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

- **24 December 2019**, Tuesday for the issue of Friday **03 January 2020**
- **03 January**, Friday for the issue of Friday **10 January 2020**
- **10 January**, Friday for the issue of Friday **17 January 2020**
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- **23 December**, Wednesday for the issue of Friday **31 December 2020**

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 6

10 JANUARY 2020

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

STANDARDS AND REQUIREMENTS REGARDING CONTROL OF THE EXPORT OF APPLES: AMENDMENT

I, Billy Malose Makhafola, appointed as Executive Officer in terms of section 2(1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), hereby give notice under section 4(3) (c) of the said Act, that –

- (a) the standards and requirements regarding control of the export of Apples as stipulated in Government Notice No. R. 1983 of 23 August 1991 and promulgated in Government Notice No. 2633 of 30 October 1998, amended by Government Notices No. 2480 of 19 November 1999, No. 4698 of 22 December 2000, No. 2371 of 14 December 2001, No. 3004 of 22 November 2002, No. 3350 of 28 November 2003, No. 2986 of 31 December 2004, No. 323 of 3 March 2006, No. 1485 of 20 October 2006; No. 1102 of 7 September 2007, No. 1185 of 19 September 2008, No. 1009 of 30 October 2009, No. 816 of 27 August 2010, No. 591 of 2 September 2011, No. 752 of 21 September 2012, No. 1011 of 11 October 2013, No. 27 of 15 January 2016 and No. 250 of 01 March 2019 are hereby further amended; and
- (b) the standards and requirements mentioned in paragraph (a) –
- (i) shall be available for inspection at the office of the Executive Officer: Agricultural Product Standards, Harvest house, 30 Hamilton Street, Arcadia, Pretoria;
- (ii) may be obtained from the Executive Officer: Agriculture Product Standards, Department of Agriculture, Private Bag x 343, Pretoria, 0001, Tel. (012) 319 – 6121 or Fax (012) 319 – 6055 or email: MbulaheniM@daff.gov.za on payment of the prescribed fees or from <https://www.daff.gov.za/daffweb3/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Export-Standards/Deciduous-Fruit>; and
- (iii) shall come into operation seven days after publication of this notice.

B. M. MAKHAFOLA
Executive Officer: Agricultural Product Standards

DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERIE

NO. 6

10 JANUARIE 2020

WET OF LANDBOUPRODUKSTANDAARDE, 1990 (WET No. 119 VAN 1990)

STANDAARDE EN VEREISTES BETREFFENDE BEHEER OOR DIE UITVOER VAN APPLES: WYSIGING

Ek, Billy Malose Makhafola, ingevoelge artikel 2(1) van die Wet op Landbouprodukstandaarde, 1990 (Wet No. 119 van 1990), as Uitvoerende Beampte aangewys, gee hiermee kragtens artikel 4(3) (c) van die vermeldde Wet, kennis dat –

- (a) standaard en vereistes betreffende beheer oor die uitvoer van Apples soos gestipuleer in Goewermentskennisgewing No. R 1983 van 23 Augustus 1991 en afgekondig in Goewermentkennisgewing No. 2633 van 30 Oktober 1998, wysiging in Goewermentkennisgewing No. 2480 van 19 November 1999, No. 4698 van 22 Desember 2000, No. 2371 van 14 Desember 2001, No. 3004 van 22 November 2002, No. 3350 van 28 November 2003, No. 2986 van 31 Desember 2004, No. 323 van 3 Maart 2006, No. 1485 van 20 Oktober 2006, No. 1102 van 7 September 2007, No. 1185 van 19 September 2008, No. 1009 van 30 Oktober 2009, No. 816 van 27 Augustus 2010, No. 591 van 2 September 2011, No. 752 van 21 September 2012, No. 1011 van 11 Oktober 2013, No. 27 van 15 Januarie 2016 en No. 250 van 01 Maart 2019 hiermee verder gewysig word; en
- (b) die standaard en vereistes in paragraaf (a) vermeld –
- (i) ter insae beskikbaar is by die kantoor van die Uitvoerende Beampte: Landbouprodukstandaarde, Harvest house, Hamiltonstraat 30, Arcadia, Pretoria;
- (ii) teen betaling van die voorgeskrewe bedrag vanaf die Uitvoerende Beampte Landbouprodukstandaarde, Departement van landbou, Privaatsak x343, Pretoria, 0001, Tel. (012) 319 – 6121 of Faks (012) 319 – 6055 of e-pos MbulaheniM@daff.gov.za of vanaf <https://www.daff.gov.za/daffweb3/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Export-Standards/Deciduous-Fruit>, verkrygbaar, en
- (iii) sewe dae na publikasie van hierdie kennisgewing in werking tree.

B. M. MAKHAFOLA
Uitvoerende Beampte: Landbouprodukstandaarde

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 7

10 JANUARY 2020

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

STANDARDS AND REQUIREMENTS REGARDING CONTROL OF THE EXPORT OF PEARS: AMENDMENT

I, Billy Malose Makhafola, appointed as Executive Officer in terms of section 2(1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), hereby give notice under section 4(3) (c) of the said Act, that –

- (a) the standards and requirements regarding control of the export of Pears as stipulated in Government Notice No. R. 1983 of 23 August 1991 and promulgated in Government Notice No. 2631 of 30 October 1998, amended by Government Notices No. 1288 of 29 October 1999; No. 4634 of 17 November 2000; No. 2053 of 21 September 2001; No. 1737 of 20 September 2002; No. 3349 of 28 November 2003; No. 2987 of 31 December 2004; No. 322 of 3 March 2006; No. 1484 of 20 October 2006, No. 1103 of 7 September 2007, No. 1070 of 5 September 2008, No. 1008 of 30 October 2009, No. 832 of 3 September 2010, No. 590 of 2 September 2011, No. 753 of 21 September 2012, No. 1008 of 11 October 2013, No. 8 of 15 January 2016 and No. 249 of 01 March 2019 are hereby further amended; and
- (b) the standards and requirements mentioned in paragraph (a) –
- (i) shall be available for inspection at the office of the Executive Officer: Agricultural Product Standards, Harvest house, 30 Hamilton Street, Arcadia, Pretoria;
- (ii) may be obtained from the Executive Officer: Agriculture Product Standards, Department of Agriculture, Private Bag x343, Pretoria, 0001, Tel. (012) 319 – 6121 or Fax (012) 319 – 6055 or email: MbulaheniM@daff.gov.za on payment of the prescribed fees or from <https://www.daff.gov.za/daffweb3/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Export-Standards/Deciduous-Fruit>, and
- (iii) shall come into operation seven days after publication of this notice.

