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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. R. 8 OF 2017

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the Mopani District Municipality (hereinafter referred to as "the District Municipality"), which is situated in the Limpopo Province;

AND WHEREAS the District Municipality, the relevant local municipalities that fall within the area of the District Municipality or the State suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the District Municipality, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the District Municipality;
- (b) improper or unlawful conduct by councillors, officers or employees of the District Municipality;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the District Municipality; or

(g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof, which took place between 1 January 2010 and the date of publication of this Proclamation or which took place prior to 1 January 2010 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the District Municipality, the relevant local municipalities that fall within the area of the District Municipality or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Ninth day of December Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for goods, works or services by or on behalf of the District Municipality and payments made in respect thereof in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective;
- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury;
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the District Municipality; or
- (c) conducted by or facilitated through the improper conduct of—
 - (i) councillors, officials or employees of the District Municipality (hereinafter collectively referred to as “the personnel of the District Municipality”); or
 - (ii) contractors, suppliers or service providers of the District Municipality or any other person or entity,

to corruptly or unduly benefit themselves or any other person or entity, and related unauthorised, irregular or fruitless and wasteful expenditure incurred by the District Municipality, the local municipalities that fall within the area of the District Municipality or the State in relation the supply, construction or commissioning of Ventilated Improved Pit toilets (hereinafter referred to as “VIP toilets”), which goods, works or services were procured in terms of the Greater Giyani Municipality - MDM 2014-004 Tender and the Greater Tzaneen Municipality or the greater area of the Tzaneen Municipality - MDM 2014-005 Tender (hereinafter referred to as “the Tenders”).

2. Maladministration in the affairs of the District Municipality and any losses or prejudice suffered by the District Municipality, the local municipalities that fall within the area of the District Municipality or the State as a result of such maladministration in relation to—

- (a) the supply, construction or commissioning of VIP toilets, which goods, works or services were procured in terms of the Tenders;
- (b) the failure or refusal by the District Municipality to refund erroneous or premature payments amounting to R304 101 000, which were received by the District Municipality from the National Treasury or the national transferring officer (Department of Cooperative Governance and Traditional Affairs);
- (c) the establishment or regular maintenance of a vendor database or masterfile;
- (d) approximately R 210.4 million that the District Municipality was required to return to National Treasury, when the District Municipality did not spend the money during the 2012/2013 financial year in respect of the Municipal Infrastructure Grant and Water Services Operating Grant; and
- (e) the failure or refusal by the District Municipality to address issues raised by, or implement recommendations of the Auditor- General of South Africa as set out in the Annual Audit Report relating to the District Municipality for the 2013/2014 financial year,

including the causes of such maladministration and related unauthorised, irregular or fruitless and wasteful expenditure incurred by the District Municipality, the local municipalities that fall within the area of the District Municipality or the State.

3. Any undisclosed or unauthorised interests which the personnel of the District Municipality or their family members may have had in contractors, suppliers or service providers bidding for work or doing business with the District Municipality or to whom contracts were awarded by the District Municipality, contrary to applicable—

- (a) legislation;
- (b) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or
- (c) manuals, codes, guidelines, policies, procedures, prescripts, instructions, contracts of employment, conditions of service or practices of or applicable to the District Municipality or the personnel of the District Municipality,

and the extent of any actual or potential benefits derived directly or indirectly by the personnel of the District Municipality or their family members from such undisclosed or unauthorised interests.

4. Losses or prejudice actually or potentially suffered by the District Municipality, the local municipalities that fall within the area of the District Municipality or the State as a result of payments made to the applicable contractors, suppliers or service providers—

- (a) despite non-performance, uncertified, incomplete or poor quality of performance or defective performance; or
 - (b) for goods not supplied or works or services not rendered,
- in relation to the allegations set out in paragraphs 1 to 3 of this Schedule.

5. Any improper or unlawful conduct by the personnel of the District Municipality or the applicable contractors, suppliers or service providers or any other person or entity, in relation to the allegations set out in paragraphs 1 to 4 of this Schedule.

PROKLAMASIE NO. R. 8 VAN 2017**van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA
BESTAANDE SPESIALE ONDERSOEKEENHEID**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleenthede van die Mopani Distriksmunisipaliteit (hierna na verwys as "die Distriksmunisipaliteit");

EN AANGESIEN die Distriksmunisipaliteit, die relevante plaaslike munisipaliteite wat binne die area van die Distriksmunisipaliteit geleë is of die Staat verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Distriksmunisipaliteit, vir ondersoek na die Spesiale Ondersoekeenhede ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenhede is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Distriksmunisipaliteit;
- (b) onbehoorlike of onregmatige optrede deur raadslede, beampptes of werknemers van die Distriksmunisipaliteit;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywigheede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Distriksmunisipaliteit; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2010 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2010 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Distriksmunisipaliteit of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Negende dag van Desember Twee duisend-en-sestien.

J G Zuma
President

Op las van die President-in-Kabinet:

T M Masutha
Minister van die Kabinet

BYLAE

1. Die aanskaffing van, of kontraktering vir goedere, werke of dienste deur of namens die Distriksmunisipaliteit en betalings wat in verband daarmee gemaak is op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
- (b) strydig was met toepaslike —
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of relevante Plaaslike Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Distriksmunisipaliteit van toepassing is; of
- (c) gedoen of gefasiliteer was deur die onbehoorlike optrede van—
 - (i) raadslede, beamptes of werknemers van die Distriksmunisipaliteit (hierna na gesamentlik na verwys as “die personeel van die Distriksmunisipaliteit”); of
 - (ii) kontrakteurs, verskaffers of diensverskaffers van die Distriksmunisipaliteit of enige ander persoon of entiteit, om hulself of enige ander persoon of entiteit op 'n korrupte of onbehoorlike wyse te bevoordeel,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilte uitgawes wat deur die Distriksmunisipaliteit, die plaaslike munisipaliteite wat binne die area van die Distriksmunisipaliteit geleë is of die Staat in verband met die verskaffing, oprigting of ingebruikneming van Ventilering Verbeterde Puttoilette (hierna na verwys as “VVP toilette”), aangegaan was, welke goedere, werke of dienste aangeskaf was ingevolge die “Greater Giyani Municipality - MDM 2014-004” Tender en die “Greater Tzaneen Municipality or the greater area of the Tzaneen Municipality - MDM 2014-005” Tender (hierna na verwys as “die Tenders”).

