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# Contents

# GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**

**NO. R. 395** **27 MARCH 2020**

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

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

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

## SCHEDULE

***Definition***

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

***Substitution of Table 1 of the Regulations R 471 of March 2019***

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

**Table 1**
**"FEES PAYABLE"**

# TARIFFS, RATES AND SCALES FOR SERVICES, GOODS AND SUPPLIES PROVIDED BY THE DEPARTMENT OF AGRICULTURE, FORESTRY & FISHERIES

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| **AGRICULTURE INPUTS CONTROL** | | | |
| **FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT, 1947 (Act No. 36 of 1947)** | | | |
| 1 **REGISTRATIONS: Application for registration of Farm Feed and Pet Food including application on lapsed registratio, parallel and daughter registrations.** | | | |
| **Kinds of Farm Feeds and Pet Food (Groups and kinds)** | | | |
| 1.1 **Importers for own use** | | | |
| 1.1 (a) Raw material of plant, animal origin and their by-products including blended raw materials of plant and animal origin and their by-products | R 1 514.00 per application/product | R 1 582.00 per application/product | Registration is valid for 3 years |
| 1.1 (b) **Feed Additives** | | | |
| (i) Technological additives | R 2 754,00 per application/product | R 2 878.00 per application/product | Registration is valid for 3 years |
| (ii) Sensory additives | R 1 514,00 per application/product | R 1 582.00 per application/product | Registration is valid for 3 years |
| (iii) Zootechnical additives | R 2 754,00 per application/product | R 2 878.00 per application/product | |
| (iv) Nutritional additives | R 1 514,00 per application/product | R 1 582.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| (v) Nutritional Additives Premixes | R 2 754,00 per application/product | R 2 878.00 per application/product | |
| (vi) Livestock feeds (complete concentrate and supplements) | R 2 754,00 per application/product | R 2 878.00 per application/product | |
| 1.1 (c) **Pet foods** | | | |
| (i) Complete dog and cat foods | R 2 754,00 per application/product | R 2 878.00 per application/product | Registration is valid for 3 years |
| (ii) Complete miscellaneous pet foods | R 731,00 per application/product | R 764.00 per application/product | Registration is valid for 3 years |
| (iii) Complementary pet foods | R 1 101,00 per application/product | R 1 151.00 per application/product | Registration is valid for 3 years |
| (iv) Pet-Neutraceuticals | R 2 754. 00 per application/product | R 2 878.00 per application/product | Registration is valid for 3 years |
| (v) Herbal supplements (including horses) | R 731,00 per application/product | R 764.00 per application/product | |
| (vi) Nutritional supplements ( including horses) | R 1 514.00 per application/product | R 1 582.00 per application/product | |
| (vii) Seed and Grain mixtures | R 731.00 per application/product | R 764.00 per application/product | |
| 1.2 **Importers for retail / Local trader/ Distributor/ Seller/ Manufacture for retail/ Parallel registration/ Daughter registration** | | | |
| 1.2 (a) Raw material of plant, animal origin and their by-products including blended raw materials of plant and animal origin and their by-products | R 2 480,00 per application/product | R 2 592.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| 1.2 (b) **Feed Additives** | | | |
| (i) Technological additives | R 4 862,00 per application/product | R 5 081.00 per application/product | |
| (ii) Sensory additives | R 2 892,00 per application/product | R 3 022.00 per application/product | |
| (iii) Zootechnical additives | R 4 862.00 per application/product | R 5 081.00 per application/product | |
| (iv) Nutritional additives | R 2 892,00 per application/product | R 3 022.00 per application/product | |
| (v) Nutritional additives premixes | R 4 862,00 per application/product | R 5 081.00 per application/product | |
| (vi) Livestock feeds (complete concentrate and supplements) | R 4 862,00 per application/product | R 5 081.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| 1.2 (c) **Pet food** | | | |
| (i) Complete dog and cat foods | R 4 862.00 per application/product | R 5 081.00 per application/product | |
| (ii) Complete miscellaneous pet foods | R 1 514.00 per application/product | R 1 582.00 per application/product | |