B. M. MAKHAFOLA
Executive Officer: Agricultural Product Standards

DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERIE

NO. 7

10 JANUARIE 2020

WET OF LANDBOUPRODUKSTANDAARDE, 1990 (WET No. 119 VAN 1990)

STANDAARDE EN VEREISTES BETREFFENDE BEHEER OOR DIE UITVOER VAN PERE: WYSIGING

Ek, Billy Malose Makhafola, ingevolge artikel 2(1) van die Wet op Landbouprodukstandaarde, 1990 (Wet No. 119 van 1990), as Uitvoerende Beampte aangewys, gee hiermee kragtens artikel 4(3) (c) van die vermeldde Wet, kennis dat –

- (a) standaarde en vereistes betreffende beheer oor die uitvoer van Pere soos gestipuleer in Goewermentskennisgewing No. R 1983 van 23 Augustus 1991 en afgekondig in Goewermentkennisgewing No. 2631 van 30 Oktober 1998; wysiging in Goewermentkennisgewing No. 1288 van 29 Oktober 1999; No. 4634 van 17 November 2000; No. 2053 van 21 September 2001; No. 1737 van 20 September 2002; No. 3349 van 28 November 2003; No. 2987 van 31 Desember 2004; No. 322 van 3 Maart 2006, No. 1484 van 20 Oktober 2006, No. 1103 van 7 September 2007, No. 1070 van 5 September 2008, No. 1008 van 30 Oktober 2009, No. 832 van 3 September 2010, No. 590 van 2 September 2011, No. 753 van 21 September 2012, No. 1008 van 11 Oktober 2013, No. 8 van 15 Januarie 2016 en No. 249 van 01 Maart 2019 hiermee verder gewysig word; en
- (b) die standaarde en vereistes in paragraaf (a) vermeld –
- (i) ter insae beskikbaar is by die kantoor van die Uitvoerende Beampte: Landbouprodukstandaarde, Harvest house, Hamiltonstraat 30, Arcadia, Pretoria;
- (ii) teen betaling van die voorgeskrewe bedrag vanaf die Uitvoerende Beampte Landbouprodukstandaarde, Department van landbou, Privaatsak x343, Pretoria, 0001, Tel. (012) 319 – 6121 of Faks (012) 319 – 6055 of e-pos MbulaheniM@daff.gov.za of vanaf <https://www.daff.gov.za/daffweb3/Branches/Agricultural-Production-Health-Food-Safety/Food-Safety-Quality-Assurance/Export-Standards/Deciduous-Fruit> verkrygbaar is; en
- (iii) sewe dae na publikasie van hierdie kennisgewing in werking tree.

B. M. MAKHAFOLA
Uitvoerende Beampte: Landbouprodukstandaarde

DEPARTMENT OF ENERGY

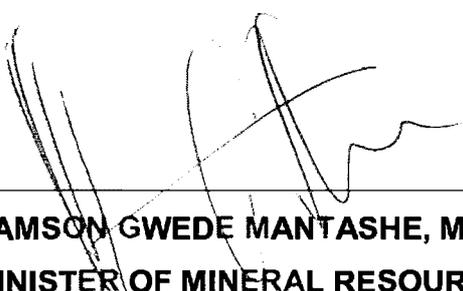
NO. 8

10 JANUARY 2020

PETROLEUM PRODUCTS ACT, 1977**PUBLICATION OF DRAFT GUIDELINES TO APPLICANTS FOR NEW TO INDUSTRY SITE AND RETAIL LICENCES FOR PUBLIC COMMENT**

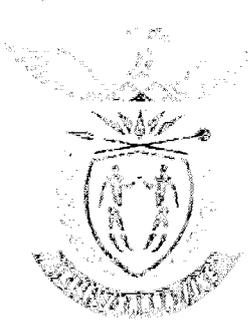
I, Samson Gwede Mantashe, the Minister of Mineral Resources and Energy hereby invite interested persons to submit written comments on the proposed Guidelines to Applicants for New to Industry Site and Retail Licences, within 60 days, to the Director-General, Department of Energy, Private Bag X96, Pretoria 0001; Matimba House 192 Visagie Street, Pretoria; or email shaun.kraut@energy.gov.za (for attention Directorate: Legal Services).

Kindly provide the name, address, telephone number, fax number and email address of the person or organisation submitting the comments. Comments received after the closing date may not be considered.



SAMSON GWEDE MANTASHE, MP
MINISTER OF MINERAL RESOURCES AND ENERGY

09/12/2019



energy

Department:
Energy
REPUBLIC OF SOUTH AFRICA

***DRAFT GUIDELINES TO
APPLICANTS FOR NEW
TO INDUSTRY SITE AND
RETAIL LICENCES***

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1. BACKGROUND

- 1.1 Pursuant to Judgments in **Nine Nine Ninety Nine Projects (Pty) Ltd and Another v Minister: Department of Energy and Others (A543/12) [2014] ZAGPPHC 335** and **Quick Serve Petrol Station (Pty) Ltd and another v the Minister of Energy and the Controller of Petroleum Products 2017 JDR 1337 (GP)**, the Minister was directed to reconsider the respective applicants' licence applications, with such reconsideration to include formulating guidelines to the applicants or informing the applicants of the criteria by which their licence applications will be evaluated.
- 1.2 The criteria for the evaluation of applications for site and retail licences, together with all the information that must be provided by an applicant, are set out in the legislation and regulations below. The Controller will cause the applications to be investigated and additional relevant information may be obtained during such investigation. The applicants will have a further opportunity to respond to objections received by interested and affected parties, findings by the Controller of the investigation and any such additional information obtained from third parties that are additional to the licence application documentation lodged with the Controller. The Controller will then decide the applications.
- 1.3 Due to the fluid nature of the applications it is virtually impossible to pre-determine exactly what information would be required in each specific instance where an application is received. Each site and retail licence application is basically unique and only after same has been received will it be possible to evaluate the application(s). Should extra information be required, the Controller can request such further information. However, given the aforesaid judgments and uncertainty among applicants on the criteria considered in determining applications for new site and retail licences, these guidelines have been developed. They are intended to elucidate upon the applicable legislation and regulations but these guidelines are not intended to be binding and enforceable.

2. APPLICABLE LEGISLATION AND REGULATIONS

2.1 The Petroleum Products Act 120 of 1977 as amended ("*the PPA*")

- 2.1.1. The long title describes the objectives of *the PPA* as follows:
"To provide for measures in the saving of petroleum products and an economy in the cost of distribution thereof, and for the maintenance and control of a price therefor, for the furnishing of certain information regarding petroleum products, and for the rendering of services of a particular kind, or services of a particular standard, in connection with petroleum products; to provide for the licensing of persons involved in the manufacturing and sale of certain petroleum products; to promote the transformation of the South African petroleum and liquid fuels industry; to provide for the promulgation of regulations relating to such licences; and to provide for matters incidental thereto."
- 2.1.2 In terms of applicable provisions of section 2A(4) of *the PPA* any person who has to apply for a licence in terms of subsection (1) must-
" ..(b) in the case of a site licence be the owner of the property concerned or in the case of publicly owned land have the written permission of the owner;
(c) in the case of retail and wholesale licences be the owner of the business concerned;"
- 2.1.3 In terms of section 2B(1), the Controller of Petroleum Products must issue licences in accordance with the provisions of *the PPA*. Section 2B(2) states that –
“(2) In considering the issuing of any licences in terms of this Act, the Controller of Petroleum Products shall give effect to the provisions of section 2C and the following objectives:
(a) Promoting an efficient manufacturing, wholesaling and retailing petroleum industry;
(b) facilitating an environment conducive to efficient and commercially justifiable investment;
(c) the creation of employment opportunities and the development of small businesses in the petroleum sector;
(d) ensuring countrywide availability of petroleum products at competitive prices; and
(e) promoting access to affordable petroleum products by low-income consumers for household use.”
- 2.1.4 Section 2C(1) of *the PPA* on Transformation of South African petroleum and liquid fuels industry provides that -
“(1) In considering licence applications in terms of this Act, the Controller of Petroleum Products shall-
(a) promote the advancement of historically disadvantaged South Africans; and
(b) give effect to the Charter”.

