyke besoldiging, uitgesonderd 'n pensioen, wat deur 'n Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid of 'n plaaslike regering daarvan aan 'n individu betaal word ten opsigte van dienste gelewer aan daardie Kontrakterende Staat of staatkundige onderverdeling of plaaslike owerheid of plaaslike regering, is net in daardie Staat belasbaar.
- (b) Sodanige salarisse, lone en ander soortgelyke besoldiging is egter net in die ander Kontrakterende Staat belasbaar as die dienste in daardie Staat gelewer word en die individu 'n inwoner van daardie Staat is wat:-
 - (i) 'n burger van daardie Staat is; of
 - (ii) nie 'n inwoner van daardie Staat geword het uitsluitlik met die doel om die dienste te lewer nie.

2. (a) Enige pensioen wat betaal word deur, of uit fondse geskep deur, 'n Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid of 'n plaaslike regering daarvan aan 'n individu ten opsigte van dienste gelewer aan daardie Kontrakterende Staat of staatkundige onderverdeling of plaaslike owerheid of plaaslike regering, is net in daardie Staat belasbaar.
- (b) Sodanige pensioen is egter net in die ander Kontrakterende Staat belasbaar indien die individu 'n inwoner en 'n burger van daardie Staat is.

3. Die bepalings van Artikel 14, 15, 16 en 17 is van toepassing op salarisse, lone en ander soortgelyke besoldiging, en op pensioene, ten opsigte van dienste gelewer in verband met 'n besigheid wat deur 'n Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid of 'n plaaslike regering daarvan gedryf word.

4. Die bepalings van paragraaf 1 van hierdie Artikel geld desgelyks ten opsigte van besoldiging betaal deur 'n Kontrakterende Staat aan 'n spesialis of vrywilliger wat aan die ander Kontrakterende Staat gesekondeer is kragtens 'n ontwikkelingsbystandooreenkoms aangegaan tussen die Kontrakterende State, wat betaal word deur, of uit fondse geskep deur, 'n Kontrakterende Staat of 'n staatkundige onderverdeling of 'n plaaslike owerheid of 'n plaaslike regering daarvan.

ARTIKEL 19

DOSENTE EN ONDERWYSERS

1. Ondanks die bepalings van Artikel 14, word 'n dosent of onderwyser wat 'n tydelike besoek aan een van die Kontrakterende State bring vir 'n tydperk wat altesaam nie meer is nie as twee jaar vanaf die datum van eerste aankoms in daardie Staat, uitsluitlik vir die doel van onderrig of die doen van navorsing aan 'n universiteit, kollege, skool of ander opvoedkundige inrigting in daardie Staat, en wat 'n inwoner van die ander Kontrakterende Staat is of onmiddellik voor sodanige besoek een was, in eersgenoemde Staat vrygestel van belasting ten opsigte van besoldiging vir sodanige onderrig of navorsing, met dien verstande dat sodanige besoldiging deur daardie dosent of onderwyser van buite daardie Staat verkry word.

2. Die bepalings van hierdie Artikel is nie op inkomste uit navorsing van toepassing nie indien sodanige navorsing nie in die openbare belang nie, maar ten volle of hoofsaaklik tot private voordeel van 'n bepaalde persoon of persone onderneem word.

ARTIKEL 20

STUDENTE EN LEERLINGE

1. 'n Student of besigheidsleerling wat in 'n Kontrakterende Staat aanwesig is uitsluitlik vir die doel van onderwys of opleiding en wat 'n inwoner is, of onmiddellik voor sodanige aanwesigheid 'n inwoner was, van die ander Kontrakterende Staat, is in eersgenoemde Kontrakterende Staat vrygestel van belasting op betalings wat van buite daardie eersgenoemde Kontrakterende Staat vir die doel van die student se onderhoud, onderwys of opleiding ontvang word.

2. Daarby is 'n student of besigheidsleerling wat in paragraaf 1 van hierdie Artikel beskryf word, ten opsigte van toelaes, beurse en besoldiging uit 'n diensbetrekking wat nie deur paragraaf 1 van hierdie Artikel gedek word nie, tydens sodanige onderwys of opleiding geregtig op dieselfde vrystellings, verligtings of verminderings ten opsigte van belastinge wat tot beskikking is van die inwoners van die Kontrakterende Staat wat deur die student of besigheidsleerling besoek word.

ARTIKEL 21

ANDER INKOMSTE

1. Die inkomste-items van 'n inwoner van 'n Kontrakterende Staat, ongeag waar dit ontstaan, wat nie in die voorgaande Artikels van hierdie Ooreenkoms behandel is nie, is net in daardie Staat belasbaar.

2. Die bepalings van paragraaf 1 van hierdie Artikel is nie op inkomste van toepassing nie, uitgesonder inkomste uit onroerende eiendom soos in paragraaf 2 van Artikel 6 omskryf, indien die ontvanger van sodanige inkomste wat 'n inwoner van 'n Kontrakterende Staat is, in die ander Kontrakterende Staat besigheid dryf deur middel van 'n permanente saak wat daarin geleë is, en die reg of eiendom ten opsigte waarvan die inkomste betaal word effektief aan sodanige permanente saak verbonde is. In so 'n geval is die bepalings van Artikel 7 van toepassing.

ARTIKEL 22

UITSKAKELING VAN DUBBELE BELASTING

Dubbele belasting word soos volg uitgeskakel:

- (a) in Suid-Afrika, behoudens die bepalings van die reg van Suid-Afrika betreffende die aftrekking vanaf belasting betaalbaar in Suid-Afrika van belasting betaalbaar in enige ander land as Suid-Afrika, word die Verenigde Arabiese Emirate-belasting wat deur inwoners van Suid-Afrika betaal word ten opsigte van inkomste wat in die Verenigde Arabiese Emirate belasbaar is, ooreenkomstig die bepalings van hierdie Ooreenkoms afgetrek van die belastinge wat ooreenkomstig die Suid-Afrikaanse fiskale reg verskuldig is. Sodanige aftrekking mag egter nie meer wees nie as 'n bedrag wat tot die totale Suid-Afrikaanse belasting betaalbaar in dieselfde verhouding staan as waarin die betrokke inkomste tot die totale inkomste staan;
- (b) in die Verenigde Arabiese Emirate, waar 'n inwoner van die Verenigde Arabiese Emirate inkomste verkry wat ooreenkomstig die bepalings van hierdie Ooreenkoms in Suid-Afrika belasbaar is, moet die Verenigde Arabiese Emirate daardie inkomste van belasting vrystel.

ARTIKEL 23**NIEDISKRIMINASIE**

1. Die burgers van 'n Kontrakterende Staat mag nie in die ander Kontrakterende Staat onderwerp word aan enige belasting of enige vereiste in verband daarmee wat anders of knellender is as die belasting en verwante vereistes waaraan burgers van daardie ander Staat in dieselfde omstandighede, in die besonder met betrekking tot verblyf, onderwerp is of kan word nie. Hierdie bepaling is ondanks die bepalings van Artikel 1 ook van toepassing op persone wat nie inwoners van een van of albei die Kontrakterende State is nie.

2. Die belasting op 'n permanente saak wat 'n onderneming van 'n Kontrakterende Staat in die ander Kontrakterende Staat het, word nie in daardie ander Staat minder gunstig gehef as die belasting wat gehef word op ondernemings van daardie ander Staat wat dieselfde bedrywighede beoefen nie. Hierdie bepaling word nie so uitgelê dat dit 'n Kontrakterende Staat verplig om aan inwoners van die ander Kontrakterende Staat enige persoonlike korting, verligting en vermindering vir belastingdoeleindes toe te staan op grond van burgerlike status of gesinsverantwoordelikhede wat hy aan sy eie inwoners toestaan nie.

3. Uitgesonderd waar die bepalings van paragraaf 1 van Artikel 9, paragraaf 5 van Artikel 11 of paragraaf 5 van Artikel 12 van toepassing is, is rente, tantième en ander betalings deur 'n onderneming van 'n Kontrakterende Staat aan 'n inwoner van die ander Kontrakterende Staat met die doel om die belasbare wins van sodanige onderneming te bepaal, aftrekbaar op dieselfde voorwaardes asof dit aan 'n inwoner van eersgenoemde Staat betaal is.

4. Ondernemings van 'n Kontrakterende Staat, waarvan die kapitaal regstreeks of onregstreeks in geheel of gedeeltelik deur een of meer inwoners van die ander Kontrakterende Staat besit of beheer word, word nie in eersgenoemde Staat onderwerp aan enige belasting of enige vereiste in verband daarmee wat anders of knellender is as die belasting en verwante vereistes waaraan ander soortgelyke ondernemings van die eersgenoemde Staat onderworpe is of onderwerp kan word nie.

5. Niks in hierdie Artikel word so uitgelê dat dit 'n Kontrakterende Staat regtens verplig om aan die inwoners van die ander Kontrakterende Staat die voordeel van enige behandeling, voorkeur of reg te bied wat aan enige ander Staat of sy inwoners verleen word op grond van die oprigting van 'n doeane-unie, 'n ekonomiese verbond, 'n vryhandelsgebied of uit hoofde van enige streek- of substreekreëling wat ten volle of hoofsaaklik op belasting betrekking het, waarby die eersgenoemde Staat ingevolge die praktyk van enigeen van die Kontrakterende State 'n party kan wees nie.