| (iii) Complementary pet foods | R 1 514.00 per application/product | R 1 582.00 per application/product | |
| (iv) Pet-Neutraceuticals | R 4 862.00 per application/product | R 5 081.00 per application/product | |
| (v) Herbal supplements (including horses) | R 1 514.00 per application/product | R 1 582.00 per application/product | |
| (vi) Nutritional supplements ( including horses) | R 2 892.00 per application/product | R 3 022.00 per application/product | |
| (vii) Seed and Grain mixtures | R 1 514.00 per application/product | R 1 582.00 per application/product | |
| **2. <u>RENEWALS</u>: Application for the renewal of the registration of a Farm Feed and Pet Food** | | | |
| **(Groups and kinds of farm feeds and pet food)** | | | |
| 2.1 **Importers for own use** | | | |
| 2.1 (a) Raw material of plant, animal origin and their by-products including blended raw materials of plant and animal origin and their by-products | R 574.00 per application/product | R 600.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| | | | |
| 2.1 (b) **Feed Additives** | | | |
| (i) Technological additives | R 574,00 per application/product | R 600.00 per application/product | |
| (ii) Sensory additives | R 574,00 per application/product | R 600.00 per application/product | |
| (ii) Zootechnical additives | R 574,00 per application/product | R 600.00 per application/product | |
| (iv) Nutritional additives | R 574,00 per application/product | R 600.00 per application/product | |
| (v) Nutritional Additives Premixes | R 574,00 per application/product | R 600.00 per application/product | |
| (vi) Livestock feeds (complete, concentrate and supplements) | R 574,00 per application/product | R 600.00 per application/product | |
| 2.1 (c) **Pet Food** | | | |
| (i) Complete dog and cat foods | R 574,00 per application/product | R 600.00 per application/product | -do- |
| (ii) Complete miscellaneous pet foods | R 574,00 per application/product | R 600.00 per application/product | -do- |
| (iii) Complementary pet foods | R 574,00 per application/product | R 600.00 per application/product | -do- |
| (iv) Pet-Neutraceuticals | R 574,00 per application/product | R 600.00 per application/product | -do- |
| (v) Herbal supplements (including horses) | R 574,00 per application/product | R 600.00 per application/product | |
| (vi) Nutritional supplements ( including horses) | R 574.00 per application/product | R 600.00 per application/product | |
| (vii) Seed and Grain mixture | R 574.00 per application/product | R 600.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| 2.2. **Importers for retail/ Local trader/Distributor/ Seller/ Manufacture for retail/ Parallel registration/ Daughter registration** | | | |
| 2.2 (a) Raw material of plant, animal origin and their by-products including blended raw material of plant and animal origin and their by-products | R 1 287.00 per application/product | R 1 345.00 per application/product | |
| 2.2 (b) **Feed Additives** | | | |
| (i) Technological additives | R 2 332,00 per application/product | R 2 437.00 per application/product | |
| (ii) Sensory additives | R 1 387,00 per application/product | R 1 449.00 per application/product | |
| (iii) Zootechnical additives | R 2 332,00 per application/product | R 2 437.00 per application/product | |
| (iv) Nutritional Additives | R 1 387,00 per application/product | R 1 449.00 per application/product | |
| (v) Nutritional Additives Premixes | R 2 332,00 per application/product | R 2 437.00 per application/product | |
| (vi) Livestock feeds (complete, concentrate and supplements) | R 2 332,00 per application/product | R 2 437.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| | | | |
| 2.2 (c) **Pet Food** | | | |
| (i ) Complete dog and cat foods | R 2 332.00 per application/product | R 2 437.00 per application/product | |
| (ii) Complete miscellaneous pet foods | R 727.00 per application/product | R 760.00 per application/product | |
| (iii) Complementary pet foods | R 727.00 per application/product | R 760.00 per application/product | Corrected from the previous year. |
| (iv) Pet-Neutraceuticals | R 2 332.00 per application/product | R 2 437.00 per application/product | |
| (v) Herbal supplements including horses | R 727.00 per application/product | R 760.00 per application/product | |
| (vi) Nutritional supplements ( including horses) | R 1 387.00 per application/product | R 1 449.00 per application/product | |
| (vii) Seed and Grain mixture | R 727.00 per application/product | R 760.00 per application/product | |