- 2.1.5 Section 2E of *the PPA* provides for the Minister to prescribe by regulation a system as envisaged in subsection (3) for the allocation of site and their corresponding retail licences by which the Controller of Petroleum Products shall be bound. Such a system-
- (a) must intend to transform the retail sector into one that has the optimum number of efficient sites;
 - (b) must intend to achieve an equilibrium amongst all participants in the petroleum products industry within the constraints of this Act;
 - (c) must be based on the objectives referred to in section 2B (2) and 2C;
 - (d) must promote efficient investment in the retail sector and the productive use of retail facilities and may in this regard-
 - (i) limit the total number of site and corresponding retail licences in any period;
 - (ii) link the total number of site and corresponding retail licences in any period, to the total mass or volume of prescribed petroleum products sold by licensed retailers; and
 - (iii) use any other appropriate means;
 - (e) must allow licensed wholesalers to trade with each other any contractual rights and obligations they may have, to supply licensed retailers with prescribed petroleum products;
 - (f) [Para. (f) deleted by s. 4 (c) of Act 2 of 2005.]
 - (g) may link the issuing of a new site licence and the corresponding retail licence to the termination or transfer of ownership of one or more existing site licences and the corresponding retail licences;
 - (h) may link the issuing of a new retail licence to the transfer from a licensed wholesaler of contractual rights enjoyed by that wholesaler in respect of one or more licensed retailers, to another licensed wholesaler.

2.2 The Regulations Regarding Petroleum Products Site and Retail Licences published under Government Notice R.286 in GG 28665 of 27 March 2006 as amended by Government Notice R.1061 in GG 35984 of 19 December 2012 (*“the Regulations”*)

2.2.1 Regulation 6 deals with the evaluation of a site licence application and states that –

“(1) In evaluating an application for any site licence, the Controller must, subject to subregulation (2), verify that-

- (a) the information and the documents submitted with the application form are true and correct; and*
- (b) the notice contemplated in regulation 4(1) was published.*

(2) In the case of an application for a site licence made by a person in respect of whom section 2D of the Act is not applicable, the Controller must be satisfied that-

- (a) there is a need for a site; and*
- (b) the site will promote the licensing objectives stipulated in sections 2B(2) of the Act.”*

2.2.2 Regulation 18 deals with the evaluation of a retail licence application and states that –

- “ (1) In evaluating an application for any retail licence, the Controller must, subject to subregulation (2), verify that-*
- (a) the information and the documents submitted with the application form are true and correct; and*
 - (b) the notice contemplated in regulation 16(1) was published.*
- (2) In the case of an application for a retail licence made by a person in respect of whom section 2D of the Act is not applicable, the Controller must be satisfied that-*
- (a) the retailing business is economically viable; and*
 - (b) the retailing business will promote licensing objectives stipulated in section 2B(2) of the Act.*
- (3) In determining the economic viability contemplated in subregulation (2)(a), the Controller must be satisfied that the net present value has been correctly calculated and is positive.”*

2.3 Documents and information to be submitted in terms of the Regulations

2.3.1 Regulation 3 read with regulation 13(1) of the Regulations set out the documents that must be lodged with a new site licence application:

1	Motivation for the approval of the site licence.
2	A certified copy of the applicant’s identity document if the applicant is a natural person and, in the case of a non- South African citizen, permanent residence permit or employment permit and proof of residence in South Africa, or proof of domicile in South Africa, as the case may be. OR A certified copy of the business entity’s registration documents, if the applicant is a corporate entity or a trust.
3	A certified copy of the land-use zoning certificate issued by a competent authority or person, authorizing retailing activity ^{1&2} .
4	A certified copy of the Environmental Authorisation of the environmental authorities, permitting retailing operations on the site ³ .
5	A certified copy of, in the case of- (a) an owner, the title deed to the land on which the site is located; OR (b) publicly owned land, the written permission of the landowner.

¹ In exceptional cases, where a land-use zoning certificate cannot be attained then an excerpt or other proof that the site has been zoned may be accepted.

² If the property is tribal land, then the Controller may accept a letter from the tribal authority as proof thereof.

³ In instances where the combined storage capacity does not exceed 80m³, a letter from the environmental authorities (which accordance with the apposite environmental legislation, as amended from time to time) will be sufficient.

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|---|---|
| 6 | The permission by the National Roads Authority to develop the site, if the site allows or is intended to allow access by vehicles to a national road. |
| 7 | If necessary, the original or certified copy of a declaration by the applicant giving reasons why any attachment required is not provided. |

2.3.2 Regulation 15 read with regulation 25(1) of *the Regulations* set out the documents that must be lodged with a new retail licence application:

- | | |
|---|---|
| 1 | Motivation for the retailing activity. |
| 2 | A certified copy of the applicant's identity document, if the applicant is a natural person and, in the case of a non- South African citizen, permanent residence permit or employment permit and proof of residence in South Africa, or proof of domicile in South Africa, as the case may be.
OR
A certified copy of the business entity's registration documents, if the applicant is a corporate entity or a trust. |
| 3 | In the case of an application made by a natural person claiming to be a historically disadvantaged South African, a declaration by that person to that effect. |
| 4 | The net present value calculation including- <ul style="list-style-type: none"> • The result of the net present value calculation, and • All data and assumptions used in the calculation of the net present value. <i>This should be for a period of five years.</i> |
| 5 | A declaration by the applicant stating that the applicant is not owned in any way by a licensed wholesaler. |
| 6 | In the case of an application made by a juristic person, a declaration on the extent of ownership of the business by historically disadvantaged South Africans as defined in the Charter. |
| 7 | In the case of retail business owned by a licensed wholesaler for training purposes, declaration by the licensed wholesaler stating that the licensed retailing activity will be used for training purposes. |
| 8 | If necessary, the original or certified copy of a declaration by the applicant giving reasons why any attachment required is not provided. |

2.3.3 In addition to proof of publication of the applications that must be submitted to the Controller, in terms of Regulation 35 of *the Regulations*, the following additional information is required to accompany an application⁴:

	Original or certified copies of notice of the applications (site and retail) published in a prominent manner in at least two of the most popular newspapers circulating in the area of the proposed activity in two official languages one of which must be English (Regulations 4 and 16).
1	Copy of business plan linked to the objectives in terms of section 2B(2) of <i>the PPA</i>
2	Certified copies of all members' identity documents for Close Corporation or Shareholders/Directors for a Company
3	Certified copies of Share certificates, Share register and Shareholder's agreement (if applicable)
4	Certified copies of Memorandum of Incorporation (if applicable)
5	Certified copy of a loan agreement (if applicable)
6	Copy of a Franchise Agreement or Supply Agreement with a licensed petroleum wholesaler
7	Traffic count and report including assumptions on interception rate ⁵ .
8	Declarations under oath by the applicants stating that they will comply with <i>the PPA</i> , and applicable Regulations
9	Certified declarations by an Accounting Officer or Legal Representative stating the percentage (%) of Historically Disadvantaged South Africans (HDSA) in the entity.
10	Number of employees as indicated in Table 1 below.

Table 1 - Number of employees

	African Female(s)	African Male(s)	Coloured Female(s)	Coloured Male(s)	Indian Female(s)	Indian Male(s)	White Female(s)	White Male(s)	Disabled Individual(s)
Forecourt									
Admin									

⁴ In addition to the listed documentation and/or information, the Controller may request additional information from a licence applicant that may be necessary to enable the Controller to decide upon a licence application.

⁵ It is recommended that the traffic count include a narrated report which supports the need for the filling station.

3. FACTORS TO BE CONSIDERED IN DETERMINING NEED FOR A NEW SITE

3.1 The number of existing service stations and proximity to the proposed site

3.1.1 The legislative framework intends to transform the retail sector into one that has the optimum number of efficient sites and seeks to promote efficient investment in the retail sector and the productive use of retail facilities. In this context the Applicant must establish that there is a need for a further filling station.

3.1.2 The Controller, as a minimum, will consider all existing licensed sites-

- (a) in an urban area, within a five (5) kilometre radius of the proposed site; or
- (b) in a rural area or on a national road, within a twenty five (25) kilometre radius of the proposed site.