2. Wanadministrasie in die aangeleenthede van die Distriksmunisipaliteit en enige verliese of nadeel wat deur die Distriksmunisipaliteit, die plaaslike munisipaliteite wat binne die area van die Distriksmunisipaliteit geleë is of die Staat gely is as gevolg van sodanige wanadministrasie ten opsigte van—

- (a) die verskaffing, oprigting of ingebruikneming van die VVP toilette, welke goedere, werke of dienste aangeskaf ingevolge die Tenders;
- (b) die versuim of weiering deur die Distriksmunisipaliteit om foutiewe of voortydige betalings ten bedrae van R304 101 000, wat deur die Distriksmunisipaliteit vanaf die Nasionale Tesourie of die "national transferring officer" (Departement van Koöperatiewe Regering en Tradisionele Sake) ontvang is, terug te betaal;
- (c) die totstandbringings of gereelde hersiening van 'n verkopersdatabasis of meesterlêer;
- (d) ongeveer R210.4 miljoen wat die Distriksmunisipaliteit aan die Nasionale Tesourie moes terughandig, toe die Distriksmunisipaliteit nie die geld gedurende die 2012/2013 finansiële jaar ten opsigte van die "Municipal Infrastructure Grant and Water Services Operating Grant" bestee het nie; en
- (e) die versuim of weiering deur die Distriksmunisipaliteit om aangeleenthede wat geopper was, of om aanbevelings van die Ouditeur-Generaal van Suid-Afrika soos uiteengesit in die Jaarlikse Ouditeursverslag ten opsigte van die Distriksmunisipaliteit vir die 2013/2014 finansiële jaar, aan te spreek of te implementeer,

insluitende die oorsake van die wanadministrasie en verwante ongemagtigde, onreëlmatige of vrugtelose en verspilte uitgawes wat deur die Distriksmunisipaliteit, die plaaslike munisipaliteite wat binne die area van die Distriksmunisipaliteit geleë is of die Staat aangegaan is.

3. Enige ongeopenbaarde of ongemagtigde belange wat die personeel van die Distriksmunisipaliteit of hulle familieledede mag gehad het in kontrakteurs, verskaffers of diensverskaffers wat vir werk getender het of besigheid met die Distriksmunisipaliteit gedoen het of aan wie kontrakte toegeken is deur die Distriksmunisipaliteit, strydig met toepaslike —

- (a) wetgewing;
- (b) handleidings, riglyne, praktyknotas, omsend skrywes of instruksies wat deur die Nasionale Tesourie of relevante Plaaslike Tesourie uitgevaardig is; of
- (c) handleidings, kodes, riglyne, beleid, prosedures, voorskrifte, instruksies of dienskontrakte diensvoorwaardes of praktyke van of van toepassing op die Distriksmunisipaliteit of die personeel van die Distriksmunisipaliteit,

en die omvang van enige werklike of potensieële voordele wat direk of indirek verkry is deur die personeel van die Distriksmunisipaliteit of hulle familieledede van sodanige ongeopenbaarde of ongemagtigde belange.

4. Verliese of nadeel wat werklik of potensieel gelyk is deur die Distriksmunisipaliteit, die plaaslike munisipaliteite wat binne die area van die Distriksmunisipaliteit geleë is of die Staat as gevolg van betalings wat gemaak is aan die betrokke kontrakteurs, verskaffers of diensverskaffers—

- (a) ten spyte van nie-prestasie, ongesertifiseerde, onvolledige of swak gehalte prestasie of gebrekkige prestasie; of
 - (b) vir goedere nie gelewer of dienste wat nie verskaf was nie,
- ten opsigte van die bewerings uiteengesit in paragrawe 1 tot 3 van die Bylae.

5. Enige onbehoorlike of onregmatige optrede deur die personeel van die Distriksmunisipaliteit of die betrokke kontrakteurs, verskaffers of diensverskaffers of enige ander persoon of entiteit, ten opsigte van die bewerings uiteengesit in paragrawe 1 to 4 van hierdie Bylae.

PROCLAMATION NO. R. 9 OF 2017

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the—

- (a) KwaZulu-Natal Provincial Department of Agriculture and Rural Development (formerly known as the Department of Agriculture and Environmental Affairs) (hereinafter referred to as "the Department"); and
 - (b) Mjindi Farming (Pty) Ltd (hereinafter referred to as "Mjindi"), which is a Provincial Government Business Enterprise of the KwaZulu-Natal Provincial Government in terms of Schedule 3, Part D of the Public Finance Management Act, 1999 (Act No. 1 of 1999),
- (hereinafter referred to collectively as "the Institutions").

AND WHEREAS the Institutions or the State suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, and after consultation with or at the request of the Premier of the KwaZulu-Natal Province, refer the matters mentioned in the Schedule, in respect of the Institutions, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Institutions;
- (b) improper or unlawful conduct by employees or officials of the Institutions;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or sections 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Institutions; or

(g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof, which took place between 1 February 2011 and the date of publication of this Proclamation or which took place prior to 1 February 2011 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Institutions or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Ninth day of December Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

SCHEDULE

1. The procurement of, and contracting for—
 - (a) fertiliser, seeds or seed potatoes; or
 - (b) goods, works or services relating to events or event management, by or on behalf of the Department, and payments made in respect thereto, in a manner that was—
 - (i) not fair, equitable, transparent, competitive or cost-effective;
 - (ii) contrary to applicable—
 - (aa) legislation;
 - (bb) manuals, guidelines, circulars, practice notes or instructions issued by the National Treasury or the applicable Provincial Treasury; or
 - (cc) manuals, codes, policies, procedures, instructions or practices of, or applicable to the Department,and any related irregular or fruitless and wasteful expenditure incurred by the Department.
2. The procurement of, and contracting for agricultural equipment by or on behalf of the Institutions, and payments made in respect thereto, in a manner that was—
 - (a) not fair, equitable, transparent, competitive or cost-effective; or
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, circulars, practice notes or instructions issued by the National Treasury or the applicable Provincial Treasury; or

(iii) manuals, codes, policies, procedures, instructions or practices of or applicable to the Institutions,
and any related irregular or fruitless and wasteful expenditure incurred by the Institutions.