| | | | |
|---|---|---|---|
| **3 LATE RENEWAL APPLICATIONS:** | | | |
| **Payment additional to that mentioned in 2.1 (a)-(c) and 2.2 (a)-(c) above, in case of a late application for the renewal of animal feed and pet food** | | | |
| 3.1. **Importers for own use** | | | |
| (i) Raw material of plant, animal origin and their by-products including blended raw materials of plant and animal origin and their by product. | R 441.00 per application/product | R 461.00 per application/product | |
| (ii) Groups and kinds of farm feeds and pet food mentioned 2.1(b & c) | R 441.00 per application/product | R 461.00 per application/product | |
| **(Groups and kinds of farm feeds and pet food for):** | | | |
| 3.2. **Importers for retail/ Local trader/ distributor/ Seller/ Manufacture for retail/Parallel registration/ Daughter registration** | | | |
| 3.2. (a) Raw material of plant, animal origin and their by-products including blended raw materials of plant and animal origin and their by - products | R 699.00 per application/product | R 730.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| 3.2 (b) **Livestock Feed Additives** | | | |
| (i) Technological additives | R 1 372.00 per application/product | R 1 434.00 per application/product | |
| (ii) Sensory additives | R 816.00 per application/product | R 853.00 per application/product | |
| (iii) Zootechnical additives | R 1 372.00 per application/product | R 1 434.00 per application/product | |
| (iv) Nutritional Additives | R 816.00 per application/product | R 853.00 per application/product | |
| (v) Nutritional Additives Premixes | R 1 372.00 per application/product | R 1 434.00 per application/product | |
| (vi) Livestock feeds( complete concentrate and supplements | R 1 372.00 per application/product | R 1 434.00 per application/product | |
| 3.2 (c) **Pet Food** | | | |
| (i) Complete dog and cat foods | R 1 372.00 per application/product | R 1 434.00 per application/product | |
| (ii) Complete miscellaneous pet food | R 427.00 per application/per product | R 446.00 per application/per product | |
| (iii) Complementary pet food | R 427.00 per application/product | R 446.00 per application/product | |
| (iv) Pet Neutraceuticals | R 1 372.00 per application/product | R 1 434.00 per application/product | |
| (v) Herbal supplements (including horses) | R 427.00 per application/product | R 446.00 per application/product | |
| (vi) Nutritional supplements ( including horses) | R 816.00 per application/product | R 853.00 per application/product | |
| (vii) Seed and Grain mixture | R 427.00 per application/product | R 446.00 per application/product | |
| **4.** Any other minor amendment on registered product requested by the registration holder, e.g. transfer of registration, company and | R 1 101.00 per application/product | R 1 151.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| product name change, label amendment, additional manufacturer etc. | | | |
| 4.1 **Payment for information and other services**. | | | |
| (i) Import Permit | R 633.00 per product | R 661.00 per product | |
| (ii) Advertisement approval | R 731.00 per request | R 764.00 per request | |
| (iii) Free Sale certificate | R 61.00 per certificate | R 64.00 per certificate | |
| (iv) Re-print of the certificate | R 61.00 per certificate | R 64.00 per certificate | |
| (v) Other documents | R 110 per request plus ,95c per page | R 115 per request plus ,R1.00 per page | |
| (vi) Guideline documents | # | | Guidelines are available for download on DAFF website for free |
| (vii) An appeal under section 6 of Act no 36 of 1947 | R 6 239.00 per application/product | R 6 520.00 per application/product | |
| **5. Application for sterilization plant** | | | |
| 5.1 Application for the registration of the Sterilization plant. | R 4 569.00 per application/product | R 4 775.00 per application/product | |
| 5.2 Application for the renewal of the sterilization plant and rendering plant | R 2 349.00 per application/product | R 2 455.00 per application/product | Renewal is valid for 3 years |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|---|