3.2 Petroleum Products Volumes pumped by competitor sites (Period to be determined, Growth or declining volumes), Design / Storage capacity of existing sites and impact on existing sites

3.2.1 All sites contemplated in 3.1.2 (a) and (b) shall be considered competitor sites. The Controller will consider fuel volumes pumped at these sites over the previous three year period to be used as a benchmark to ascertain whether an additional filling station will promote the objectives contained in the Act. Fuel volumes shall be verified with oil companies, and such information shall be treated as confidential.

3.2.2 Fuel volumes must evince growth in demand. Any decline in fuel volumes will militate against the approval of a new site. The application must provide substantial evidence to support need in these circumstances.

3.2.3 The Controller will further consider the design or storage capacity of existing sites to establish whether these sites can cater for additional demand. The Controller must ensure optimal and productive use of existing capacity.

3.2.4 the Controller will consider the probable impact the proposed site will have on existing licensed sites.

3.3 Location of site: Road infrastructure, feeder roads, and access points to the proposed site

3.3.1 The Controller will consider the extent to which the location of the proposed site increases access to and availability of petroleum products to consumers.

3.3.2 This factor must be balanced against the impact on existing sites and the objective of *facilitating an environment conducive to efficient and commercially justifiable investment*

3.4 Feasibility studies and Traffic Counts: Serviced and subserviced traffic flows

- 3.4.1 The Controller will consider expert reports on feasibility of the proposed site, taking into account traffic counts.
- 3.4.2 Historic traffic counts may be vital in demonstrating growth.
- 3.4.3 Traffic counts should be accompanied by a report compiled by a registered engineer with relevant expertise in the field. The report must include all assumptions on interception rate⁶, including traffic volumes (transient or local); location and layout, convenience, facilities and services offered; and competitor density.
- 3.4.4 All assumptions and projected volumes will be noted. The Applicant must demonstrate that the retailing business is economically viable. In determining economic viability, the Controller must be satisfied that the **net present value** (*a generally accepted method used to determine economic viability by considering future streams of revenues and costs of a business activity discounted into equivalent present values*) has been correctly calculated and is positive. The NPV must only pertain to the forecourt and actual costs associated with the retailing activity. The convenience store and associated facilities must be excluded in the calculation.

3.5 New markets, Attraction points and Developments:

- 3.5.1 It is vital for the Controller to assess the extent and nature of the applicant's targeted market.
- 3.5.2 An Applicant must substantiate any new demand and market for petroleum products in the area. Timelines for proposed developments to be realised must not exceed 2 years from date of application. It must be noted that a number of external factors play a role in determining traffic generated by a specific development, including nature of land uses in the area, the road network, access to public transport and socio-economic conditions prevailing in the area.
- 3.5.3 In this regard an applicant may provide: Municipal plans for new or proposed development in the area (Residential or Commercial); Developer confirmation of recent realised developments; or proposed timeline of developments⁷.

3.6 Employment opportunities and the development of small businesses in the petroleum sector

- 3.6.1 The Controller will consider the extent to which the proposed site will create employment opportunities and promote small business development.

⁶ A realistic interception rate must be utilised when calculating projected volumes. Should the interception rate exceed 3% a detailed motivation is required.

⁷ It would be beneficial for an applicant to demonstrate that the proposed growth will be realised.

3.6.2 While these are critical considerations, this must be balanced against the impact on existing sites and the objective of *facilitating an environment conducive to efficient and commercially justifiable investment*.

3.7 Transformation of the sector

3.7.1 The Controller, in considering licence applications, must *promote the advancement of historically disadvantaged South Africans; and give effect to the Charter*.

3.7.2 The Charter aims to ensure a sustainable presence, ownership or control by historically disadvantaged South Africans in all facets of the liquid fuels industry.

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 9

10 JANUARY 2020

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****PROCEDURES TO BE FOLLOWED FOR THE ASSESSMENT AND MINIMUM CRITERIA FOR REPORTING OF IDENTIFIED ENVIRONMENTAL THEMES IN TERMS OF SECTION 24(5)(a) AND (h) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998, WHEN APPLYING FOR ENVIRONMENTAL AUTHORISATION**

I, Barbara Dallas Creecy, Minister of Environment, Forestry and Fisheries, hereby give notice of my intention to prescribe protocols for the assessment and minimum report content requirements of environmental impacts for environmental themes for activities requiring environmental authorisation, as contained in the Schedule hereto. When the requirements of these protocols apply, the requirements of Appendix 6 of the Environmental Impact Assessment Regulations, 2014, published under Government Notice No. R. 982 in Government Gazette 38282 of 04 December 2014, as amended, and promulgated under sections 24(5) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), are replaced by these requirements.

Each protocol applies exclusively to the environmental theme identified within its scope. Multiple themes may apply, and assessments for these themes must be undertaken in accordance with the relevant protocol, or, where no specific protocol has been prescribed, in accordance with the requirements of the EIA Regulations, as amended.

Members of the public are invited to submit written comments or inputs to the Minister, within 30 days of publication of this Notice in the *Gazette*, to the following addresses:

By post to: The Director-General:
 Department of Environmental Affairs
 Attention: Ms D Fischer
 Private Bag X447
 PRETORIA
 0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083
By email: DFischer@environment.gov.za

Any inquiries in connection with the Notice can be directed to Tel: (012) 399 9315.

Comments received after the closing date may not be considered.



**BARBARA DALLAS CREECY
MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES**

3. TERRESTRIAL ANIMAL SPECIES

3(c) - PROTOCOL FOR THE ASSESSMENT AND REPORTING OF ENVIRONMENTAL IMPACTS ON TERRESTRIAL ANIMAL SPECIES

1. SCOPE

This protocol provides the criteria for the assessment and reporting of impacts on terrestrial animal species for activities requiring environmental authorisation. The assessment requirements of this protocol are associated with a level of environmental sensitivity identified by the national web based environmental screening tool for terrestrial animal species, which is based on species of conservation concern as provided by the South African National Biodiversity Institute (SANBI). If any part of the proposed development falls within an area of “very high”, “high” or “medium” sensitivity, the requirements prescribed for such sensitivity apply.

The national web based environmental screening tool can be accessed at: <https://screening.environment.gov.za/screeningtool>

2. REQUIREMENTS FOR THE INITIAL SITE SENSITIVITY VERIFICATION

Requirements for the assessment and reporting of impacts on terrestrial animal species for activities requiring environmental authorisation are set out in Table 1 below and correlate to the sensitivity ratings contained in the national web based environmental screening tool. Prior to beginning the assessment, the current use of the land and the potential environmental sensitivity of the site as identified by the national web based environmental screening tool must be confirmed by undertaking an initial site sensitivity verification.

- 2.1 The initial site sensitivity verification must be undertaken by an environmental assessment practitioner or a specialist registered with the South African Council for Natural Scientific Professionals (SACNASP) with expertise in the relevant environmental theme being considered.
- 2.2 The initial site sensitivity verification must be undertaken through the use of:
 - (a) a desk top analysis, using satellite imagery and other available and relevant information; and
 - (b) a preliminary on-site inspection to identify if there are any discrepancies with the current use of land and environmental status quo versus the environmental sensitivity as identified on the national web based environmental screening tool, such as new developments, infrastructure, indigenous/pristine vegetation, etc.
- 2.3 The outcome of the initial site sensitivity verification must be recorded in the form of a report that—
 - (a) confirms or disputes the current use of the land and environmental sensitivity as identified by the national web based environmental screening tool;
 - (b) contains a motivation and evidence (e.g. photographs) of either the verified or different use of the land and environmental sensitivity; and
 - (c) is submitted together with the relevant assessment report prepared in accordance with the requirements of the Environmental Impact Assessment Regulations, as amended, promulgated under sections 24(5) and 44 of the National Environmental Management Act, 198 (Act No. 107 of 1998).