3. Any undisclosed or unauthorised interests the board members, directors, officials or employees of the Institutions or any of their family members may have had—

- (a) with contractors, suppliers or service providers that—
- (i) were registered on the Vendor Databases of the Institutions;
 - (ii) did business with the Institutions; or
 - (iii) were in a position to influence purchases made by or on behalf of the Institutions; or
- (b) in contracts awarded by or on behalf of the Institutions, with regard to fertiliser, seeds, seed potatoes, agricultural equipment, agricultural inputs, chemicals, food production packs, events or event management services.

4. Fraud, corruption, irregularities, malpractices or maladministration in the affairs of the Institutions relating to the matters contemplated in paragraphs 1, 2 and 3 of this Schedule, including the causes of such fraud, corruption, irregularities, malpractices or maladministration and any losses, damages or actual or potential prejudice which the Institutions or the State may have suffered.

PROKLAMASIE NO. R. 9 VAN 2017

**van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA**

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE
SPESIALE ONDERSOEKEENHEID**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleentheid van die—

- (a) KwaZulu-Natal Provinsiale Departement van Landbou en Plattelandse Ontwikkeling (voorheen bekend as die Departement van Landbou, Omgewingsake en Plattelandse Ontwikkeling) (hierna na verwys as "die Departement"); en
- (b) Mjindi Farming (Edms) Bpk (hierna na verwys as "Mjindi"), wat 'n Provinsiale regeringsbesigheidsondernemings van die KwaZulu-Natalese Provinsiale Regering ingevolge Bylae 3, Deel D van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), is,
(hierna gesamentlik na verwys as "die Instellings");

EN AANGESIEN die Instellings of die Staat moontlike verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, en op versoek van die Premier van die KwaZulu-Natal Provinsie, die aangeleenthede in die Bylae vermeld, ten opsigte van die Instellings, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die

ondersoek van die aangeleenthede, dit die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Instellings;
- (b) onbehoorlike of onregmatige optrede deur werknemers of beamptes van die Instellings;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe in verband met die sake van die Instellings gepleeg is; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Februarie 2011 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Februarie 2011 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Instellings of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Negende dag van Desember Twee duisend-en-sestien.

J G Zuma
President

Op las van die President-in-Kabinet:

T M Masutha
Minister van die Kabinet

BYLAE

1. Die aanskaffing van, en kontraktering vir—

- (a) kunsmis, saad of saad-aartappels; of
- (b) goedere, werke of dienste verbandhoudend met geleentheid of geleentheidsbestuurdienste,

deur of namens die Departement en betalings wat in verband daarmee gemaak is op 'n wyse wat—

- (i) nie regverdig, billik, deursigtig, mededingend of koste-effektief was nie; of
- (ii) strydig was met toepaslike—
 - (aa) wetgewing;
 - (bb) handleidings, riglyne, omsendbriewe, praktyknotas of instruksies wat deur die Nasionale Tesourie of toepaslike Provinsiale Tesourie uitgevaardig is; of
 - (cc) handleidings, kodes, beleid, prosedures, instruksies of praktyke van, of wat op die Departement van toepassing is,

en enige verwante onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Departement opgeloopt is.

2. Die aanskaffing van, en kontraktering vir landbou toerusting deur of namens die Instellings en betalings wat in verband daarmee gemaak is op 'n wyse wat—

- (a) nie regverdig, billik, deursigtig, mededingend of koste-effektief was nie; of
- (b) strydig was met toepaslike—

- (i) wetgewing;
- (ii) handleidings, riglyne, omsendbriewe, praktyknotas of instruksies wat deur die Nasionale Tesourie of toepaslike Provinsiale Tesourie uitgevaardig is; of
- (iii) handleidings, kodes, beleid, prosedures, instruksies of praktyke van, of wat op die Instellings van toepassing is,

en enige verwante onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Instellings opgeloopt is.

3. Enige ongeopenbaarde of ongemagtigde belange wat die raadslede, direkteure, beamptes of werknemers van die Instellings of enige van hulle familielede kon gehad het—

- (a) met kontrakteurs, verskaffers of diensverskaffers wat—
 - (i) geregistreer was op die Verkoper Databasis van die Instellings;
 - (ii) besigheid gedoen het met die Instellings; of
 - (iii) in 'n posisie was om die aankope wat deur of namens die Instellings gemaak is, te beïnvloed; of

(b) in kontrakte wat deur of namens die Instellings goedgekeur was, ten opsigte van kunsmis, sade, saad-aartappels, landboutoerusting, landbou-insette, chemikalieë, voedselproduksie pakke, geleentheid of geleentheidsbestuurdienste.

4. Bedrog, korrupsie, onreëlmatighede, wanpraktyke of wanadministrasie in die aangeleentheid van die Instellings ten opsigte van die aangeleentheid verwys na in paragrawe 1, 2 en 3 van hierdie Bylae, insluitende die oorsake van sodanige bedrog, korrupsie, onreëlmatighede, wanpraktyke of wanadministrasie en enige verliese, skade of werklike of potensiële nadeel wat die Instellings of die Staat mag gely het.

PROCLAMATION NO. R. 10 OF 2017

by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the Harry Gwala District Municipality (hereinafter referred to as "the Municipality");

AND WHEREAS the Municipality suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Municipality, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Municipality;
- (b) improper or unlawful conduct by the councillors, officials or employees of the Municipality;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Municipality; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2010 and the date of publication of this Proclamation or which took place prior to 1 January 2010 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Municipality, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Ninth day of December Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

SCHEDULE

1. The procurement of, and contracting for goods, works or services by or on behalf of the Municipality from K and M Security Service CC, Emangomeni Trading Enterprise CC, Tricircle Hardware, Kaltravel CC, Garden Court Hotel, Protea Hotel, Busiya Consulting CC, Mini Construction and Msomi Test Pump and Installation and Borehole Repairs and payments which were made in respect thereof in a manner that was—

- (a) not fair, equitable, transparent, competitive or cost-effective; or
- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes or instructions issued by the National Treasury or the relevant Provincial Treasury; or
 - (iii) manuals, codes, policies, procedures, prescripts, guidelines, instructions or practices of or applicable to the Municipality;
- (c) fraudulent; or
- (d) conducted or facilitated by the manipulation of the supply chain management or procurement processes of the Municipality—
 - (i) by any of the afore-mentioned service providers; or
 - (ii) in collusion with or through the intervention of councillors, officials or employees of the Municipality in order to unduly benefit themselves or others,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality.