| 5.3 | Payment additional to that mentioned in 5.2 in case of late application for the renewal of the sterilizing plant and rendering plant | R 1 749.00 per application/ | R 1 828.00 per application/plant | |
| 5.4 | **Payments for information and other services.** | | | |
| (i) | Import Permit | R 633.00 per product | R 661.00 per product | |
| (ii) | Advertisement approval | R 731.00 per advertisement. | R 764.00 per advertisement. | |
| (iii) | Free Sale certificate | R 61.00 per certificate | R 64.00 per certificate | |
| (iv) | Re- print of the certificate | R 61.00 per certificate | R 64.00 per certificate | |
| (v) | Other documents | R 110 per request plus ,95c per page | R 115 per request plus ,R1.00 per page | |
| (vi) | Any other amendment on registered product requested by the registration holder, e.g. transfer of registration, company and product name change, etc. | R 1 101.00 per application/product. | R 1 151.00 per application/product. | |
| (vii) | An appeal under section 6 of Act No 36 of 1947 | R 6 239.00 per application/product. | R 6 520.00 per application/product. | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| **6 <u>Application for the registration of fertilizers</u>** | | | |
| 6.1 Application for registration of fertilizer products including lapsed registration, parallel and daughter registration | R 4 569.00 per application/product | R 4 775.00 per application/product | |
| 6.2 Application for the renewal of the Fertilizer product | R 2 350.00 per application/product | R 2 455.00 per application/product | Renewal is valid for 3 years |
| 6.3 Payment additional to that mentioned in 6.2 in case of late application for the renewal of the fertilizer product | R 1 749.00 per application/product | R 1 828.00 per application/product | |
| 6.4 Application for a group 3 fertilizer product | | R 7 000.00 per application/product | New service |
| 6.5 **<u>Payment for information and other services</u>.** | | | |
| (i) Import Permit | R 633.00 per product | R 661.00 per product | |
| (ii) Advertisement approval | R 731.00 per advertisement | R 764.00 per advertisement | |
| (iii) Free Sale certificate | R 61.00 per certificate | R 64.00 per certificate | |
| (iv) Re- print of the certificate | R 61.00 per certificate | R 64.00 per certificate | |
| (v) Other documents | R 110 per request plus ,95c per page | R 115 per request plus ,R1.00 per page | |
| (vi) Guideline documents | # | # | Guidelines are available for download on DAFF website for free |
| (vii) Any other amendment requested by the registration holder, e.g. change in product name, change in company name, address, etc. | R 1 101.00 per application/product | R 1 151.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| (viii) An appeal in terms of section 6 of Act 36 of 1947 | R 6 239.00 per application | R 6 520.00 per application | |
| **7 <u>Application for Registration of Pest Control Operator</u>** | | | |
| 7.1 Application for registration of Pest Control Operator including lapsed registration. | R 2 350.00 per application | R 2 456.00 per application/product | |
| 7.2 Application for the renewal of the Pest Control Operator. | R 1 241.00 per application | R 1 297.00 per application/product | Renewal is valid for 3 years |
| 7.3 Payment additional to that mentioned in 7.2 in case of late application for the renewal of Pest Control Operator certificate. | R 659.00 per application | R 689.00 per application/product | |
| 7.4 An appeal in terms of section 6 of Act No.36 of 1947 | R 6 239.00 per application | R 6 520.00 per application/product | |
| 7.5 Payment for information and documentation. | R 110 per request plus ,95c per page | R 115 per request plus ,R1.00 per page | |
| 7.6 Re-print of the certificate | R 61.00 per certificate | R 64.00 per certificate | |
| **8 <u>Application for Registration of an Agricultural Remedy /Stock Remedy</u>** | | | |