3. REQUIREMENTS FOR ENVIRONMENTAL ASSESSMENT

TABLE 1: CRITERIA FOR THE ASSESSMENT AND REPORTING OF IMPACTS ON TERRESTRIAL ANIMAL SPECIES FOR ACTIVITIES REQUIRING ENVIRONMENTAL AUTHORISATION

<p>HIGH SENSITIVITY ACTIVITIES for terrestrial animal species</p> <p>1. Confirmed habitat for species of conservation concern.</p> <p>2. Species of conservation concern listed on the IUCN Red List of Threatened Species or South Africa's National Red List website as Critically Endangered, Endangered or Vulnerable according the IUCN Red List 3.1. Categories and Criteria.</p> <p>These areas are unsuitable for development due to a very likely impact on species of conservation concern.</p>	<p>1. General Information</p> <p>1.1 An applicant, intending to undertake an activity as identified in the scope of this protocol on a site identified as being of "very high", "high" or "medium" sensitivity for terrestrial animal species on the national web based environmental screening tool must submit a Terrestrial Animal Species Impact Assessment Report.</p> <p>1.2 However, where the information gathered from the initial site sensitivity verification identified in section 2 of this protocol or the specialist assessment differs from the designation of "very high", "high", or "medium" terrestrial animal species sensitivity from the national web based environmental screening tool and it is found to be of a "low" sensitivity, then a Terrestrial Animal Species Impact Assessment is not required.</p> <p>1.3 Should paragraph 1.2 apply, a Terrestrial Animal Species Compliance Statement must be submitted. An environmental assessment practitioner or a suitably qualified taxon relevant specialist, registered with the South African National Council for Natural Scientific Professionals (SACNASP), must append to the Terrestrial Animal Species Compliance Statement a motivation and evidence (e.g. photographs) of the different terrestrial animal species sensitivity.</p> <p>2. Terrestrial Animal Species Impact Assessment</p> <p>2.1 The assessment must be undertaken by a suitably qualified taxon relevant SACNASP registered specialist aligned with the taxa identified in the report generated from the national web based environmental screening tool on the site being submitted as the preferred development site.</p> <p>2.2 The Terrestrial Animal Species Impact Assessment must include the results of a site assessment undertaken on the preferred development site.</p> <p>2.3 The Terrestrial Animal Species Impact Assessment must be undertaken in accordance with the <i>Species Environmental Assessment Best Practice Guidelines</i>³ and must identify the following:</p> <p>2.3.1 The species of conservation concern which were found on site;</p> <p>2.3.2 The distribution, location, viability (ability to survive and reproduce in future) and detailed description of population size of the species of conservation concern identified on the preferred development site;</p> <p>2.3.3 The nature and the extent of the potential impact of the proposed development on the species of conservation concern on the proposed development site;</p> <p>2.3.4 The importance of the conservation of the population of the species of special concern identified on the proposed development site based on information available in national and international databases including the IUCN Red List of Threatened Species, South African Red List of Species, and/or other relevant databases;</p> <p>2.3.5 The potential impact of the proposed development on the habitat of the species of conservation concern;</p>
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¹ <https://www.iucnredlist.org/>

² <http://bgis.speciesstatus.sanbi.org/>

³ <http://bgis.sanbi.org/>

<p>MEDIUM SENSITIVITY RATING – for terrestrial animal species</p> <p>1. Suspected habitat for species of conservation concern based either on there being records for this species collected in the past prior to 2002 or being a natural area included in a habitat suitability model.</p> <p>2. Species of conservation concern listed on the IUCN Red List of Threatened Species or South Africa's National Red List website as Critically Endangered, Endangered or Vulnerable according to the IUCN Red List 3.1. Categories and Criteria.</p>	<p>2.3.6 Any dynamic ecological processes occurring within the site and its surrounds that might be disrupted by the proposed development and resulting impact on the identified species of conservation concern; for example, fires in fire-prone systems;</p> <p>2.3.7 Any potential impact of ecological connectivity (on site, and in relation to the broader landscape) and resulting impact on the identified species of conservation concern;</p> <p>2.3.8 Buffer distances as per the <i>Species Environmental Assessment Best Practice Guidelines</i> used for the population of each species of conservation concern;</p> <p>2.3.9 The likelihood of other threatened species, undescribed species or highly localised endemics, migratory species, or species of conservation concern, occurring in the vicinity; and</p> <p>2.3.10 Identify any alternative development footprints within the preferred development site which would be of "low" sensitivity as identified by the national web based environmental screening tool and verified through the initial site sensitivity verification.</p> <p>3. The findings of the Terrestrial Animal Species Impact Assessment must be written up in a Terrestrial Animal Species Impact Assessment Report.</p> <p>This report must include as a minimum the following information:</p> <p>3.1 Contact details and curriculum vitae of the specialist including SACNASP registration number and fields of expertise;</p> <p>3.2 A signed statement of independence by the specialist;</p> <p>3.3 Duration, date and season of the site investigation and the relevance of the season to the outcome of the assessment;</p> <p>3.4 A description of the methodology used to undertake the impact assessment and site inspection, including equipment and modelling used where relevant;</p> <p>3.5 A description of the assumptions made and any uncertainties or gaps in knowledge or data as well as a statement of the timing and intensity of site inspection observations;</p> <p>3.6 Areas not suitable for development, to be avoided during construction and operation where relevant;</p> <p>3.7 Additional environmental impacts expected from the proposed development based on those already evident on the site and a discussion on the cumulative impacts; and</p> <p>3.8 Impact management actions and impact management outcomes proposed by the specialist for inclusion in the Environmental Management Programme (EMPr);</p> <p>3.9 A reasoned opinion, based on the findings of the specialist assessment, regarding the acceptability or not of the proposed development and if the proposed development should receive approval or not, and any conditions to which the opinion is subjected;</p> <p>3.10. A motivation must be provided if there were development footprints identified as per paragraph 2.3.10 above that were identified as having a "low" terrestrial animal species sensitivity and were not considered appropriate.</p> <p>4. The findings of the Terrestrial Animal Impact Assessment must be incorporated into the Basic Assessment Report (BAR) or the Environmental Impact Assessment Report (EIAR), including the mitigation and monitoring measures as identified, which must be incorporated into the EMPr. A signed copy of the assessment must be appended to the BAR or EIAR.</p>
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<p>LOW SENSITIVITY RATING – for terrestrial animal species</p> <ol style="list-style-type: none"> 1. Areas where no natural habitat remains. 2. Natural areas where there is no suspected occurrence of species of conservation concern. 	<ol style="list-style-type: none"> 1. General Information <ol style="list-style-type: none"> 3.1 An applicant, intending to undertake an activity as identified in the scope of this protocol, on a site identified as being of “low sensitivity” for terrestrial animal species on the national web based environmental screening tool must submit a Terrestrial Animal Species Compliance Statement, unless <ol style="list-style-type: none"> 3.1.1 the information gathered from the initial site sensitivity verification identified in section 2 of this protocol differs from that identified as having a “low” terrestrial animal species sensitivity by the national web based environmental screening tool and it is found to be of a “very high” “high” and/or “medium” sensitivity. 3.2 Should 3.1.1 apply, a Terrestrial Animal Species Impact Assessment is to be undertaken and a report should be prepared in accordance with the requirements of a Terrestrial Animal Impact Assessment. 2. Terrestrial Animal Species Compliance Statement <ol style="list-style-type: none"> 2.1 The Terrestrial Animal Species Compliance Statement must be prepared by a suitably qualified, taxon relevant SACNASP registered specialist, on the site being submitted as the preferred development site and must verify: <ol style="list-style-type: none"> 2.1.1 That the site is of “low” sensitivity for terrestrial animal species; and 2.1.2 Whether or not the proposed development will have any impact on the terrestrial animal species. 3. The Terrestrial Animal Species Compliance Statement, must contain, as a minimum, the following information: <ol style="list-style-type: none"> 3.1 Contact details and curriculum vitae of the specialist including SACNASP registration number and field of expertise; 3.2 A signed statement of independence by the specialist; 3.3 Methodology used to undertake the site survey and prepare the compliance statement, including equipment and modelling used where relevant; 3.4 Where required, proposed impact management outcomes or any monitoring requirements for inclusion in the EMPr; 3.5 A description of the assumptions made and any uncertainties or gaps in knowledge or data as well as a statement of the timing and intensity of site inspection observations; and 3.6 Any conditions to which the statement is subjected. 4. A signed copy of the full Terrestrial Animal Species Compliance Statement must be appended to the BAR or EIAR.
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3(d) - PROTOCOL FOR THE ASSESSMENT AND REPORTING OF ENVIRONMENTAL IMPACTS ON TERRESTRIAL PLANT SPECIES