6. Die bepalings van hierdie Artikel is ondanks die bepalings van Artikel 2 van toepassing op belastings van elke soort en beskrywing.

ARTIKEL 24**PROSEDURE VIR ONDERLINGE OOREENKOMS**

1. Waar 'n persoon van mening is dat die optrede van een van of albei die Kontrakterende State tot gevolg het of sal hê dat daardie persoon nie ooreenkomstig hierdie Ooreenkoms belas word nie, kan daardie persoon, ongeag die regsmittele waarvoor die landsreg van daardie State voorsiening maak, 'n saak stel aan die bevoegde owerheid van die Kontrakterende Staat waarvan die persoon 'n inwoner is of, indien die saak onder paragraaf 1 van Artikel 23 ressorteer, aan dié van die Kontrakterende Staat waarvan die persoon 'n burger is. Die saak moet gestel word binne drie jaar na die eerste kennisgewing van die optrede wat lei tot belasting wat nie ooreenkomstig die bepalings van hierdie Ooreenkoms is nie.

2. Die bevoegde owerheid moet, indien die beswaar na sy oordeel geregverdig voorkom en indien hy nie self 'n bevredigende oplossing kan kry nie, probeer om die saak deur onderlinge ooreenkoms met die bevoegde owerheid van die ander Kontrakterende Staat te besleg met die oog op die vermyding van belasting wat nie in ooreenstemming met hierdie Ooreenkoms is nie. Enige ooreenkoms wat bereik word, moet toegepas word ondanks enige tydsbeperkings in die landsreg van die Kontrakterende State.

3. Die bevoegde owerhede van die Kontrakterende State moet poog om enige moeilikhede of twyfel wat oor die vertolking of toepassing van hierdie Ooreenkoms ontstaan, deur onderlinge ooreenkoms te besleg. Hulle kan wat die uitskakeling van dubbele belasting betref ook saam oorleg pleeg in gevalle waarvoor in hierdie Ooreenkoms nie voorsiening gemaak is nie.

4. Die bevoegde owerhede van die Kontrakterende State kan regstreeks, ook deur 'n gesamentlike kommissie bestaande uit hulself of hulle verteenwoordigers, met mekaar kommunikeer vir die doel van die bereiking van 'n ooreenkoms soos in die voorgaande paragrawe beoog.

ARTIKEL 25**UITRUIL VAN INLIGTING**

1. Die bevoegde owerhede van die Kontrakterende State moet sodanige inligting uitruil wat voorsienbaar tersaaklik is om die bepalings van hierdie Ooreenkoms uit te voer of vir die administrasie of toepassing van hul landsreg rakende belastings van elke soort en beskrywing wat namens die Kontrakterende State of hulle staatkundige onderverdelings gehef word, in soverre die belasting daarkragtens nie strydig met die Ooreenkoms is nie. Die uitruil van inligting word nie deur Artikel 1 en 2 beperk nie.

2. Enige inligting wat ingevolge paragraaf 1 deur 'n Kontrakterende Staat ontvang word, word as geheim behandel op dieselfde wyse as inligting wat ingevolge die landsreg van daardie Staat verkry is, en mag slegs bekend gemaak word aan persone of owerhede (insluitende howe en administratiewe liggame) gemoeid met die aanslaan of invordering van, die afdwinging of vervolging ten opsigte van, die beslissing van appèlle met betrekking tot die belastings in paragraaf 1 bedoel, of toesig oor die voorgaande. Sodanige persone of owerhede mag die inligting net vir sodanige doeleindes gebruik. Hulle mag die inligting in openbare hofverrigtinge of by regterlike beslissings openbaar maak.

3. In geen geval word die bepalings van paragrawe 1 en 2 so uitgelê nie dat dit aan 'n Kontrakterende Staat die verpligting oplê om:-

- (a) administratiewe maatreëls uit te voer wat strydig is met die wette en administratiewe praktyk van daardie of van die ander Kontrakterende Staat;
- (b) inligting te verskaf wat nie ingevolge die wette of in die normale loop van die administrasie van daardie of die ander Kontrakterende Staat verkrygbaar is nie;
- (c) inligting te verstrek wat enige handels-, sake-, nywerheids-, kommersiële of beroepsgeheim of handelsproses openbaar sal maak, of inligting waarvan die openbaarmaking strydig met die openbare beleid (*ordre public*) sal wees.

4. Indien inligting ooreenkomstig hierdie Artikel deur 'n Kontrakterende Staat aangevra word, gebruik die ander Kontrakterende Staat sy inligtingversamelmaatreëls om die verlangde inligting te verkry, al het daardie ander Staat nie sodanige inligting vir sy eie belastingdoeleindes nodig nie. Die verpligting vervat in die voorgaande sin is onderhewig aan die beperkings van paragraaf 3, maar sodanige beperkings word in geen geval so uitgelê dat dit 'n Kontrakterende Staat toelaat om te weier om inligting te verstrek bloot omdat hy geen plaaslike belang by sodanige inligting het nie.

5. In geen geval word die bepalings van paragraaf 3 so uitgelê dat dit 'n Kontrakterende Staat toelaat om te weier om inligting te verstrek bloot omdat die inligting gehou word deur 'n bank, ander finansiële instelling, benoemde of persoon wat in 'n agentskap- of 'n fidusiële hoedanigheid optree, of omdat dit met eienaarskapbelange in 'n persoon verband hou nie.

ARTIKEL 26

LEDE VAN DIPLOMATIEKE MISSIES EN KONSULÊRE POSTE

Niks in hierdie Ooreenkoms raak die fiskale voorregte van lede van diplomatieke missies of konsulêre poste ingevolge die algemene reëls van die volkereg of ingevolge die bepalings van spesiale ooreenkomste nie.

ARTIKEL 27

TERUGBETALINGS

1. Belastings wat teruggehou word by die bron in 'n Kontrakterende Staat moet op versoek van die belastingpligtige of van die Staat waarvan die belastingpligtige 'n inwoner is, terugbetaal word indien die reg om die vermeldde belastings in te vorder deur die bepalings van hierdie Ooreenkoms geraak word.

2. Enige eis om terugbetaling moet ingedien word binne die tydsbeperking bepaal deur die reg van die Kontrakterende Staat wat verplig is om die terugbetaling te doen, en moet vergesel gaan van 'n amptelike sertifikaat van die Kontrakterende Staat waarvan die belastingpligtige 'n inwoner is, wat die aanwesigheid sertifiseer van die voorwaardes wat nodig is om geregtig te wees op die toepassing van die voordele wat hierdie Ooreenkoms bepaal.

3. Die bevoegde owerhede van die Kontrakterende State moet, ooreenkomstig die bepalings van Artikel 24 van hierdie Ooreenkoms, deur onderlinge ooreenkoms besluit oor die wyse van toepassing van hierdie Artikel.

ARTIKEL 28

DIVERSE REËLS

1. Ondanks die bepalings van paragraaf 2 van Artikel 10 en paragraaf 2 van Artikel 11, word dividende en rente betaal deur 'n inwoner van 'n Kontrakterende Staat aan die Regering van die ander Kontrakterende Staat of staatkundige onderverdeling of plaaslike owerheid daarvan in die eersgenoemde Staat van belasting vrygestel.

2. Vir doeleindes van paragraaf 1, behels die uitdrukking "Regering":

(a) in die geval van die Verenigde Arabiese Emirate:

- (i) die Regering van die Verenigde Arabiese Emirate;
- (ii) 'n plaaslike regering van die Verenigde Arabiese Emirate (Aboe Dhabi, Ajman, Doebai, Foedjairah, Oemm al-Kaiwain, Ras al-Chaima en Sjarja);
- (iii) in die besonder, maar nie uitsluitlik nie, die volgende finansiële instellings:
 - 1. die Aboe Dhabi-beleggingsraad;
 - 2. die Aboe Dhabi-beleggingsowerheid;
 - 3. die Emirate-beleggingsowerheid;
 - 4. die Doebai-beleggingskorporasie;
 - 5. enige ander statutêre liggaam of instelling of agentskap wat ten volle deur die Regering van die Federale of plaaslike Regering van die Verenigde Arabiese Emirate besit word, soos van tyd tot tyd tussen die bevoegde owerhede van die Kontrakterende State ooreengekom.

(b) In die geval van Suid-Afrika:

- (i) die Suid-Afrikaanse Reserwebank; en
- (ii) enige ander statutêre liggaam of instelling wat ten volle deur die Regering van die Republiek van Suid-Afrika besit word, soos van tyd tot tyd tussen die bevoegde owerhede van die Kontrakterende State ooreengekom.

ARTIKEL 29**INWERKINGTREDING**

1. Elk van die Kontrakterende State stel die ander skriftelik langs die diplomatieke kanaal in kennis van die afhandeling van die prosedures wat ingevolge sy reg vir die bekragtiging van hierdie Ooreenkoms vereis word. Hierdie Ooreenkoms tree in werking op die datum van ontvangs van die laaste van hierdie kennisgewings.

2. Die bepalings van hierdie Ooreenkoms is van toepassing:-

- (a) met betrekking tot belastings wat by die bron teruggehou word, ten opsigte van bedrae betaal of gekrediteer op of na die eerste dag van Januarie wat eerste volg op die datum waarop hierdie Ooreenkoms van krag word; en
- (b) met betrekking tot ander belastings, ten opsigte van jare van aanslag wat begin op of na die eerste dag van Januarie wat eerste volg op die datum waarop hierdie Ooreenkoms van krag word.