2. Irregularities, malpractices or maladministration in the affairs of the Municipality in relation to an advance payment made by the Municipality to Cyclone Construction.

3. Any unlawful or irregular conduct by the Municipality, councillors, officials or employees of the Municipality relating to any of the allegations set out in paragraphs 1 and 2 of this Schedule.

PROKLAMASIE NO. R. 10 VAN 2017**van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA
BESTAANDE SPESIALE ONDERSOEKEENHEID**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleenthede van die Harry Gwala Distriksmunisipaliteit (hierna na verwys as "die Munisipaliteit");

EN AANGESIEN die Munisipaliteit verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Munisipaliteit, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Munisipaliteit;
- (b) onbehoorlike of onregmatige optrede deur raadslede, beamptes of werknemers van die Munisipaliteit;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Munisipaliteit; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2010 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2010 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Munisipaliteit gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Negende dag van Desember Twee duisend-en-sestien.

J G Zuma
President

Op las van die President-in-Kabinet:

T M Masutha
Minister van die Kabinet

BYLAE

1. Die aanskaffing van, en kontraktering vir goedere, werke of dienste deur of namens die Munisipaliteit vanaf K and M Security Service CC, Emangomeni Trading Enterprise CC, Tricircle Hardware, Kaltravel CC, Garden Court Hotel, Protea Hotel, Busiya Consulting CC, Mini Construction and Msoni Test Pump and Installation and Borehole Repairs en betalings wat in verband daarmee gemaak is op 'n wyse wat—

- (a) nie regverdig, billik, deursigtig, mededingend, of koste-effektief was nie; of
- (b) strydig was met toepaslike —
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie of relevante Plaaslike Tesourie uitgevaardig is; of
 - (iii) handleidings, kodes, beleid, prosedures, voorskrifte, riglyne, instruksies of praktyke van, of wat op die Munisipaliteit van toepassing is;
- (c) bedrieglik was; of
- (d) gedoen of gefasiliteer was deur die manipulering van die voorsieningskanaal-bestuur of aanskaffingsprosesse van die Munisipaliteit—
 - (i) deur enige van die voorgenoemde diensverskaffer; of
 - (ii) in samespanning met of deur die tussentrede van raadslede, beamptes of werknemers van die Munisipaliteit om hulself of andere onbehoorlik te bevoordeel,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Munisipaliteit opgeloop was.

2. Onreëlmatighede, wanpraktyke of wanadministrasie van die aangeleenthede van die Munisipaliteit in verband met 'n voorskot-betaling wat deur die Munisipaliteit aan Cyclone Construction gemaak is.

3. Enige onwettige of onreëlmatige optrede deur die Munisipaliteit, raadslede, beamptes of werknemers van die Munisipaliteit verbandhoudend tot die bewerings uiteengesit in paragrawe 1 of 2 van hierdie Bylae.

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR

NO. R. 94

03 FEBRUARY 2017

**OCCUPATIONAL HEALTH AND SAFETY ACT (ACT NO. 85 OF 1993), AS
AMENDED****CODE OF PRACTICE FOR EXISTING GOODS HOISTS INSTALLATIONS,
LIFT, ESCALATOR AND PASSENGER CONVEYOR REGULATIONS, 2010**

I, T. Szana, appointed as the Chief Inspector in terms of Section 27(1) of the said Act, and by virtue of the powers delegated to me by the Minister of Labour in terms of section 42(1) of the Act, after consultation with the Advisory Council for Occupational Health and Safety, hereby, under section 44 of the Occupational Health and Safety Act (Act No. 85 of 1993), as amended, incorporate "Code of practice for existing goods hoists installations" (Installed prior 30 September 2015) that were previously regulated under the Driven Machinery Regulations, 2008 into Lift, Escalator and Passenger Conveyor Regulations, 2010

T. Szana
Chief Inspector

CODE OF PRACTICE FOR EXISTING GOODS HOISTS INSTALLATIONS

FOREWORD

This Code of Practice is to provide the minimum requirements for existing good hoists (Installed prior 30 September 2015) that were previously regulated under the Driven Machinery Regulations, 2008.

In the new Driven Machinery Regulations promulgated in 2015, regulation 17 was repealed and it gave a directive that all existing good hoists shall within five years comply with the provisions of the Lift Escalator and Passenger Conveyor Regulations.

Machinery Spaces

- Machinery shall be kept in safe lockable spaces or cabinets.
- Safe accesses, free of any storage or rubbish shall be provided to the machinery spaces.
- Ladders to these spaces shall be permanently installed and shall provide safe access well into these machinery spaces.
- The working areas of the machinery spaces above the shafts shall have full floor covering.
- The clear heights of the working spaces shall not be less than 1.5 meters.
- The lighting in the machinery spaces shall be 300 Lux and the accesses to these spaces 150 Lux.
- There shall be 220 Volt socket outlets in the machinery spaces.
- Record book and certificate holders shall be kept in the machinery spaces.

Machinery

- Rotating elements shall be guarded or painted caution yellow if they pose a low risk such as smooth flywheels.
- Slack rope devices shall be installed on positive drive (drum or hydraulic) units.
- Safety gears shall be installed on units with less than two ropes - if design permits.
- Safeties shall, where possible be installed under the cars and not on top of the crown beams.
- Sheaves for the suspension ropes shall be 25 times the diameter of the suspension ropes.
- When more than one suspension rope is used, there shall be automatic tensioning devices – compression springs.

Controls

- There shall be lockable main switches at the accesses to the machinery spaces.
- There shall be well kept, up to date durable and legible wiring diagrams.