1. SCOPE

This protocol provides the criteria for the assessment and reporting of impacts on terrestrial plant species for activities requiring environmental authorisation. The assessment requirements of this protocol are associated with a level of environmental sensitivity identified by the national web based environmental screening tool for terrestrial plant species, which is based on species of conservation concern as provided by the South African National Biodiversity Institute (SANBI). If any part of the proposed development falls within an area of “very high”, “high” or “medium” sensitivity, the requirements prescribed for such sensitivity apply.

The national web based environmental screening tool can be accessed at: <https://screening.environment.gov.za/screeningtool>

2. REQUIREMENTS FOR THE INITIAL SITE SENSITIVITY VERIFICATION

Requirements for the assessment and reporting of impacts on terrestrial plant species for activities requiring environmental authorisation are set out in Table 1 below, and correlate to the sensitivity ratings contained in the national web based environmental screening tool. Prior to beginning the assessment, the current use of the land and the potential environmental sensitivity of the site as identified by the national web based environmental screening tool must be confirmed by undertaking an initial site sensitivity verification.

- 2.1 The initial site sensitivity verification must be undertaken by an environmental assessment practitioner or a specialist registered with the South African Council for Natural Scientific Professionals (SACNASP) with expertise in the relevant environmental theme being considered.
- 2.2 The initial site sensitivity verification must be undertaken through the use of:
 - (a) a desk top analysis, using satellite imagery and other available and relevant information; and
 - (b) a preliminary on-site inspection to identify if there are any discrepancies with the current use of land and environmental status quo versus the environmental sensitivity as identified on the national web based environmental screening tool, such as new developments, infrastructure, indigenous/ pristine vegetation, etc.
- 2.3 The outcome of the initial site sensitivity verification must be recorded in the form of a report that-
 - (a) confirms or disputes the current use of the land and the environmental sensitivity as identified by the national web based environmental screening tool;
 - (b) contains a motivation and evidence (e.g. photographs) of either the verified or different use of the land and environmental sensitivity; and
 - (c) is submitted together with the relevant assessment report prepared in accordance with the requirements of the Environmental Impact Assessment Regulations, as amended, promulgated under sections 24(5) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

3. REQUIREMENTS FOR ENVIRONMENTAL ASSESSMENT

TABLE 1: CRITERIA FOR THE ASSESSMENT AND REPORTING OF IMPACTS ON TERRESTRIAL PLANT SPECIES FOR ACTIVITIES REQUIRING ENVIRONMENTAL AUTHORISATION	
<p>HIGH SENSITIVITY ZONING for terrestrial plant species</p> <p>1. Confirmed habitat for species of conservation concern;</p> <p>2. Species of conservation concern listed on the IUCN Red List of Threatened Species or South Africa's National Red List website as Critically Endangered, Endangered or Vulnerable according to the IUCN Red List 3.1. Categories and Criteria.</p> <p>These areas are unsuitable for development due to a very likely impact on species of conservation concern.</p>	<p>4. General Information</p> <p>1.1 An applicant, intending to undertake an activity as identified in the scope of this protocol on a site identified as being of "very high", "high" or "medium" sensitivity for terrestrial plant species on the national web based environmental screening tool must submit a Terrestrial Plant Species Impact Assessment Report.</p> <p>1.2 However, where the information gathered from the Initial Site Sensitivity Verification identified in section 2 of this Protocol or the specialist assessment differs from the designation of "very high", "high", or "medium" terrestrial plant species sensitivity from the national web based environmental screening tool and it is found to be of a "low" sensitivity, then a Terrestrial Plant Species Impact Assessment is not required.</p> <p>1.3 Should paragraph 1.2 apply, a Terrestrial Plant Species Compliance Statement must be submitted. An environmental assessment practitioner or a suitably qualified, taxon relevant specialist, registered with the South African Council for Natural Scientific Professionals must append to the Terrestrial Plant Species Compliance Statement a motivation and evidence (e.g. photographs) of the different Terrestrial Plant Species sensitivity.</p> <p>2. Terrestrial Plant Species Impact Assessment</p> <p>2.1 The assessment must be undertaken by a taxon relevant SACNASP registered specialist aligned with the taxa identified in the screening report on the site being submitted as the preferred development site.</p> <p>2.2 The Terrestrial Plant Species Impact Assessment must include the results of a site assessment undertaken on the preferred development site.</p> <p>2.3 The Terrestrial Plant Species Impact Assessment must be undertaken in accordance with the <i>Species Environmental Assessment Best Practice Guidelines</i>³ and must identify the following:</p> <p>2.3.1 The species of conservation concern which were found on site;</p> <p>2.3.2 The distribution, location, viability (ability to survive and reproduce in future) and detailed description of population size of the species of conservation concern identified on the proposed development site;</p> <p>2.3.3 The nature and the extent of the potential impact of the proposed development on the species of conservation concern on the proposed development site;</p> <p>2.3.4 The importance of the conservation of the population of the species of special concern identified on the proposed development site based on information available in national and international databases including the IUCN Red List of Threatened Species, South African Red List of Species, and/or other relevant databases;</p> <p>2.3.5 The potential impact of the proposed development on the habitat of the species of conservation concern;</p> <p>2.3.6 Any dynamic ecological processes occurring within the site and its surrounds, that might be disrupted by the proposed development and resulting impact on the identified species of conservation concern; for example, fires in fire-prone systems;</p>