ARTIKEL 30**OPSEGGING**

1. Hierdie Ooreenkoms bly onbepaald van krag, maar enigeen van die Kontrakterende State kan hierdie Ooreenkoms langs die diplomatieke kanaal opsê deur aan die ander Kontrakterende Staat skriftelik kennis van opsegging te gee nie later nie as 30 Junie van enige kalenderjaar wat begin vyf jaar na die jaar waarin dié Ooreenkoms in werking getree het.

2. In so 'n geval hou die Ooreenkoms op om van toepassing te wees:-

- (a) met betrekking tot belastings wat by die bron teruggehou word, ten opsigte van bedrae betaal of gekrediteer na die einde van die kalenderjaar waarin sodanige kennis gegee word; en
- (b) met betrekking tot ander belastings, ten opsigte van jare van aanslag wat begin na die einde van die kalenderjaar waarin sodanige kennis gegee word.

TEN BEWYSE WAARVAN die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Ooreenkoms geteken en geseël het in twee oorspronklike eksemplare in die Arabiese en Engelse tale, waarvan beide tekste ewe outentiek is.

GEDOEN te Pretoria, op hede die 23^{ste} dag van November 2015.

**VIR DIE REGERING VAN DIE
REPUBLIEK VAN SUID-AFRIKA**

**VIR DIE REGERING VAN DIE
VERENIGDE ARABIESE EMIRATE**

PROTOKOL

Ten tye van die ondertekening van die Ooreenkoms tussen die Regering van die Republiek van Suid-Afrika en die Regering van die Verenigde Arabiese Emirate ter Vermyding van Dubbele Belasting en ter Voorkoming van Fiskale Ontduiking met betrekking tot Belastings op Inkomste, het die ondergetekendes ooreengekom oor die volgende bepalings wat 'n integrale deel van hierdie Ooreenkoms uitmaak.

1. Daar is ooreengekom dat ingevolge huidige wetgewing in Suid-Afrika die inkomste van enige ander Staat vrygestel is van belasting op inkomste.

Vir doeleindes van hierdie paragraaf sluit die uitdrukking "Staat" die volgende in:

- (a) die Regering van die Verenigde Arabiese Emirate;
- (b) 'n plaaslike regering van die Verenigde Arabiese Emirate (Aboe Dhabi, Ajman, Doebai, Foedjairah, Oemm al-Kaiwain, Ras al-Chaima en Sjarja);
- (c) 'n agentskap van die federale of plaaslike regering waaroor daar ooreengekom is 'n integrale deel van die Regering van die Verenigde Arabiese Emirate of 'n integrale deel van een van sy plaaslike regerings uit te maak.

Die Aboe Dhabi-beleggingsowerheid is een van die instellings wat as 'n integrale deel van die Regering van Aboe Dhabi erken word.

2. Ten opsigte van Artikel 6:

Die bepalings van paragraaf 4 van Artikel 6 is nie op die blote aankoop deur 'n onderneming van 'n Kontrakterende Staat van land of geboue vir eie gebruik van toepassing nie.

3. Ten opsigte van Artikel 8:

Daar word verstaan dat waar 'n vervoeronderneming van 'n Kontrakterende Staat goedere voorsien aan, of dienste verrig vir, ander vervoerondernemings in die ander Kontrakterende Staat wat aanvullend is tot of bykomstig is by sy bedryf van skepe of lugvaartuie in internasionale verkeer, daar met die inkomste uit die voorsiening van sodanige goedere of dienste gehandel word kragtens die bepalings van Artikel 8.

4. Ten opsigte van paragraaf 6 van Artikel 10, paragraaf 7 van Artikel 11 en paragraaf 7 van Artikel 12 van hierdie Ooreenkoms:

Daar word verstaan dat in die geval dat 'n inwoner van 'n Kontrakterende Staat in die ander Kontrakterende Staat belastingverligting geweier word uit hoofde van een van daardie bepalings, die bevoegde owerheid van daardie ander Kontrakterende Staat die redes hiervoor aan die bevoegde owerheid van eersgenoemde Kontrakterende Staat moet verduidelik. In die geval van enige moeilikhede betreffende die toepassing van hierdie paragrawe, moet die bevoegde owerhede van die Kontrakterende State poog om dit deur onderlinge ooreenkoms te besleg binne die raamwerk van Artikel 24 van hierdie Ooreenkoms.

5. Ten opsigte van paragraaf 4 van Artikel 13:

Daar word verstaan dat winste uit die vervreemding van aandele in 'n maatskappy of van effekte, obligasies of skuldbriewe mee gehandel word ooreenkomstig die bepalings van die genoemde paragraaf en slegs belasbaar is in die Kontrakterende Staat waarvan die vervreemder 'n inwoner is.

6. Ten opsigte van Artikel 25:

Daar word verstaan dat 'n Kontrakterende Staat nie onder 'n verpligting staan om inligting uit te ruil rakende ander belastings as daardie wat deur hierdie Ooreenkoms gedek word nie.

TEN BEWYSE WAARVAN die ondergetekendes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie Protokol geteken en geseël het in twee oorspronklike eksemplare in die Arabiese en Engelse tale, waarvan beide tekste ewe outentiek is.

GEDOEN te Pretoria, op hede die 23^{ste} dag van November 2015.

**VIR DIE REGERING VAN DIE
REPUBLIEK VAN SUID-AFRIKA**

**VIR DIE REGERING VAN DIE
VERENIGDE ARABIESE EMIRATE**

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 874 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 09 November 2016 it approved without conditions the merger between Cubisol Investments 3 (Pty) Ltd and The retail letting enterprise known as Lonehill Shopping Centre owned by Lonehill Shopping Centre (Pty) Ltd.

(CDM case no.: LM114Sep16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 875 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 23 November 2016 it approved without conditions the merger between Liberty Two Degrees and Liberty Group Ltd in respect of the Undivided Shares in Certain Properties.

(CDM case no.: LM111Sep16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 876 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 10 November 2016 it approved without conditions the merger between The Cullinan Hotel (Pty) Ltd and The business and underlying properties of the Sandton Sun, The Intercontinental Sandton Towers, the Garden Court Sandton City; the Sandton Convention Centre property; and the rental enterprises in respect of the Sandton Convention Centre and Virgin Active.

(CDM case no.: LM110Sep16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 877 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF COMPLAINT REFERRAL**

The Competition Tribunal gives notice in terms of Section 51(3) & (4) of the Competition Act 89 of 1998 as amended, that on 16 November 2016 it received a complaint referral from The Competition Commission against Roadspan Surfaces (Pty) Ltd and Much Asphalt (Pty) Ltd. The Competition Commission alleges that the respondents engaged in a prohibited practice in contravention of section 4(1)(b)(ii) of the Competition Act 89 of 1998.

(CDM case no.: CR163Nov16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 878 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 23 November 2016 it approved without conditions the merger between Unitrans Supply Chain Solutions (Pty) Ltd and Xinergistix (Pty) Ltd.

(CDM case no.: LM115Sep16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 879 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 23 November 2016 it approved without conditions the merger between Rockwood Fund I and Kwikspace Modular Buildings Holdings (Pty) Ltd.

(CDM case no.: LM145Oct16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 880 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 09 November 2016 it approved without conditions the merger between Wendel SE and Tsebo Holdings Proprietary Limited.

(CDM case no.: LM131Oct16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 881 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 23 November 2016 it approved without conditions the merger between Unitrans Supply Chain Solutions (Pty) Ltd and Xinergistix (Pty) Ltd.

(CDM case no.: LM115Sep16)

**The Chairperson
Competition Tribunal**

**ECONOMIC DEVELOPMENT DEPARTMENT
NOTICE 882 OF 2016**

COMPETITION TRIBUNAL

NOTIFICATION OF DECISION TO APPROVE MERGER

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 23 November 2016 it approved without conditions the merger between Steinhoff International Holdings N.V. and Tekkie Town (Pty) Ltd.

(CDM case no.: LM113Sep16)

**The Chairperson
Competition Tribunal**

**ECONOMIC DEVELOPMENT DEPARTMENT
NOTICE 883 OF 2016**

COMPETITION TRIBUNAL

NOTIFICATION OF DECISION TO APPROVE MERGER

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 16 November 2016 it approved without conditions the merger between Unitrans Automotive, a division of Pepkor Trading (Pty) Ltd and Koos Nel Group comprising of
Koos Nel Auto Proprietary Limited
Jacques Nel Auto Proprietary Limited
Waterberg Inspectacar Proprietary Limited

(CDM case no.: LM133Oct16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 884 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 30 November 2016 it approved without conditions the merger between African Rainbow Capital Proprietary Limited and Global Asset Management Limited.

(CDM case no.: LM144Oct16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 885 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 23 November 2016 it approved the merger between Parento (Pty) Ltd and Edcon Limited subject to conditions.

(CDM case no.: LM117Sep16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 886 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 30 November 2016 it approved the merger between Stellar Capital Partners Limited and Prescient Holdings Proprietary Limited subject to conditions.

(CDM case no.: LM147Oct16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 887 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 30 November 2016 it approved without conditions the merger between Growthpoint Healthcare Property Holdings Limited and Vukile Property Fund Limited in relation to the Louis Leipoldt Private Hospital Property.