- Controllers shall have two contactors for the main motors – mains + up or mains + down.
- Two independent contacts of the motor contactors shall be in series with the brake coil.
- Three phase installations shall be protected with reverse phase protections.
- All units shall be equipped with top and bottom final limit switches.
- Where shaft inspections or repairs require a person to ride on top of the car, inspection controls shall be installed on top of the car.
- The cars shall be provided with overload devices and signals.
- There shall be no controls inside the cars.
- Push-pull emergency stop switches shall be installed on top of the car and in the pit with stop switches on each landing if the landing doors are perforate.
- The landing door locks shall have two contacts in circuit – one to ensure the door is closed and one to ensure the lock is made.
- The car doors shall have gate switches which shall be tamper free and out of reach of the users.
- 220 Volt light and socket outlet circuits shall be protected with earth leakage devices.

Shaft enclosures

- The shafts shall be enclosed to a height of 2.5 meters in all areas accessible to persons. The enclosures shall have sufficient strengths – they shall withstand 300 N forces).
- When the cars are travelling at speeds exceeding 0.25 meters per second, the shaft enclosure shall be imperforated.
- Shaft lights shall be installed with intensity of 100 Lux anywhere in the shafts.
- The landing doors shall be equipped with electro-mechanical locking devices. Two contacts shall be used in the control circuits.
- Triangle dislocking devices shall be provided for all landing doors. Boxes with triangle locks to protect other types of dislocking devices will also be acceptable.
- When the cars are travelling at speeds exceeding 0.25 meters per second, the landing doors shall be imperforated.
- When the landing doors are imperforated, there shall be indications that the cars has stopped on a landing – vision panels or indication lights.
- On each landing there shall be a durable notice which indicates the maximum allowable load and forbidding persons from riding in the car.
- In the pits without the necessary refuge space (500mm x 600mm x 1 000mm) there shall be properly designed bumping poles to land the cars on when entering the pit – Instructions shall be displayed to use the bumping pole.
- Car to landing sill clearances shall not exceed 35mm.
- Safe Spaces on top of the car and in the pit shall be clearly identified.
- Bi-parting and vertical rise doors shall be counter balances with proper handles or pull straps..

Cars

- The cars shall be equipped with gates, scanners or "load shift bars" and it shall not be possible to move the cars unless these devices are closed.
- The car roofs shall cover the full car size (floor areas of the cars).

- The car roof shall have sufficient strength to carry the weight of two persons (1 000N each) anywhere on the roof.
- Inside the car there shall be a durable notice which indicates the maximum allowable load and forbidding persons from riding in the car.
- There shall be in the cars electric lights of at least 100 Lux.
- Positive drive units shall have buffers on top of the cars which shall not make contact before the final limits open.
- Positive drive units with limited head rooms (not spaces of 500mm x 600mm x 800mm) and top of car inspection controls shall have extendable bumping poles with safety switches on top of the lift cars.

Registration

- All units must be registered with the Regional office of Department of Labour.
- All Goods hoists must comply with the requirements for Lift Escalator and Passenger Conveyor Regulations.


SOUTH AFRICAN REVENUE SERVICE

NO. R. 95

03 FEBRUARY 2017

**CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF RULES (DAR/166)**

Under sections 54F and 120 of the Customs and Excise Act, 1964, the rules published in Government Notice R.1874 of 8 December 1995 are amended to the extent set out in the Schedule hereto **with effect from 1 February 2017**.

**THOMAS SWABIHI MOYANE****COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE****SCHEDULE**

(a) By the insertion in item 202.00 of the Schedule to the rules for form DA 178 of the following form:

- “DA 178 Environmental Levy Return for Tyres
(Chapter VA of the Customs and Excise Act, 91 of 1964 and the rules therefor)
- DA 178.01 Environmental Levy: Production sheet (VM)
DA 178.02 Environmental Levy: Removal of tyres (VM)
DA 178.03 Environmental Levy: Receipt of tyres (VS)
DA 178.04 Environmental Levy: Tyres returned to VM (VS)”

(b) By the substitution in item 202.00 of the Schedule to the rules for form DA 185.4B2 of the following form:

- “DA 185.4B2 Licensing client type 4B2 – Manufacturing warehouse”



DA 178

ENVIRONMENTAL LEVY RETURN FOR TYRES
(Chapter VA of the Customs and Excise Act, 91 of 1964 and the rules therefore)

Licensed Warehouse No:		Excise Client No:	
Client Details:		Accounting Period:	
Licensee:	From:	To:
Physical Address:		
Postal Code:		

Statistical Unit		Number and Kilograms Net					
A	Environmental Levy Item	152.01		152.02		152.03	
	Tariff Subheading / Item	Refer to DA 178.01/.02/.03/.04 Number KN		Refer to DA 178.01/.02/.03/.04 Number KN		Refer to DA 178.01/.02/.03/.04 Number KN	
	1. Opening Balance *						
	2.1 Plus Production **						
	2.2 Plus Receipts ***						
	3. Plus Returns *						
	A. TOTAL NUMBER OF TYRES AND KILOGRAMS NET						
B	4. LESS SALES, REMOVALS AND REBATES						
	4.1 Sales: South Africa*						
	4.2 Sales: BLNS countries *						
	4.3 Exports *						
	4.4 Rebates:	Item 680.01 ***					
		Item 680.02 (vis major)**					
		Item 680.03 **					
	4.5 Removal from	Item 680.04 **					
	4.6 Removal to	Item 680.05 ***					
	B. TOTAL NUMBER OF TYRES AND KILOGRAMS NET						
A minns B	5. CLOSING BALANCE (NUMBER OF TYRES AND KILOGRAMS NET)						

C	6.	LEVY ON DUTIABLE TOTAL [relevant KN X rate of levy as defined in DA178 notes below]	R	R	R
D	7.	LESS LEVY PAID OR PAYABLE (Set-off)			
	7.1	Proved removals to BLNS *	Item 681.01	R	R
	7.2	Returns for Reprocessing **	Item 681.02	R	R
	7.3	Returns from South Africa (other than reprocessing – <i>Credit Note</i>)**	Item 681.03	R	R
	7.4	Proved Exports *	Item 681.07	R	R
	D. TOTAL AMOUNT TO BE SET-OFF			R	R
E	8.	Less: Overpaid on previous account *	R	R	R
	9.	Plus: Underpaid on previous account *	R	R	R
F	10.	NET LEVY PAYABLE (as defined in the notes to the DA 178 below)	R	R	R
	11.	TOTAL AMOUNT OF NET LEVY DUE			R
<p>I, in my capacity asof , hereby declare that the particulars herein are correct and comply with the customs and excise laws and procedures.</p> <p style="text-align: center;">..... Signature Date</p>					
FOR OFFICIAL USE ONLY					
DATE STAMP	NUMBER	Place of Entry:			
		Checked by:	Date:		
		Audited by:	Date:		