<p>MEDIUM SENSITIVITY RATING – for terrestrial plant species</p> <ol style="list-style-type: none"> 1. Suspected habitat for species of conservation concern based either on there being records for this species collected in the past prior to 2002 or being a natural area included in a habitat suitability model. 2. Species of conservation concern listed on the IUCN Red List of Threatened Species or South Africa's National Red List website as Critically Endangered, Endangered or Vulnerable according to the IUCN Red List 3.1. Categories and Criteria. 	<ol style="list-style-type: none"> 2.3.7 Any potential impact of ecological connectivity (on site, and in relation to the broader landscape) and resulting impact on the identified species of conservation concern; 2.3.8 Buffer distances as per the <i>Species Environmental Assessment Best Practice Guidelines</i> used for the population of each species of conservation concern; and 2.3.9 The likelihood of other threatened species, undescribed species or highly localised endemics, migratory species, or species of conservation concern, occurring in the vicinity. 2.3.10 Identify any alternative development footprints within the preferred development site which would be of "low" sensitivity" as identified by the national web based environmental screening tool and verified through the initial site sensitivity verification. <p>3. The findings of the Terrestrial Plant Species Impact Assessment must be written up in a Terrestrial Plant Species Impact Assessment Report which contains a collation of the Terrestrial Plant Species Impact Assessment that have been conducted by taxon relevant SACNASP registered specialist.</p> <p>This report must include as a minimum the following information:</p> <ol style="list-style-type: none"> 3.1 Contact details and curriculum vitae of the specialist including SACNASP registration number and fields of expertise; 3.2 A signed statement of independence by the specialist; 3.3 Duration, date and season of the site investigation and the relevance of the season to the outcome of the assessment; 3.4 A description of the methodology used to undertake the impact assessment and site inspection, including equipment and modelling used where relevant; 3.5 A description of the assumptions made and any uncertainties or gaps in knowledge or data as well as a statement of the timing and intensity of site inspection observations; 3.6 Areas not suitable for development, to be avoided during construction and operation where relevant; 3.7 Additional environmental impacts expected from the proposed development based on those already evident on the site and a discussion on the cumulative impacts; 3.8 A motivation must be provided if there were development footprints identified as per paragraph 2.3.10 above that were identified as having a "low" terrestrial plant species sensitivity and were not considered appropriate; and 3.9 Impact management actions and impact management outcomes proposed by the specialist for inclusion in the Environmental Management Programme (EMPr). 3.10A reasoned opinion, based on the findings of the specialist assessment, regarding the acceptability or not of the proposed development and if the proposed development should receive approval or not, and any conditions to which the opinion is subjected. <p>4. The findings of the Terrestrial Plant Impact Assessment must be incorporated into the Basic Assessment Report (BAR) or the Environmental Impact Assessment Report (EIAR), including the mitigation and monitoring measures as identified, which must be incorporated into the EMPr. A signed copy of the assessment must be appended to the BAR or EIAR.</p>
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<p>LOW SENSITIVITY RATING – for terrestrial plant species</p> <ol style="list-style-type: none"> 1. Areas where no natural habitat remains. 2. Natural areas where there is no suspected occurrence of species of conservation concern. 	<ol style="list-style-type: none"> 1. General Information <ol style="list-style-type: none"> 1.1 An applicant, intending to undertake an activity as identified in the scope of this protocol, on a site identified as being of “low sensitivity” for terrestrial plant species on the national web based environmental screening tool must submit a Terrestrial Plant Species Compliance Statement to the competent authority, unless <ol style="list-style-type: none"> 1.1.1 the information gathered from the initial site sensitivity verification identified in section 2 of this Protocol differs from that identified as having a “low” terrestrial plant species sensitivity by the national web based environmental screening tool and it is found to be of a “very high,” “high” or “medium” sensitivity. 1.2 Should 1.1.1 apply, a Terrestrial Plant Species Impact Assessment is to be undertaken and a report should be prepared in accordance with the requirements of a Terrestrial Plant Species Impact Assessment. 2. Terrestrial Plant Species Compliance Statement <ol style="list-style-type: none"> 2.1 The Terrestrial Plant Species Compliance Statement must be prepared by a taxon relevant SACNASP registered specialist, on the site being submitted as the preferred development site and must verify: <ol style="list-style-type: none"> 2.1.1 That the site is of “low” sensitivity for terrestrial plant species; and 2.1.2 Whether or not the proposed development will have any impact on the terrestrial plant species. 3. The Terrestrial Plant Species Compliance Statement, must contain, as a minimum, the following information: <ol style="list-style-type: none"> 3.1 Contact details and curriculum vitae of the specialist including SACNASP registration number and field of expertise; 3.2 A signed statement of independence by the specialist; 3.3 Methodology used to undertake the site survey and prepare the compliance statement, including equipment and modelling used where relevant; 3.4 Where required, proposed impact management outcomes or any monitoring requirements for inclusion in the EMPPr; 3.5 A description of the assumptions made and any uncertainties or gaps in knowledge or data as well as a statement of the timing and intensity of site inspection observations; and 3.6 Any conditions to which the statement is subjected. 4. A signed copy of the full Terrestrial Plant Species Compliance Statement must be appended to the BAR or EIAR.
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¹ <https://www.iucnredlist.org/>

² <http://bgis.speciesstatus.sanbi.org/>

³ <http://bgis.sanbi.org/>

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 10

10 JANUARY 2020

**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:

REFERENCE : 6/2/2/D/57/0/0/21
CLAIMANT : Arthur Nosilela (On behalf of Congoskraal Community)

PROPERTY DESCRIPTION	EXTENT OF LAND	TITLE DEED	CURRENT OWNER
Rem. of Portion 2 Lidney	559,9093 ha	T12805/94	T. I Buchner And M.N. Buchner
Portion 12 Farm 307 Congoskraal	415,8069 ha	T41616/16	Jacob Steyn Trust
Portion of Farm 409 Alexandria RD	428,8655 ha	T3871/2008	Werner Buchner Family Trust
Portion 6 of Farm Milnervale 295	656,8206 ha	T57726/2009	J R Du Preez family Trust
Portion 10 Ouwerf of Portion 1 farm Congoskraal	61,7801 ha	T76686/2002	Two Piggeries PTY LTD
Rem. of Portion 1 Farm Congoskraal 307	75,1820 ha	T54496/1993	Goevieskraal Trust
Remainder of Portion 2 of farm Groenekop No. 309	241,8689 ha	T28076/1969	John Lake Trust
Portion 6 (Klondyke) of Farm Groenekop No. 309	45,4146 ha	T28076/1969	John Lake Trust
Farm No. 418 Alexandria RD	806,8283 ha	IT 486/1997	Buchner Family Trust

All properties are situated in Alexandria in the Ndlambe Local Municipality, Sarah Baartman District Municipality, in the Eastern Cape Province

DATE SUBMITTED : 28/10/1998

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

**Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Rural Development and Land Reform
PO Box 1375
East London
5200
Tel : 043 700 6000
Fax : 043 743 3687**


**Mr. L.H. Maphutha
Regional Land Claims Commissioner**

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 11

10 JANUARY 2020

**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:

REFERENCE : 6/2/2/D/1073/0/0/46

CLAIMANT : Simon Matoti (Family Claim)

PROPERTY DESCRIPTION : Unsurveyed piece of land in Southeyvill Location no. 26 also known as Lubisi Location, Cofimvaba, Intsika Yethu Local Municipality in Chris Hani District Municipality in the Eastern Cape Province

EXTENT OF LAND : Residential site: 5654 M²
Arable land : estimated 4 Hectares

DATE CLAIM SUBMITTED : 8 December 1998

CURRENT OWNER : Department of Water Affairs

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Rural Development and Land Reform
PO Box 1375
East London
5200
Tel : 043 700 6000
Fax : 043 743 3687



Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 12

10 JANUARY 2020

**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:

REFERENCE : 6/2/2/D/1073/0/0/46

CLAIMANT : Simon Matoti (Family Claim)

PROPERTY DESCRIPTION : Unsurveyed piece of land in Southeyvill Location no. 26 also known as Lubisi Location, Cofimvaba, Intsika Yethu Local Municipality in Chris Hani District Municipality in the Eastern Cape Province

EXTENT OF LAND : Residential site: 5654 M²
Arable land : estimated 4 Hectares

DATE CLAIM SUBMITTED : 8 December 1998

CURRENT OWNER : Department of Water Affairs

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Rural Development and Land Reform
PO Box 1375
East London
5200
Tel : 043 700 6000
Fax : 043 743 3687



Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 13

10 JANUARY 2020

**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:

REFERENCE : 6/2/2/D/1003/0/0/5

CLAIMANT : Nomvula Nonyameko Georgina Lusaseni nee Gabela
(on behalf of Lusaseni family)

PROPERTY DESCRIPTION : Building Lot No. 33 in Ngqamakhwe, under Mnquma
Local Municipality, Amathole District Municipality,
Eastern Cape Province

EXTENT OF LAND : 3.56603 Hectares

DATE CLAIM SUBMITTED : 23 November 1995

CURRENT OWNER : Mnquma Local Municipality

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Rural Development and Land Reform
PO Box 1375
East London
5200
Tel : 043 700 6000
Fax : 043 743 3687



Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 14

10 JANUARY 2020

AMMENDMENT OF GAZETTE 507 OF 2015 DATED 05 JUNE 2015 AS CONTAINED IN GOVERNMENT GAZETTE NUMBER 38844 IN RESPECT OF ZENZILE FARM FOR BOLOTWA COMMUNITY IN INTSIKA YETHU LOCAL MUNICIPALITY, CHRIS HANI DISTRICT, EASTERN CAPE PROVINCE.