(CDM case no.: LM158Nov16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 888 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 10 November 2016 it approved without conditions the merger between Capital Propfund Proprietary Limited and JR209 Investments Proprietary Limited, in respect of the vacant land and immovable property and letting enterprise to be constructed on Portion 61 (a portion of Portion 8) of the farm Witfontein 16, in the City of Ekurhuleni, Gauteng.

(CDM case no.: LM116Sep16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 889 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF COMPLAINT REFERRAL**

The Competition Tribunal gives notice in terms of Section 51(3) & (4) of the Competition Act 89 of 1998 as amended, that on 07 November 2016 it received a complaint referral from The Competition Commission against Elingo (Pty) Ltd and Elingo Business Solutions (Pty) Ltd. The Competition Commission alleges that the respondents engaged in a prohibited practice in contravention of section 4(1)(b)(i)&(ii) of the Competition Act 89 of 1998.

(CDM case no.: CR155Nov16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 890 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001, that on 30 November 2016 it approved without conditions the merger between EOH Holdings Limited and Mars Holdings Proprietary Limited.

(CDM case no.: LM134Oct16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 891 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001, that on 09 November 2016 it approved without conditions the merger between Abercom Proprietary Limited and Branch Engineering Proprietary Limited and Erf 616 Selby Proprietary Limited.

(CDM case no.: LM109Sep16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 892 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 10 November 2016 it approved without conditions the merger between K2016379893 (South Africa) Proprietary Limited and Universal Industries Corporation Proprietary Limited.

(CDM case no.: LM126Oct16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 893 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 09 November 2016 it approved without conditions the merger between Richards Bay Alloys Proprietary Limited and The Business of Tata Steel KwaZulu-Natal Proprietary Limited.

(CDM case no.: LM123Oct16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 894 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 30 November 2016 it approved the merger between Imperial Holdings Limited and Itumeleng Bus Line Proprietary Limited subject to conditions.

(CDM case no.: LM105Sep16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 895 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 16 November 2016 it approved without conditions the merger between EOH Intelligent Infrastructure Proprietary Limited and PIA Solar SA Proprietary Limited.

(CDM case no.: LM122Oct16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 896 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 16 November 2016 it approved without conditions the merger between Redefine Properties Limited and The Pivotal Fund Limited .

(CDM case no.: LM099Sep16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 897 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 10 November 2016 it approved without conditions the merger between Fortress Income Fund Limited and Lodestone REIT Limited.

(CDM case no.: LM103Sep16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 898 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 16 November 2016 it approved without conditions the merger between FPT Group (Pty) Ltd and Tradekor Holdings (Pty) Ltd.

(CDM case no.: LM125Oct16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 899 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF COMPLAINT REFERRAL**

The Competition Tribunal gives notice in terms of Section 51(3) & (4) of the Competition Act 89 of 1998 as amended, that on 16 November 2016 it received a complaint referral from The Competition Commission against Roadmac Surfacing (Pty) Ltd and Much Asphalt (Pty) Ltd. The Competition Commission alleges that the respondents engaged in a prohibited practice in contravention of section 4(1)(b)(ii) of the Competition Act 89 of 1998.

(CDM case no.: CR164Nov16)

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 900 OF 2016****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001, that on 10 November 2016 it approved the merger between Clicks Retailers (Pty) Ltd and The retail pharmacy business carried on by Netcare Pharmacies 2 (Pty) Ltd within Medicross Clinics and The front shops of the in-hospital retail pharmacies operated by Netcare Pharmacies (Pty) Ltd within Netcare Hospital subject to conditions.

(CDM case no.: LM055Jul16)

**The Chairperson
Competition Tribunal**

**DEPARTMENT OF LABOUR
NOTICE 901 OF 2016**

Notice published by the Essential Services Committee ('the Committee') in terms of section 71, read with section 70(2)(a) of the Labour Relations Act, 1995 (Act No 66 of 1995 as amended)

A. Notice is hereby given in terms of section 71, read with section 70(2)(a) of the Labour Relations Act, 1995 (Act No 66 of 1995 as amended), that the Committee is in the process of conducting an investigation as to whether all services rendered in public, private and state funded mental health institutions are essential.

B. Notice is hereby given that the Committee will hear oral representations as follows:

- (i) Date: 16 January 2017 in Johannesburg
Venue: CCMA Offices, 28 Harrison Street, 8th floor
Time: 11h00
- (ii) Date: 17 January 2017 in Polokwane
Venue: CCMA Offices, 104 Hans van Rensburg Street
Time: 10h00
- (iii) Date: 20 January 2017 in Cape Town
Venue: CCMA Offices, 78 Darling Street
Time: 11h00
- (iv) Date: 3 February 2017 in Port Elizabeth
Venue: CCMA Offices, 97 Govan Mbeki Avenue
Time: 09h00
- (v) Date: 7 February 2017 in Bloemfontein
Venue: CCMA Offices, Corner Elizabeth & West Burger Streets
Time: 10h00
- (vi) Date: 10 February 2017 in Durban
Venue: CCMA Offices, 1st & 3rd Floors, Aquasky Building, 275 Anton Lembede Street
Time: 11h00

D. Any interested party requiring an opportunity to make oral representations must:

- (i) Indicate its intention to do so, in writing, to the ESC on or before 10 January 2017 (to either BeverlyR@CCMA.org.za or to fax: 086 660 6132);
- (ii) State the nature of the interest in the investigation;
- (iv) State whether it relies or intends to rely on any expert evidence, and if so, provide a brief summary of that expert evidence; and
- (v) Specify its address, telephone and telefax numbers and e-mail contact address.

For all Inquiries, please contact Beverly Ramoncha on BeverlyR@CCMA.org.za.

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 902 OF 2016**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	Lot 148 Stanger Township
Extent of property	:	0, 2023 ha
Magisterial District	:	Lower Tugela
Administrative District	:	KwaZulu-Natal
Current Title Deed No.	:	T7091/1985
Current Owner	:	Kwa-Dukuza Municipality
Bonds & Restrictive Conditions (Interdicts)	:	GA3/1988
Claimant	:	Mahomed Sadek Kajee in his capacity as Trustee of the Ankrod Madressa Trust
Date claim lodged	:	29 December 1998
Reference number	:	KRN6/2/2/E/20/0/0/89

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 903 OF 2016**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property : **That portion of Durban commonly known as 47 Mokoena, Cato Manor**

Magisterial District : **Ethekwini**

Administrative District : **KwaZulu-Natal**

Claimant : **Victoria Mini Khanyile on behalf of the Khanyile Family**

Date claim lodged : **29 December 1998**

Reference number : **KRN6/2/3/E/8/817/2716/5583**

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 904 OF 2016**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	That portion of Durban commonly known as 5 Mgenge, Cato Manor
Magisterial District	:	Ethekwini
Administrative District	:	KwaZulu-Natal
Claimant	:	Khulekani Mathonsi on behalf of the Mathonsi Family
Date claim lodged	:	17 December 1998
Reference number	:	KRN6/2/3/E/8/817/2716/4441

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 905 OF 2016**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	Lot 795 Ladysmith also known as 108 Leyll Street
Extent of property	:	0, 4047 ha
Magisterial District	:	Klip River
Administrative District	:	KwaZulu-Natal
Previous Title Deed No.	:	T10759/1973
Claimant	:	Omar Farouk Ebrahim Moola in his capacity as Chairman and Secretary of The Moola Management Committee
Date claim lodged	:	23 December 1998
Reference number	:	KRN6/2/3/E/17/1/1/10A

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 906 OF 2016**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	A portion of Fuleni Reserve No. 5 No. 14375, known as the Remainder of the farm Mhlana No. 16922
Extent of property	:	10 ha
Magisterial District	:	Lower Umfolozi
Administrative District	:	KwaZulu-Natal
Current Title Deed No.	:	T64294/2000
Current Owner	:	Ingonyama Trust-Trustees
Bonds & Restrictive Conditions (Interdicts)	:	I-1398/2002LG; I-1053/2002LG; K3307/2000S; VA1762/1999
Claimant	:	Sipho Mthethwa on behalf of the Mthethwa Family
Date claim lodged	:	12 October 1998
Reference number	:	KRN2/2/E/21/0/0/30

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 907 OF 2016**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	Erf 191 Stanger, commonly known as 138 Balcombe Street
Extent of property	:	0, 2023 ha
Magisterial District	:	Lower Tugela
Administrative District	:	KwaZulu-Natal
Current Title Deed No.	:	T66506/2000
Current Owner	:	Moodley Family Trust-Trustees
Bonds & Restrictive Conditions (Interdicts)	:	B36/2004; B38541/2000
Claimant	:	Anbanithi Muthukrishna
Date claim lodged	:	29 December 1998
Reference number	:	KRN6/2/2/E/20/0/0/93

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 908 OF 2016**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	That portion of Durban, commonly known as 88 Mjafethe, Cato Manor
Magisterial District	:	Ethekwini
Administrative District	:	KwaZulu-Natal
Claimant	:	Bekisiwe Shezi on behalf of the Shezi Family
Date claim lodged	:	24 December 1998
Reference number	:	KRN6/2/3/E/8/817/2716/4899

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg, 3200.

**LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 909 OF 2016**

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

Notice is hereby given that a claim for restitution of rights in land lodged in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) and published under Notice No. 1732 of 2007 amending Notice No. 418 of 2005 has been withdrawn by the Regional Land Claims Commissioner: KwaZulu-Natal in terms of a Court Order dated 19 September 2016 under Case No. LCC 122/2016:

Property	:	see attached schedule
Extent of property	:	see attached schedule
Magisterial District	:	Umzinto
Administrative District	:	KwaZulu-Natal
Current Title Deed No.	:	see attached schedule
Current Owner	:	see attached schedule
Claimant	:	Phathizwe Philbert Luthuli, on behalf of the Umnini Community
Date claim lodged	:	29 December 1998
Reference number	:	KRN6/2/2/E/47/0/0/41

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200
Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

MR HARRY LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

SCHEDULE

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER
1	Remainder of the farm Togo No. 9374	83,0567 ha	G9374/1919	Ilovo Sugar Limited
2	Remainder of the farm Nogi No. 17469	778,1170 ha	T70578/2002	Ilovo Sugar Limited
3	Remainder of Portion 4 of the farm Lot 22 No. 3255	1,3754 ha	T170/1907	Ilovo Sugar Limited
4	Remainder of the farm Ilovo No. 16946	185,3198 ha	T17044/1998	Ilovo Sugar Limited
5	Portion 3 of the farm Ilovo No. 16946	1,4451 ha	T17045/1998	Ilovo Sugar Limited
6	Portion 8 of the farm Ilovo No. 16946	4,0929 ha	T24401/2006	Ilovo Sugar Limited

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 910 OF 2016**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	Lot 11 of 41 Block C of the Townlands of Durban No. 1737
Extent of property	:	0, 0485 ha
Magisterial District	:	Ethekwini
Administrative District	:	KwaZulu-Natal
Previous Title Deed No.	:	T5830/1977
Current Title Deed No.	:	T5830/1977
Current Owner	:	Durban SR-CC
Bonds & Restrictive Conditions (Interdicts)	:	I-4478/1989LG; I-5995/1994C-16/8/94
Claimant	:	Amod Latiff
Date claim lodged	:	30 December 1998
Reference number	:	KRN6/2/3/E/8/817/2722/197

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 911 OF 2016**

CORRECTIONAL NOTICE

The following entry on Notice 1214 published in Government Gazette number 32536 dated 4 September 2009 was incorrectly published as the following and should be amended as below hereto:

Ref No.	Surname & Initials	Property Description	Area	Dispossessed Person	Notice Number	Gazette Number	Date
K498	Koopman A.D.	Potion Erf 7171, 6366	Oudtshoorn	Koopman I.	1214	32536	04/09/2009

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended, that claim for the restitution of land rights has been submitted to the Regional Land Claims Commission: Western Cape. The particulars regarding the claim are as follows:

Ref No.	Surname & Initials	Property Description	Extent	Area	Dispossessed Person
K498	Koopman A.D.	Erf 7177	771m ²	Oudtshoorn	Koopman I.

The Regional Land Claims Commission: Western Cape will investigate the claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Western Cape
Private Bag X9163
CAPE TOWN
8000
Tel: 021 – 409 0300
Fax: 021 – 424 5146

Mr. L.H. Maphutha
Regional Land Claims Commissioner

APPROVED

DATE 2016/12/06

CHECKED BJA

DATE 19/10/2016

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 912 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996 has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number	Date
1	TEISHI POMPI LETSWALO	420825 5451 085	05/12/2016
2	DRIEMAAND PIET MOSOTHO	450401 5368 084	05/12/2016

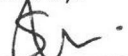
Property

Number	Property Description	District	Province
1	0 (REMAINING EXTENT) OF FARM ROODEWAL 117 JT	THABA CHWEU	MPUMALANGA

Owner details

Number	Name	ID Number/Registration Number
1	DANIEL HAMMAN	N/A

Compiled by:

P.P. 

Mr D.M. Khalo

Date: 7/12/2016

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**NOTICE 913 OF 2016****NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)****ACT NO.3 OF 1996**

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996 has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE***Applicant/s***

Number	Name	ID Number	Date
1	LETSWALO DAVID	450531 5285 084	05/12/2016
2	KUTU MARETI AARON	570131 5398 089	05/12/2016
3	KUTU SIRUTHU PHILLIMON	531225 1300 089	05/12/2016
4	MNGUNI JOHN JONAS	630906 5542 001	05/12/2016

Property

Number	Property Description	District	Province
1	R/E PORTION 14 OF FARM GOEDEHOOP 142 JT	THABA CHWEU	MPUMALANGA

Owner details

Number	Name	ID Number/Registration Number
1	NEL NICOLAAS JACOBUS	370114 5031 084

Compiled by:

P.P. 

Mr D.M. Khalo

Date: 7/12/2016

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 914 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996 has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number	Date
1	SOLLY WILLEM MASILELA	531103 5416 082	05/12/2016

Property

Number	Property Description	District	Province
1	R/E OF PORTION 8 OF FARM BADFONTEIN 114 JT	THABA CHWEU	MPUMALANGA

Owner details

Number	Name	ID Number/Registration Number
1	SHOEMAN EVERDINA	300510 0025 085

Compiled by:

P.P. 

Mr D.M. Khalo

Date: 7/12/2016

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 915 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996 has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	Willem Thami Mtsweni	630203 5646 086
2.	Betty Mngetshana	750617 0651 086
3.	Thethiwe Johanna Mtsweni	330215 0277 082
4.	Andries Solomon Mokwena	700716 5313 089
5.	Dikboy Vusumuzi Mtshweni	730707 5855 082
6.	Hendrik Donald Sibanyoni	740603 5802 083
7.	April Elias Mokwena	660410 5318 086
8.	Piet Alfred Mokwena	680720 5488 085
9.	Christina Emmah Mtsweni	660113 0385 080
10.	Sonnyboy Samsan Skosana	701116 5282 088
11.	Mafiti Anna Msiza	570922 0519 087
12.	Maliwa Jan Nkambule	570929 5433 081
13.	Marthaa Dingansday Mtsweni	701216 1225 089

Property

Number	Property Description	District	Province	Servitude
1.	Leeufontein Farm 431 JS Portion 1, 2, & 14	Highlands Local Municipality	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	STATUTIS TRADING PTY LTD	200000755207

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 916 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule , in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	ARON MTHIMUNYE	500227 5294 081,
2.	VINI S KHUMALO	491030 5609 089,
3.	BOVANA A. NGWENYA	740918 5467 087,
4.	MAKUMU P. JAMES	700414 5919 085,
5.	LITHILI A MNISI	220101 5258 082,
6.	SWATI J. MTIMUNYE	320101 5557 086,
7.	MALALANE E. MAPHANGA	241029 5116 080,
8.	RAPONDILE PETRUS	610405 5755 080,
9.	FANI MAHLANGU	590212 5675 084,
10.	RAMDZULI J. PHALANDWA	500901 5713 080,
11.	S.KIKI MGUNI	691205 5545 081,
12.	SOLOMON B MAYISA	730425 5386 087,
13.	L PIET MOLEBATS	290207 5184 189,
14.	KAZAMULA A. TSHIBAMBO	410731 5212 083,
15.	BOET A MASUKU	724095 5060 086,
16.	MUSUKU LUCAS	70122 5322 082,
17.	HLAHLA J. PHUKWANA	450802 5266 089,
18.	NTOBI E. SKHOSANA	410401 0248 082,

Property

Number	Property Description	District	Province	Servitude
1.	STRATFONTEIN FARM 252 IR PTN 28	NKANGALA	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	HENDRIK SCHOEMAN STRAFFONTEIN PTY LTD	80/02521

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 917 OF 2016**

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	SIPHIWE JOSEPH SKOSANA	4801016123086
2.	RAISIBE ELIZABETH MONARENG	3401011856082
3.	LUKAS JOHN MTSHOENE	6901106107082
4.	JEFRY POULOS TUGWANE	4403075262082
5.	JERRY KOOS MAHLANGU	6508115308088
6.	WILLIAM SIBANYONI	5903085591082
7.	EMMAH EVAN MAHLANGU	6605120279088
8.	NYABELA JOHANNES MAHLANGU	6806175040082
9.	TUBAKO BETTIE SKOSANA	4404100288083
10.	ESTHER NTOMBIZODWA NTULI	7608260904084
11.	MAPULA ELIZABETH MOTAU	5701130242082
12.	KELLY LUCY SKOSANA	7711240371083
13.	FREDDY JACK MTSHWENI	7110105965081
14.	SIMON KHUZAPHI MTSHWENI	7509075960081
15.	KOKO RACHEL MPHAPHELE	5007030569081

Property

Number	Property Description	District	Province	Servitude
1.	DOORKOP 246 JS PTN 37	NKANGALA	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	HLONGWANE SHIHLANGOMA SOLOMON	6103055749085
2.	HLONGWANE MOSEHLANE ADELAIDE	6809270482084

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 918 OF 2016

NOTICE IN TERMS OF SECTION 17(2) (c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	AARON F. MASANGO	5802185637083
2.	ANNA V. SIBANYONI	3211130108087
3.	PETROS SKOSANA	5810165237085
4.	SAMUEL T. SKHOSANA	5112145237085
5.	MATREK L. MALAZA	4605075383085
6.	BUTI J. MADONSELA	5010025498084
7.	BEN MASHIGA	4808295487088
8.	JOSEPH SIBANYONI	6303185243086
9.	FANNIE MLABA	6803295374087
10.	ELIAS SIBANYONI	5708285692086
11.	ROOI M. MASEMULA	7507225601083
12.	CHARLIE SIBANYONI	5804025746082
13.	BEN M. SINDANE	2010125154085
14.	ALBERT M. NDABA	6711045211081
15.	PHILLIE M. TLOU	4608175211081
16.	SAMUEL M. KUWEWA	5603125675080