See Overleaf for Notes

NOTES TO THE DA 178

Particulars specified:

The explanation for the asterisks used in the DA 178 is as follows:

* transaction(s) / movement(s) is relevant to both manufacturer (VM) and licensee (VS)

** transaction(s) / movement(s) is relevant to the manufacturer (VM) **ONLY**

*** transaction(s) / movement(s) is relevant to the licensee (VS) **ONLY**

- a) The return information must be submitted via SARS eFiling on the EXD 01 Return. The completed and signed DA 178 hard copy related thereto and supporting documents must be kept for record purposes [Refer to rule 119A.R101A (10)(d) (a – g)].
- b) Insert number of tyres as well as kilograms net (KN) in ‘Statistical Quantity’ field.
- c) Amounts in sections 6 - 11 on the DA 178 must be indicated in Rand (R).
- d) All leviable manufactured tyres produced must be captured for declaration purposes on the DA 178.01 under the relevant tyre levy item(s) and tariff subheading(s) **
- e) All leviable tyres removed to licensed warehouse (VS) (for the transfer of liability from VM to VS) which will be fitted to vehicles must be captured for declaration purposes on the DA 178.02 under the relevant tyre levy item(s) and tariff subheading(s) **
- f) All leviable tyres received from the manufacturing warehouse (VM) to be received by the VS must be captured for declaration purposes on the DA 178.03 under the relevant tyre levy item(s) and tariff subheading(s) ***
- g) All leviable tyres returned from the VS to the VM which is unfit to be used in the manufacturing process must be captured for declaration purposes on the DA 178.04 under the relevant tyre levy item(s) and tariff subheading(s). ***

1.	Opening balance: Balance carried forward from previous period – to be completed from second accounting period. (To be completed by VM and VS)
2.1	Total production of the levy item(s) for the three months of the accounting period as carried from the DA 178.01. (To be completed by VM only)
2.2	Total receipts of the levy item(s) for the three months of the accounting period as carried from the DA 178.03. (To be completed by VS only)
3.	Stock returns from South Africa or returns from a BLNS country for which credit notes have been issued. In the case of returns from a BLNS country the environmental levy thereon must have been paid on entry into South Africa. (To be completed by VM and VS)
4.1	Sales: South Africa Direct sales from the licensed warehouse including removals on Delivery/Dispatch Notes (DN) to South Africa. (To be completed by VM and VS)
4.2	Sales: BLNS countries Direct exports from the VM including removals on Delivery/Dispatch Notes to the BLNS countries. (To be completed by VM and VS)
4.3	Exports: Direct Exports beyond the BLNS countries as defined in item 681.07 of Schedule 6. (To be completed by VM and VS)
4.4	Rebates: Proof of delivery or use under rebate will be required for audit purposes: <ul style="list-style-type: none"> • Item 680.01 – Goods supplied under rebate of duty as specified in the item. (VS only) • Item 680.02 – Goods lost or destroyed in the VM warehouse in circumstances of vis major, etc. (NOTE: cannot be set-off if claimed from insurance). (VM only) • Item 680.03 – Goods manufactured in the licensed warehouse used for reprocessing of environmental levy goods or the manufacture of other goods. (VM only)
4.5	Removals from • Item 680.04 – Goods removed from a licensed manufacturing warehouse (VM) to a licensed special manufacturing warehouse (VS) to be used in a manufacturing process. (VM only)
4.6	Removals to • Item 680.05 – Goods found to be off-specification or otherwise defective by the licensed special manufacturing warehouse (VS) and returned to the licensed manufacturing warehouse (VM). (VS only)
5.	Closing balance at end of accounting period (A “specific to type of WH” minus B “specific to type of WH”). Stock taking records will be required for audit purposes.
6.	Levy on Dutiable Total: <ul style="list-style-type: none"> • VM only: Sales (including DN) in South Africa (4.1), plus Sales (including DN) to consignees in BLNS countries (4.2) plus Exports (4.3). i.e. (4.1 KN + 4.2 KN + 4.3 KN X rate of levy as per SCHIP3E); or • VS only: Receipts (2.2), plus Return (3) less Rebate 680.01(4.4) less Rebated Removal to (4.6) i.e. (2.2 KN + 3 KN - 4.4 KN - 4.6 KN X rate of levy as per SCHIP3E).
7.	Less levy paid or payable on goods (set-off):
7.1	• Item 681.01 – Proved removals to BLNS countries (only if proof of exit from South Africa had been obtained – SAD 500 form with required acquittal documentation within thirty (30) days of Export). (To be completed by VM and VS)
7.2	• Item 681.02 – Goods returned for reprocessing (goods off-specification or otherwise defective) – credit notes must be issued. (VM only)
7.3	• Item 681.03 – Returns for any purposes other than reprocessing – credit notes must be issued. (VM only)
7.4	• Item 681.07 – Proved Exports from licensed manufacturing warehouse – (only if proof of exit from South Africa had been obtained. SAD 500 form with required acquittal documentation within thirty (30) days of Export.). (To be completed by VM and VS)
8 – 9	A separate report stating the particulars of the relevant accounting periods and an explanation of the overpayment(s) and/or underpayment(s), as the case may be. Attach relevant documents to the DA 178. (To be completed by VM and VS) NOTE: This is only required if the over and/or under payment(s) has a billing impact on the Financial Account (FAN).
10.	Levy payable on or before the 25th working day of the month (not including weekend and/or public holiday) following the last day of the accounting period. Refer to Rule 54FC.03(b) (To be completed by VM and VS)
11.	Total amount of net levy due (the sum of the amounts reflected against E under the applicable items). (To be completed by VM and VS)

ENVIRONMENTAL LEVY: PRODUCTION SHEET (VM)	DA 178.01
Notes: (Environmental levy Item and Subheading(s) to be specified)	
<ul style="list-style-type: none"> All manufactured leviable tyre product(s) must be declared on this schedule as per the relevant tariff subheading(s). (VM only) Forward all levy item totals i.e. 152.01, 152.02, and/or 152.03 as per the schedule (Number and Kilograms Net) to page one (1) under the relevant levy item(s) under section A of the DA 178. 	