Notice is hereby given in terms of Section 11 A (4) of the Restitution of Land Rights Act, No, 22 of 1994 as amended, due to a an error in the gazette notice 507 of 2015 dated the 05 June 2015 as contained in the Gazette Number 38844

The above mentioned gazette notice is hereby ammended to correct the claimant representation and extent of land.

Reference No. : **KRO: 6/2/2/D/58/0/0/11**

Claimant : **Sonwabile Papiyana (On behalf of Bolotwa Community)**

Property Description : **Zenzile Farm situated under Intsika Yethu Local Municipality, Cofimvaba, Chris Hani District, Eastern Cape Province.**

Extent of Land : **1374.1043 Hectares**

Current Title Deed : **None**

Date Submitted : **19 November 1998**

Current Owner : **Department of Rural Development and Land Reform**

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will further investigate the claims in terms of the provisions of the Act, as amended in due course.

Any party who has an interest in the abovementioned land claim is hereby invited to submit, within 14 days from the date of the publication of this Notice, any comments / information to :

**The Regional Land Claims Commissioner
Eastern Cape Province
P .O. Box 1375
East London
5201**

**Tel: (043) 700 6000
Fax: (043) 743 3687**


**Mr. Lebjane Maphutha
Regional Land Claims Commissioner
(Eastern Cape)**

Date: 2019/11/26

SPORT AND RECREATION SOUTH AFRICA

NO. 15

10 JANUARY 2020

NOTICE OF INTENTION TO INTRODUCE

SOUTH AFRICAN INSTITUTE FOR DRUG – FREE SPORT AMENDMENT BILL, 2020 (hereinafter referred to as “the draft Amendment Bill”) IN PARLIAMENT

The Minister of Sport and Recreation hereby –

- notifies all interested parties and the public at large of the intention to amend **the** South African Institute for Drug- free Sport Act, 2006 (Act No. 25 of 2006; and
- invites all interested parties, sports bodies, recreation bodies and the public at large to submit their written representations on the draft Amendment Bill to Sport and Recreation South Africa (“**SRSA**”) as set out hereunder.

The draft Amendment Bill seeks to amend the South African Institute for Drug – Free Sport, 2006 (Act No. 25 of 2006) as follows:

to delete certain definitions and to insert, amend or substitute other; to provide for the testing of learners participating in sport ; to provide for prior consent in writing by parents or legal guardians relative to testing of learners under the age of 18 years; to provide for undergoing dope testing for members of the fitness industry; to provide for inspection, power of entry by inspectors; to provide for the appointment of inspectors; to provide for prohibitions relative to the possession and distribution of illegal substance as prescribed by the WADA; to provide for compliance with performance system ; and to provide for matters connected therewith.

Please forward your written inputs on the draft legislation to **Adv. Nkosana Mehloimakulu** of Legal Services, SRSA, Private Bag X896, Pretoria, 0001 or

hand-deliver it at 66 Regent Place, C/o Queen and Madiba Streets, Pretoria, or e-mail it to nkosana@srsa.gov.za within 30 calendar days from the date of this publication. No late representations in the above regard shall be accepted.

A copy of the draft Amendment Bill and the Memorandum on its Objects can be downloaded from the website of SRSA: www.srsa.gov.za

SPORT AND RECREATION SOUTH AFRICA

NO. 16

10 JANUARY 2020

NOTICE OF INTENTION TO INTRODUCE

THE NATIONAL SPORT AND RECREATION AMENDMENT BILL, 2020 (hereinafter referred to as "the draft Amendment Bill") IN PARLIAMENT

The Minister of Sport and Recreation hereby –

- notifies all interested parties and the public at large of the intention to amend the National Sport and Recreation Act, 1998 (Act No. 110 of 1998); and
- invites all interested parties, sports bodies, recreation bodies and the public at large to submit their written representations on the draft Amendment Bill to Sport and Recreation South Africa ("**SRSA**") as set out hereunder.

The draft Amendment Bill seeks to amend the National Sport and Recreation Act, 1998 (Act No. 110 of 1998 as amended) as follows:

To delete, amend and insert certain definitions; to provide for the promotion and development of sport and recreation; to establish a Sport Arbitration Tribunal to resolve disputes between sport or recreation bodies; to provide for and regulate combat sport; to provide for and regulate the fitness industry; to provide for the procedure in bidding for and hosting of international sports and recreation events; to provide for the delegation of powers; to provide for offences and penalties; and to provide for matters connected therewith.

Please forward your written inputs on the draft legislation to **Adv. Nkosana Mehloakulu** of Legal Services, SRSA, Private Bag X896, Pretoria, 0001 or hand-deliver it at 66 Regent Place, C/o Queen and Madiba Streets, Pretoria, or e-mail it to nkosana@srsa.gov.za within 30 calendar days from the date of this publication. No late representations in the above regard shall be accepted.

A copy of the draft Amendment Bill and the Memorandum on its Objects can be downloaded from the website of SRSA: www.srsa.gov.za

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF LABOUR**NOTICE 6 OF 2020****NOTICE IN TERMS OF SECTION 62 (7) OF THE LABOUR RELATIONS ACT 66 OF 1995
(AS AMENDED)**

TAKE NOTICE THAT the Bargaining Council for the Meat Trade Gauteng has applied to the CCMA for a determination in terms of section 62 of the Labour Relations Act, 1995 ("the LRA") wherein the following issues are to be decided:-

- (a) Whether Chester Butcheries (Pty) Ltd ("the employer") and its employees engaged or employed in the Alberton and Southdale branches of the employer are engaged and or employed in the sector referred to in the certificate of registration of the Bargaining Council.
- (b) Whether the Main Collective Agreement of the Bargaining Council is binding on the employer and/or the employees referred to in paragraph (a).
- (c) What the effect thereof is that only 61 of the 787 employees of the employer are employed in the two branches referred to in paragraph (a) above.
- (d) What the effect thereof is that the rest of the 787 employees are employed in branches in KwaZulu- Natal.

TAKE NOTICE FURTHER THAT it will be considered during the demarcation proceedings whether the following factual allegations made by the parties are correct:

TAKE NOTICE FURTHER THAT the issues are to be determined under Case No. KNDB 17125-18 at the offices of the CCMA, Aqua Sky Building, 275 Anton Lembede Street (Smith Street), Durban on a date to be determined by the Registrar.

TAKE NOTICE FURTHER THAT any interested party may, within 21 days of date of publication of this notice, make written representations envisaged by section 62 (7) and (9) of the LRA in relation to the issues to be determined and that such written representations are to be directed to:-

Contact: **Ms Kirsty Payne**

Tel: **031 326 2336**

Email: **kirstyp@ccma.org.za**

Hand delivery: **CCMA, Aqua Sky Building
275 Anton Lembede Street (Smith Street)
Durban**