Property

Number	Property Description	District	Province	Servitude
1.	BROODSNEYERPLAATS FARM 25 IS PTN 1	NKANGALA	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	RENSBURG LODEWYK JOHANNES JANSE VAN	5210285020087

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 919 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	MADUKWANA JACOB MAHLANGU	6409045654081
2.	BANGISWANE MARIA MAHLANGU	5411250407081
3.	SARAH SPHANGE SIBANYONI	4510140150083
4.	JONAS MATSHIANE	4603205224080
5.	MOLIFI ANDRIES KHESWA	3210105547089
6.	MBALOLE JOSIAH NTULI	5207025680089

Property

Number	Property Description	District	Province	Servitude
1.	PLAKFONTEIN 406 JS PTN 1	NKANGALA	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	GEORGE FREDERIK BOSHOF	4004255031005

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 920 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	THENJIWE LENA MAHLANGU	2010100732087
2.	SESE LINAH MAHLANGU	4307150320088
3.	ANDRIES MATSHIKILO MOTSHWENI	2204095116089
4.	RAGOSEBA LENA MAKUA	3002100462087
5.	GODI NELLIE MNTAMBO	4304130325089
6.	NDJOMANE KLEINBOOI NTSOANE	400922522083

Property

Number	Property Description	District	Province	Servitude
1.	DOORNKLOOF 206 JS PTN 0, 1, & 2	NKANGALA	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	CORNELIS UYS FAMILIE TRUST	5883/1997
2.	UYS JOHANNES WILHELMUS	1708085015003

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 921 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	DANTJIE MGUNI	510115 5355 085
2.	SIMON KHUMALO	371104 5162 087
3.	PIET MNGUNI	570422 5386 087
4.	STEFAANS MAHLANGU	520228 5412 083
5.	SIMON MOKOAE	760623 5294 086
6.	JOHN M SKOSANA	510321 5179 083
7.	JOHANNES M MAHLANGU	530903 5548 080
8.	JONAS MAHLANAGU	580806 5421 084
9.	ROSELINE NTULI	320807 0108 085
10.	JULY MNGUNI	660107 5429 083
11.	JOHANNES MATSHIKA	550430 5356 087
12.	JOHANNES MOLISHI	550430 5356 087
13.	JACOB SKOSANA	440704 5232 082
14.	FRANS MATSHIKA (DECEASED)	360407 5243 085
15.	SIMON MOKOENA	560717 5412 086
16.	JAN K SKOSANA (DECEASED)	370517 5159 087
17.	FRANS MAKOAE	520912 5470 080
18.	FRANS MAKHURA	540403 5753 085
19.	WILSON CHAUKE	430627 5413 083
20.	SAMUEL MATSHIKA (DECEASED)	520808 5373 086

Property

Number	Property Description	District	Province	Servitude
1.	ONGEZIEN 365 PTN 0	NKANGALA	MPUMALANGA	

Owner details

Number	Name	ID Number/Registration Number
1.	SILVER UNICORN TRADING 33 PTY LTD	200302732107

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 922 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	Speeljan Abram Mthethwa	531010 5446 080
2.	Nyinyiwe Jack Mabaso	410309 5242 085
3.	Gideon Philmone Skosana	580107 5619 084
4.	Moses Fana Mahlangu	671128 5288 086
5.	Solly Amos Shabangu	610802 5310 088
6.	Msutswana Johannes Mabena	441106 5232 089
7.	Mzikayifani Wessman Mabena	550611 5591 084
8.	Msebenzi David Mahlangu	531031 5367 084
9.	Mhlamunye Petrus Mokwena	471010 5937 080
10.	Gressie Aaron Mokwena	520215 5615 088
11.	Ntoto David Mahlangu	290712 5153 084
12.	Mbimbi Mabena	371124 5151 088
13.	Rojwane David Mabena	500118 5322 081
14.	Amos Springkaan	650701 5584 087
15.	Benzi Moses Mahlangu	640401 5579 087
16.	Mosindwa Daniel Mahlangu	280710 5117 085

Property

Number	Property Description	District	Province	Servitude
1.	Kwaggafontein farm 460 JS Portion 4	Steve Tshwete Local Municipality	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	ALZU PROP PTY LTD	200302064207

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 923 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	JABULANE GIDEON NKOSI	5110095307089,
2.	NOMAGODI GETTUDE NKOSI	4005210384082,
3.	THEMBI MARTHA NKOSI	7206070421082,
4.	SABELO GUNDI ELVIS NKOSI	7506275480084,
5.	MATHOLE SIMON NKOSI	5409235472089,
6.	QONDENI ISSABEL NKOSI	7909201191082,
7.	THANDIWE JOANA DLAMINI	6608310322080,
8.	NODANGATHENJWA POTISHA NKOSI	4911015208089,
9.	JABSHISILE THOKO MBATHA	5701040502088,
10.	ZODWA ALVINA MABELESA	5412130408083,
11.	BUSISIWE ELIZABETH NDLANGAMANDLA	5711210503089,
12.	BOY TITUS LUSHABA	6204055281085,
13.	MKHOMBENI MATHEWS DLAMINI	3001035172084,
14.	JOHN LOUIS MABELESA	8101016843086,
15.	THEMBISILE LIZZY MABELESA	5307100712086,
16.	DUMISANE BETTY DLAMINI	6703100297087,
17.	FANI ROTA DLAMINI	6105225361089,
18.	THANDI DOTIA DLAMINI	5902200436089,
19.	LANGA BABYLON DLAMINI	6503245418089,
20.	MBALI FLORA DLAMINI	8311110365080,
21.	DORAH MELTA DLAMINI	3403120202083,
22.	MERICAH ZANYANA DLAMINI	6701160494081,
23.	GAYA DICKSON NKOSI	5608065769080,
24.	ALDOPHINA THANOWAYINKOSI DLAMINI	6905010307084,
25.	NTOMBINI EMELINAH SIDU	6905260356088,
26.	NOMVULA MAJILI NDABA	6610200370088,
27.	VUSI DLAMINI	8311110365080,
28.	QUEENETH LINDIWE DLAMINI	7401011158089,

Property

Number	Property Description	District	Province	Servitude
1.	BULTFONTEIN 187 JS PTN 18 &19	NKANGALA	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	GERHARD VAN ZYL	

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 924 OF 2016**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)**

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	Tlara Mathuthu Letswao	5806020803081
2.	Macaleni Absalom Buthelezi	4212155294082
3.	Fanyana Skara Sibiya	5810275253083
4.	Mack Zulu	7003095727084
5.	Msana April Mthimunye	5310265231081
6.	Justice Tswane	6405085629082
7.	George Cona Sono	5910175780084
8.	Mlotgie Joseph Madiselele	4311015192088
9.	Sarah Mahlangu	3406080188085
10.	Bhutana Johannes Magolego	4603225320081
11.	Daniel Mditsheni Mamapho	5003025352088

Property

Number	Property Description	District	Province	Servitude
1.	Paardeplaats farm 380 JT Portion 29	HIGHLANDS LOCAL MUNICIPALITY	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	HADECO PTY LTD	194602212907

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 925 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	JOHANNES M.MAHLANGU	501100 3554 087,
2.	JABULANI NKOSI	591211 5649 080,
3.	ISAAC B MNGOMEZULU	481025 6375 089,
4.	ISAAC ZULU	431111 5383 082,
5.	JAGA G MASEMOLA	300320 5254 080,
6.	HENDRIK M TLOU	560303 5534 086,
7.	BOBO J. MASHIKA	530903 5391 085,
8.	DAVID MAHLANGU	460711 5234 088,
9.	MZOBO F JELE	490203 5221 087,
10.	THOMAS SEROKO	621211 5673 084,
11.	JOB MASANGO	610816 0533 084,
12.	MARIA M. MTSWENI	560816 0533 084,
13.	SALIMA S SIBANYONI	420404 0404 086,

Property

Number	Property Description	District	Province	Servitude
1.	KOORNFONTEIN 27 PTN 19	NKANGALA	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	G & M FARMING ENTERPRISE	201102537123

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 926 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule , in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	NANATSANE REGINAH KHOZA	6307250933085,
2.	ESTHER MEISIE NDLOVU	5304010348085,
3.	LISBETH XIRIPO SIBUYI	6606070650088,
4.	SALIMINAH SIBIYA	6204151089085,
5.	NTOMBANA BETTY CELE	3206080250087,
6.	LINA ZODWA PHERA	6501150802081,
7.	OLGA BUSISIWE HLUNGWANE	6801170449081,
8.	LUCY GRACE MHLONGO	5608020529082,
9.	BEAUTY THANDI LUKHELE	6902050947085,
10.	MATHABISO ALINAH RALILOSHANE	3511210130084,

Property

Number	Property Description	District	Province	Servitude
1.	BLESBOKFONTEIN FARM 31 PTN 0	NKANGALA	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	GLENCORE OPERATIONS	199701799807