Tyre Levy Item	Tariff Subheading	Article Description	Number	KN
152.00	40.11	New pneumatic tyres, of rubber:		
152.01	4011.10	Of a kind used on motor cars (including station wagons and racing cars)		
152.01.01	4011.10.01	Having a rim size not exceeding 33 cm (13 inches)		
152.01.03	4011.10.03	Having a rim size of 35 cm (14 inches)		
152.01.05	4011.10.05	Having a rim size of 38 cm (15 inches)		
152.01.07	4011.10.07	Having a rim size of 41 cm (16 inches)		
152.01.09	4011.10.09	Having a rim size of 43 cm (17 inches) or more		
Total of levy Item 152.01				

152.02	4011.20	Of a kind used on busses or lorries:		
152.02	4011.20.1	Having a load index not exceeding 121:		
152.02.03	4011.20.16	Having a rim size not exceeding 35 cm (14 inches)		
152.02.05	4011.20.18	Having a rim size of 38 cm (15 inches) or more		
152.02	4011.20.2	Having a load index exceeding 121:		
152.02.07	4011.20.22	Having a rim size not exceeding 44 cm (17.5 inches)		
152.02.09	4011.20.24	Having a rim size exceeding 44 cm (17.5 inches) but not exceeding 51 cm (20 inches)		
152.02.11	4011.20.26	Having a rim size exceeding 51 cm (20 inches)		
152.02.15	4011.30.00	Of a kind used on aircraft		
152.02.17	4011.40.00	Of a kind used on motorcycles		
152.01.19	4011.50.00	Of a kind used on bicycles		
152.02	4011.70	Of a kind used on agricultural or forestry vehicles and machines:		
152.02.25	4011.70.10	Having a rim size of less than 91 cm		
152.02.27	4011.70.20	Having a rim size of 91 cm or more		
152.02	4011.80	Of a kind used on construction, mining or industrial handling vehicles and machines:		
152.02.29	4011.80.10	Having a rim size of less than 91 cm		
152.02.31	4011.80.20	Having a rim size of 91 cm or more		
152.02	4011.90	Other:		
152.02.33	4011.90.10	Having a rim size of less than 91 cm		
152.02.35	4011.90.20	Having a rim size of 91 cm or more		
Total of levy Item 152.02				

152.03	4012.1	Re-treaded tyres:		
152.03.13	4012.13.00	Of a kind used on aircraft		
152.03.19	4012.19.00	Other		
Total of levy Item 152.03				

ENVIRONMENTAL LEVY: REMOVAL OF TYRES (VM)		DA 178.02
Notes: (Environmental levy Item and Subheading(s) to be specified)		
<ul style="list-style-type: none"> DA178.02 to be consolidated and completed per quarter per special manufacturing warehouse (VS). (VM only) All leviabie tyres removed from VM to OEM's (for the transfer of liability to VS) which will be fitted to vehicles must be captured for declaration purposes on the DA 178.02 under the relevant tyre levy item(s) and tariff subheading(s). Forward all levy item totals i.e. 152.01, 152.02, and/or 152.03 as per the schedule (Number and Kilograms Net) to page one (1) under the relevant levy item(s) under section B of the DA 178 in respect of item 680.04. 		
From Manufacturing Warehouse No:		To Special Manufacturing Warehouse No:

Tyre Levy Item	Tariff Subheading	Removal document reference number and date	Number	KN
152.00	40.11	Invoice or dispatch delivery note to be declared		
152.01	4011.10	Note: If space provided below is insufficient, use a referenced annexure and declared a sequential reference number below:		
152.01.01	4011.10.01			
152.01.03	4011.10.03			
152.01.05	4011.10.05			
152.01.07	4011.10.07			
152.01.09	4011.10.09			
Total of levy Item 152.01				

152.02	4011.20	Of a kind used on busses or lorries:		
152.02	4011.20.1	Having a load index not exceeding 121:		
152.02.03	4011.20.16			
152.02.05	4011.20.18			
152.02	4011.20.2	Having a load index exceeding 121:		
152.02.07	4011.20.22			
152.02.09	4011.20.24			
152.02.11	4011.20.26			
152.02.15	4011.30.00			
152.02.17	4011.40.00			
152.01.19	4011.50.00			
152.02	4011.70	Of a kind used on agricultural or forestry vehicles and machines:		
152.02.25	4011.70.10			
152.02.27	4011.70.20			
152.02	4011.80	Of a kind used on construction, mining or industrial handling vehicles and machines:		
152.02.29	4011.80.10			
152.02.31	4011.80.20			
152.02	4011.90	Other:		
152.02.33	4011.90.10			
152.02.35	4011.90.20			
Total of levy Item 152.02				

152.03	4012.1	Re-treaded tyres:		
152.03.13	4012.13.00			
152.03.19	4012.19.00			
Total of levy Item 152.03				

ENVIRONMENTAL LEVY: RECEIPT OF TYRES (VS)		DA 178.03
Notes: (Environmental levy Item and Subheading(s) to be specified)		
<ul style="list-style-type: none"> DA178.03 to be consolidated and completed per quarter per manufacturing warehouse (VM). (VS only) All leviable tyres received from the manufacturing warehouse (for the transfer of liability to VS) which will be fitted to vehicles must be captured for declaration purposes on the DA 178.03 under the relevant tyre levy item(s) and tariff subheading(s). Forward all levy item totals i.e. 152.01, 152.02, and/or 152.03 as per the schedule (Number and Kilograms Net) to page one (1) under the relevant levy item(s) under section A of the DA 178. 		
From Manufacturing Warehouse No:		To Special Manufacturing Warehouse No:

Tyre Levy Item	Tariff Subheading	Removal document reference number and date	Number	KN
152.00	40.11	Manufacturing Warehouse (VM) Invoice or dispatch delivery note to be declared		
152.01	4011.10	Note: If space provided below is insufficient, use a referenced annexure and declared a sequential reference number below:		
152.01.01	4011.10.01			
152.01.03	4011.10.03			
152.01.05	4011.10.05			
152.01.07	4011.10.07			
152.01.09	4011.10.09			
Total of levy Item 152.01				

152.02	4011.20	Of a kind used on busses or lorries:		
152.02	4011.20.1	Having a load index not exceeding 121:		
152.02.03	4011.20.16			
152.02.05	4011.20.18			
152.02	4011.20.2	Having a load index exceeding 121:		
152.02.07	4011.20.22			
152.02.09	4011.20.24			
152.02.11	4011.20.26			
152.02.15	4011.30.00			
152.02.17	4011.40.00			
152.01.19	4011.50.00			
152.02	4011.70	Of a kind used on agricultural or forestry vehicles and machines:		
152.02.25	4011.70.10			
152.02.27	4011.70.20			
152.02	4011.80	Of a kind used on construction, mining or industrial handling vehicles and machines:		
152.02.29	4011.80.10			
152.02.31	4011.80.20			
152.02	4011.90	Other:		
152.02.33	4011.90.10			
152.02.35	4011.90.20			
Total of levy Item 152.02				

152.03	4012.1	Re-treaded tyres:		
152.03.13	4012.13.00			
152.03.19	4012.19.00			
Total of levy Item 152.03				

ENVIRONMENTAL LEVY: TYRES RETURNED TO VM (VS)		DA 178.04
Notes: (Environmental levy Item and Subheading(s) to be specified)		
<ul style="list-style-type: none"> DA178.04 to be consolidated and completed per quarter per manufacturing warehouse (VM) (VS only) All leviabie tyres <u>returned</u> from VS to VM which is unfit to be used in the manufacturing process must be captured for declaration purposes on the DA 178.04 under the relevant tyre levy item(s) and tariff subheading(s). Forward all levy item totals i.e. 152.01, 152.02, and/or 152.03 as per the schedule (Number and Kilograms Net) to page one (1) under the relevant levy item(s) under section B of the DA 178 in respect of item 680.05. 		
From Special Manufacturing Warehouse No:		To Manufacturing Warehouse No:

Tyre Levy Item	Tariff Subheading	Removal document reference number and date	Number	KN
152.00	40.11	Credit Note or Delivery / Stock Return note to be declared		
152.01	4011.10	Note: If space provided below is insufficient, use a referenced annexure and declared a sequential reference number below:		
152.01.01	4011.10.01			
152.01.03	4011.10.03			
152.01.05	4011.10.05			
152.01.07	4011.10.07			
152.01.09	4011.10.09			
Total of levy Item 152.01				

152.02	4011.20	Of a kind used on busses or lorries:		
152.02	4011.20.1	Having a load index not exceeding 121:		
152.02.03	4011.20.16			
152.02.05	4011.20.18			
152.02	4011.20.2	Having a load index exceeding 121:		
152.02.07	4011.20.22			
152.02.09	4011.20.24			
152.02.11	4011.20.26			
152.02.15	4011.30.00			
152.02.17	4011.40.00			
152.01.19	4011.50.00			
152.02	4011.70	Of a kind used on agricultural or forestry vehicles and machines:		
152.02.25	4011.70.10			
152.02.27	4011.70.20			
152.02	4011.80	Of a kind used on construction, mining or industrial handling vehicles and machines:		
152.02.29	4011.80.10			
152.02.31	4011.80.20			
152.02	4011.90	Other:		
152.02.33	4011.90.10			
152.02.35	4011.90.20			
Total of levy Item 152.02				

152.03	4012.1	Re-treaded tyres:		
152.03.13	4012.13.00			
152.03.19	4012.19.00			
Total of levy Item 152.03				



ANNEXURE DA 185.4B2

LICENSING CLIENT TYPE 4B2 – MANUFACTURING WAREHOUSE
Trading Particulars:

Please supply all trade names and physical addresses if the business is conducted from a different address or under a different name as that stated in Block 6 of the application form (DA 185).

Trade name of business:

Physical address: Street name and number:

Building name and floor number:

Suburb:

City/Town:

Street code:

Authority to apply:

I/We,

..... herein presented by:
 (name of applicant)

(1) (Capacity) (2) (Capacity)

being duly authorised thereto by virtue of –

- (a) *a resolution passed at a meeting of the Board of Directors, held at on the day of (CCYY); or
 (b) *express consent in writing of all the members of the close corporation /* partners of the partnership /* trustees of the trust; or
 (c) * being a person having the management of any other association; or
 (d) * delegated officer of an organ of State,
 hereby apply for licensing of a Manufacturing Warehouse.

Warehouse Particulars:

(a) Indicate with an **X** what the warehouse will be used for:

- | | | |
|--------|---|--------------------------|
| (i) | Manufacture of tobacco products (warehouse business type 32 - VM) | <input type="checkbox"/> |
| (ii) | Manufacture of malt beer (warehouse business type 33 - VM) | <input type="checkbox"/> |
| (iii) | Manufacture of spirits | |
| (aa) | Primary (warehouse business type 34 - VMP) | <input type="checkbox"/> |
| (bb) | Secondary (warehouse business type 35 - VMS) | <input type="checkbox"/> |
| (iv) | Manufacture of petroleum products – excluding biodiesel (warehouse business type 38 - VM) | <input type="checkbox"/> |
| (v) | Manufacture of (commercial) biodiesel (warehouse business type 39 - VM) | <input type="checkbox"/> |
| (vi) | Manufacture of plastic carrier and flat bags (warehouse business type 42 - VM) | <input type="checkbox"/> |
| (vii) | Manufacture of electric filament lamps (warehouse business type 43 - VM) | <input type="checkbox"/> |
| (viii) | Production of electricity (warehouse business type 44 - VM) | <input type="checkbox"/> |
| (ix) | Manufacture of tyres (warehouse business type 56 - VM) | <input type="checkbox"/> |

(b) Please state the rebate item(s), tariff subheading(s) / item(s) (if applicable), and describe the goods that will be manufactured or stored in the warehouse.

Rebate item(s)	Tariff subheading(s) / item(s)	Rebate Code	Description of goods manufactured / stored
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Continues overleaf