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 927 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	THENJIWE LENA MAHLANGU	2010100732087
2.	SESE LINAH MAHLANGU	4307150320088
3.	ANDRIES MATSHIKILO MOTSHWENI	2204095116089
4.	RAGOSEBA LENA MAKUA	3002100462087
5.	GODI NELLIE MNTAMBO	4304130325089
6.	NDJOMANE KLEINBOOI NTSOANE	4009225220083
7.	THENJIWE LENA MAHLANGU	2010100732087
8.	SESE LINAH MAHLANGU	4307150320088

Property

Number	Property Description	District	Province	Servitude
1.	DOORNKLOOF FARM 206 JS 0	NKANGALA	MPUMALANGA	

Owner details

Number	Name	ID Number/Registration Number
1.	CORNELIS UYS FAMILIE TRUST	5883/1997

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 928 OF 2016**

NOTICE IN TERMS OF SECTION 17(2) (c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	POPIE NOMASOSHA SHAUKA	

Property

Number	Property Description	District	Province	Servitude
1.	BAKENLAAGTE 84 IS PTN 0	NKANGALA	MPUMALANGA	

Owner details

Number	Name	ID Number/Registration Number
1.	REPUBLIC OF SOUTH AFRICA	-

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 929 OF 2016

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	Dinani Martha Nkosi	460809 0296 084
2.	Jeanet Esther Mhimunye	480123 0285 089
3.	Stanley Piet Zulu	760415 5660 089
4.	Nobaleni Bettie Dlamini	580808 0707 087
5.	Mtahati Amos Malaza	520409 5595 081
6.	Nomacala Linah Mahlangu	370716 0342 082
7.	Kasha Mbotho	360121 5269 087
8.	Mtibeni Piet Tsusi	570712 5299 086
9.	Zophania Abby Mthimunye	300401 5487 084
10.	Johannes Bili Mthimunye	590803 5523 082

Property

Number	Property Description	District	Province	Servitude
1.	Middelkraal Farm 50 IS Portion 2	Govan Mbeki Local Municipality	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	UMCEBO PROP PTY LTD	200302357307

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 930 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	Nope Dladla	581103 5528 087
2.	Julia Zwane	750513 0792 089
3.	Aaron Sepeng	510222 5341 089
4.	Jim Mnguni	500301 5296 089
5.	Nyosi Galela	400418 0254 086
6.	Johannes Maseko	521218 5596 083
7.	Lucas Mthimunye	801020 5628 085
8.	Reuben Mokwape	520715 5616 085
9.	Saphi Maseko	540409 5310 081
10.	Jacob Singelela Klou	250102 5105 086
11.	Mfanomdala Esrom Mhlanga	451006 5214 086
12.	Lesebotse Elliot Dibakoane	361219 5176 085

Property

Number	Property Description	District	Province	Servitude
1.	Steinplaas Farm 360 JT Portion 0	Highlands Local Municipality	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	LUNDALL SAMUEL JOHANNES	4501275001082
2.	LUNDALL ELIZABETH HELENA	4912120099082

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 931 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	Dhleni Sinah Skhosana	490718 0477 087
2.	Somteyi Jacob Mahlangu	660813 5550 089
3.	Hlikile A. Msiza	480820 5335 088
4.	Sani Hendrick Masombuka	380328 5208 082
5.	Popo Johannes Masombuka	530731 5390 082
6.	John Petros Mogago	420527 5235 082
7.	Kresjon Sisi Masombuka	560302 5000 087
8.	Fingu Linnah Mahlangu	460501 0378 083
9.	Boy Koos Mahlangu	750605 8404 080

Property

Number	Property Description	District	Province	Servitude
1.	BOSCHPOORT FARM 399 JS PORTION 0	Highlands Local Municipality	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	L M DU TOIT TRUST PTY LTD	198400225207

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 932 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	KWINI ROOIPAADJIE MAHLANGU	240724 5171 082,
2.	SINGALELA BOSMAN MTIMUNYE	250101 5164 085,
3.	FLIP MAHLANGU	691130 5395 083,
4.	JOHANNES MAHLANGU	630830 5316 086,
5.	LUKAS MASHUMI NKAMBULE	590227 5463 083,
6.	MKHEYI MAHLANGU	370303 5219 082,
7.	BESANA PETRUS SKOSANA	610203 5507 084,
8.	MAKHORWANE NKAMBULE	351009 0116 083,
9.	SITHANDO JOHN MAHLANGU	480215 5756 088,
10.	JOHANNES MADEKE SHOBA	520204 5419 089,
11.	PETRUS MAHLUPA SHOBA	671010 5771 081,
12.	MAREMA PAULOS	530310 5425 089,
13.	AMOS PETRUS MTSWENI	720518 5883 087,
14.	MOSES JOHN SKOSANA	490823 5189 081,
15.	ZONEPHI MKHEBANE	370719 5152 084,
16.	SIPHIWE SIBEKO	560609 9034 086,
17.	FELANI JIM MAHLANGU	640925 5273 085,

Property

Number	Property Description	District	Province	Servitude
1.	KAALPLAAS 453 JS PTN 10	NKANGALA	MPUMALNGA	

Owner details

Number	Name	ID Number/Registration Number
1.	STEPHANUS MARTHINUSJOHANNES STEEL	4108235034003

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 933 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	Sanze Mgabi	380101 8180 081

Property

Number	Property Description	District	Province	Servitude
1.	Plaatfontein Farm 406 JS Portion 4	Steve Tshwete Local Municipality	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	BASSON FAMILIETRUST	1676/1993

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 934 OF 2016**

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	Madondo Willem Mahlangu	570317 5368 087
2.	Ngenihle Lean Jiyane	520911 0243 088
3.	Fana Jan Sithole	510527 5388 082
4.	Nombijana Annah Masemola	250811 0089 083
5.	Hombango Sophie Sithole	250208 0083 085

Property

Number	Property Description	District	Province	Servitude
1.	Grootrietvley Farm 210 JS Portion 11	Highlands Local Municipality	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	BOTHA HERMAN	6512205144080

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 935 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	Branaza John Sauhatsi	5707225274088

Property

Number	Property Description	District	Province	Servitude
1.	Klippan Farm 452 JS Portion 2	Albert Luthuli Local Municipality	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	UMCEBO PROP PTY LTD	200302357307

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 936 OF 2016**

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule , in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	NTWANYANA DANIEL GULE	510828 5360 083
2.	SIMAMELA MABIA MNGQOSINI	270110 0287 086
3.	FANYANA WILLEM DLAMINI	361208 5190 089
4.	LOZY MATHEWS ZWANE	600130 5418 081

Property

Number	Property Description	District	Province	Servitude
1.	HAARTEBEESKUIJL 185 IS PORTION 2	NKANGALA	MPUMALANGA	

Owner details

Number	Name	ID Number/Registration Number
1.	DIRK VAN WOUDEBERG TRUST	854/87

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 937 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	Dleni Dinah Nkabinde	310225 0099 083
2.	Phutuputwana Amos Tlou	550223 5499 084
3.	Jejana Joseph Mathibela	440718 5232 082
4.	Gutshi Samson Ngobeni	370727 5212 082
5.	Kleibooi Matebela	180101 5218 084

Property

Number	Property Description	District	Province	Servitude
1.	Groenfontein farm 440 JS Portion 8	Steve Tshwete Local Municipality	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	UYS JOHANNES	3907155034005

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 938 OF 2016**

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996 has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number	Date
1	MANKGE ABRAM	420915 5350 088	05/12/2016

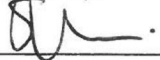
Property

Number	Property Description	District	Province
1	PORTION 27 OF FARM GOEDEHOOP 142 JT	THABA CHWEU	MPUMALANGA

Owner details

Number	Name	ID Number/Registration Number
1	ELISA JOHANNA DU PLESSIS	410519 0091 085

Compiled by:

PP 

Mr D.M. Khalo

Date: 7/12/2016

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**NOTICE 939 OF 2016****NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)****ACT NO.3 OF 1996**

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996 has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE***Applicant/s***

Number	Name	ID Number	Date
1	NTABANYANE FLONEINA MAIMELA	350904 0247 089	20/07/2016

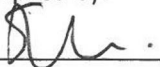
Property

Number	Property Description	District	Province
1	R/E OF PORTION 21 OF FARM GOEDEHOOP 142 JT	THABA CHWEU	MPUMALANGA

Owner details

Number	Name	ID Number/Registration Number
1	BULLEN ALEXANDER JOHN	580819 5052 080

Compiled by:

P.P. 

Mr D.M. Khalo

Date: 7/12/2016

CONTINUES ON PAGE 258 - PART 3



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PART 3 OF 3

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**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 940 OF 2016**

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996 has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number	Date
1	NTSWANE MOTHOSA JAKKALS	400728 5192 085	05/12/2016
2	NTSWANE BOYISI LEEUW	431129 5259 086	05/12/2016
3	NTSWANE MAHUFA SABHINA	550617 0282 082	05/12/2016
4	MOKOENA MOTSHWAKGOLE ENNIE	460206 0386 082	05/12/2016
5	MASUTHO MALEKE PHILLIP	471231 5236 089	05/12/2016
6	DIAGO PUDIAMOTSE BUFFEL	480714 5573 082	05/12/2016
7	DIAGO MHUBI ABRAM	531215 5376 084	05/12/2016
8	DIAGO FREG MARABULE	630312 5592 081	05/12/2016
9	DIAGO SEPHAKA EPHRIAM	431130 5259 084	05/12/2016
10	MASOTHO PHILLIP BOER	661218 5411 085	05/12/2016
11	MMADI THABANG JAN	510116 5316 085	05/12/2016
12	MOSOTHO BOYBOY MARMAN	500308 5549 086	05/12/2016

13	NTSWANE WILLIE	580922 5302 081	05/12/2016
14	MOSOTHO FILLY NTSHWANE	590404 5592 089	05/12/2016

Property

Number	Property Description	District	Province
1	PORTION 6,7,8 &10 OF FARMWELGEDACHT 137 JT	THABA CHWEU	MPUMALANGA

Owner details

Number	Name	ID Number/Registration Number
1	HARLEQUIN DUCK PROP 115 PTY LTD	200100241907

Compiled by:

PP 

Mr D. M. Khalo

Date: 7/12/2016

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 941 OF 2016**

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule , in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	ARON MTHIMUNYE	500227 5294 081,
2.	VINI S KHUMALO	491030 5609 089,
3.	BOVANA A. NGWENYA	740918 5467 087,
4.	MAKUMU P. JAMES	700414 5919 085,
5.	LITHILI A MNISI	220101 5258 082,
6.	SWATI J. MTIMUNYE	320101 5557 086,
7.	MALALANE E. MAPHANGA	241029 5116 080,
8.	RAPONDILE PETRUS	610405 5755 080,
9.	FANI MAHLANGU	590212 5675 084,
10.	RAMDZULI J. PHALANDWA	500901 5713 080,
11.	S.KIKI MGUNI	691205 5545 081,
12.	SOLOMON B MAYISA	730425 5386 087,
13.	L PIET MOLEBATS	290207 5184 189,
14.	KAZAMULA A. TSHIBAMBO	410731 5212 083,
15.	BOET A MASUKU	724095 5060 086,
16.	MUSUKU LUCAS	70122 5322 082,
17.	HLAHLA J. PHUKWANA	450802 5266 089,
18.	NTOBI E. SKHOSANA	410401 0248 082,

Property

Number	Property Description	District	Province	Servitude
1.	STRATFONTEIN FARM 252 IR PTN 28	NKANGALA	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	HENDRIK SCHOEMAN STRAFFONTEIN PTY LTD	80/02521

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 942 OF 2016

NOTICE IN TERMS OF SECTION 17(2)(c) OF THE LAND REFORM (LABOUR TENANTS)

ACT NO.3 OF 1996

It is hereby given for general information that an application for the acquisition of land in terms of section 16(1) of the Land Reform (Labour Tenants) Act No.3 of 1996, has been lodged with the Director-General by the person/s listed in the schedule, in respect of the property listed in the schedule.

SCHEDULE

Applicant/s

Number	Name	ID Number
1.	Albert Pikine Molomo	330125 5090 085

Property

Number	Property Description	District	Province	Servitude
1.	Moabsvelden Farm 248 IR Portion 15	Delmas Local Municipality	Mpumalanga	

Owner details

Number	Name	ID Number/Registration Number
1.	SCHUTTE PETRUS JOHANNES	5308175007089

DEPARTMENT OF TRADE AND INDUSTRY
NOTICE 943 OF 2016

INTERNATIONAL TRADE ADMINISTRATION COMMISSION
CUSTOMS TARIFF APPLICATIONS

LIST 09/2016

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following application concerning the Customs Tariff. Any objection to or comments on this representation should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001. Attention is drawn to the fact that the rate of duty mentioned in this application is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

CONFIDENTIAL INFORMATION

The submission of confidential information to the Commission in connection with customs tariff applications is governed by section 3 of the Tariff Investigations Regulations, which regulations can be found on ITAC's website at <http://www.itac.org.za/documents/R.397.pdf>.

These regulations require that if any information is considered to be confidential, then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the regulations are strictly applicable and require parties to indicate:

- ❑ Each instance where confidential information has been omitted and the reasons for confidentiality;*
- ❑ A summary of the confidential information which permits other interested parties a reasonable understanding of the substance of the confidential information; and*
- ❑ In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.*

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless clearly indicated to be confidential, will be made available to other interested parties.

The Commission will disregard any information indicated to be confidential that is not accompanied by a proper non-confidential summary or the aforementioned reasons.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due).

Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

CREATION OF A REBATE PROVISION FOR:

“Bangles, of base metal, whether or not plated with precious metal, classifiable in tariff subheading 7117.19, in an unfinished state, for the manufacture of imitation jewellery incorporating leather, classifiable in tariff subheading 7117.19”

APPLICANT:

Zawadi Gems and Curios CC

Units 3 and 4
Storage Park, Meubel Street
Industrial Area
Knysna

Enquiries: ITAC Ref: 15/2016, Enquires: Mr. Tshepiso Sejamoholo/ Mr Daniel Thwala, Tel: 012 394 1605/5162 or email tsejamoholo@itac.org.za/dthwala@itac.org.za.

REASONS FOR THE APPLICATION:

The applicant submitted, *inter alia*, the following reasons for the application:

- I. The company cannot sell metal blanks as jewellery of any nature as they are incomplete. They are purely blank zinc components and should not be considered as jewellery in this state. The value added in the processing of this jewellery plus packaging is approximately 56 per cent and the value of the blanks amount to 44 per cent of the total production.
- II. The company currently employs four employees directly involved in the manufacturing and quality control process of the subject product with the possibility of more employment in the near future should the rebate be granted.
- III. Locally sourced materials such as ostrich leather, glues and other chemicals are used in the production of the final product.
- IV. The subject product cannot be made competitively in South Africa and must be imported.

PUBLICATION PERIOD:

Representation should be made within **four (4)** weeks of the date of notice.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 190 OF 2016**NATIONAL COUNCIL OF SOCIETIES
FOR THE PREVENTION OF CRUELTY
TO ANIMALS****R U L E S****1 AMENDMENT TO RULE 6.12**

A Society shall not supply live or dead animals, including organs, tissues and biological samples, to any organisation, body or person for research or teaching purposes. Trials may be conducted on live animals where such trials are for the benefit of the same species, cause no suffering, are done upon the premises of a Society, and are conducted under the supervision of a veterinarian approved by the Council. Further, prior to the conduct of such trial, the prior written consent of the Board must first be obtained, and the trial shall be conducted upon such terms and conditions as the Council deems fit.

2 AMENDMENT TO RULE 3.7

A Society shall conduct its activities in compliance with all laws applicable to it including without limitation, the requirements of the NonProfit Organisations Act, No 71 of 1997 (and any legislation passed wholly or partly in substitution therefor) the Animals Protection Act and the associated Acts and the Labour Relations Act, No.66 of 1995(or any legislation enacted wholly or partly in substitution therefor).

3 NEW RULE TO BE NUMBERED 6.29

All managers of Societies must attend an Inspectors Training Course, although it is not imperative, but advisable, for them to qualify. The Board may however exempt a Society from such a requirement upon such conditions and for such period (which period shall not exceed 12 months) as it may deem fit, having regard to the particular circumstances of the Society, and after receipt of a request for such exemption, fully motivated, from the Society.

4 AMENDMENT TO RULE 6.16

Every Society shall have at least one qualified Inspector on its staff that is dedicated to undertake only inspectorate work. The Board may however exempt a Society from such a requirement upon such conditions and for such period (which period shall not exceed 12 months) as it may deem fit, having regard to the particular circumstances of the Society, and after receipt of a request for such exemption, fully motivated, from the Society.

5 AMENDMENT TO RULE 3.2(b)

All bank and other accounts with financial institutions operated by a Society shall be in the name of the Society and shall be operated reliant upon the signatures of two or more signatories, who shall not be from the same family nor household, authorised by a written resolution properly passed by the Governing Body of the Society. In the case of electronic banking, two or more signatories need to load and release any and all payments made via electronic banking, authorised by written resolution properly passed by the Governing body of the Society.

6 AMENDMENT TO RULE 3.4(b)

Except in cases where the money is raised from websites, all income must be paid into the main banking account of a Society and no income, whether in the form of legacies or otherwise, may be paid directly into any Trust or Off-Shore banking account. No Trust may be created unless the terms contained in its founding document have been approved by the Board in writing, which approval shall not be unreasonably withheld. No funds shall be paid directly from an investment/trust/any other type of account. Any money paid by the Society must be paid from the main bank account.

SOCIETIES CONSTITUTION**7 NEW CLAUSE TO BE NUMBERED 11.18**

In the event that a member of the Management Committee of any SPCA is removed or replaced in terms of Section 11 of the Societies for the Prevention of Cruelty Act No 169 of 1993, then the Board shall also simultaneously be authorised to remove and replace the individual/s as signatories on any banking account or investment of any kind, which is held with any institution in the name of the Society.

8 AMENDMENT TO CLAUSE NUMBER 4.5

Paid employees of the Society, their relatives by blood or marriage (whether civil, customary or religious) or persons with whom they are in a same-sex or heterosexual relationship, shall be eligible for membership of a Society. They shall be entitled to speak at meetings, but shall not be entitled to vote, or be eligible for appointment as trustees, directors, officers or members of the Management committee; provided that the term 'paid employees' shall not be regarded as referring to persons to whom the Management committee may vote periodic and modest honoraria (as reimbursement for direct costs incurred).

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