| 8.1 Application for the registration of an Agricultural Remedy or Stock Remedy including lapsed registration, parallel and daughter registration. | R 10 156.00 per application/product | R 10 613.00 per application/product | |
| 8.2 Application for the renewal of the registration of an Agricultural Remedy or Stock Remedy | R 5 090.00 per application/product | R 5 320.00 per application/product | Renewal is valid for 3 years |
| 8.3 Payment additional to that mentioned in 8.2 in case of late application for renewal of an Agricultural Remedy or Stock Remedy. | R 3 553,00 per application/product | R 3 713.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| 8.4 **Other services payments**: | | | |
| (a) Approval of additional or new source of active ingredient(s),for Agricultural Remedies | R 5 371.00 per application/product | R 5 613.00 per application/product | |
| (b) Change of active ingredient purity specification/ notification of new impurity of technical material/ manufacturing process change | R 5 371.00 per application/product | R 5 613.00 per application/product | |
| (c) Change of manufacturer or additional manufacturer for Stock Remedy or Agricultural Remedy. | R 5 371.00 per application/product | R 5 613.00 per application/product | |
| (d) Major change in the formulation | R 5 371.00 per application/product | R 5 613.00 per application/product | |
| (e) Minor change in the formulation | R 1 101.00 per application/product | R 1 151.00 per application/product | |
| (f) Amendment of shelf life/packaging material for Stock Remedy or Agricultural Remedy | R 5 371.00 per application/product | R 5 613.00 per application/product | |
| (g) Additional claim(s) and withdrawal period requested by the registration holder of an Agricultural Remedy or Stock Remedy | R 10 156.00 per application/product | R 10 613.00 per application/product | |
| (h) Amendment requested by the office of the Registrar in relation to restricted or controlled substance | Free | Free | |
| (i) Change in product name, change in company name, address, spelling mistakes, species scientific name changes excluding technical changes. | R 1 101.00 per application/product | R 1 151.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| (j) Any other minor amendments excluding technical on registered product requested by the registration holder e.g. manufacture name change, supplier name change, transfer of registered valid registration, administrative amendments, etc. | R 1 101.00 per application/product | R 1 151.00 per application/product | |
| (k) Dossier updates or notifications for Stock Remedies and Agricultural Remedies | R 1 101.00 per application/product | R 1 151.00 per application/product | |
| (l) Approval of change of artwork on approved label, e.g. artwork approval and minor label amendment | R 1 101.00 application/product | R1 151.00 application/product | |
| (m) Protocol approval | R 3 234.00 per application/product | R 3 380.00 per application/product | |
| (n) Data waiver application: scientific data analysis | R 3 234,00 per application/product | R 3 380.00 per application/product | |
| (o) Fulfillment of conditional registration in case of emergency registration, e.g. minor crops/ minor species in Agricultural remedies and Stock remedies. | R 1 650.00 per application/product | R 1 725.00 per application/product | |
| (p) Technical/Data evaluation in case of application for an exemption. | R 1 650.00 per application/product | R 1 725.00 per application/product | |

| NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED | TARIFF APPLICABLE FROM 1 APRIL 2019 | TARIFF APPLICABLE FROM 1 APRIL 2020 | REMARKS / EXPLANATION |
|---|---|---|---|
| 8.5 **Payment for information and other Services.** | | | |
| (i) Import Permit | R 633.00 per product | R 661.00 per product | |
| (ii) Advertisement approval | R 731.00 per advertisement | R 764.00 per advertisement | |
| (iii) Free Sale certificate | R 61 00 per certificate | R 64.00 per certificate | |
| (iv) Re- print of the certificate | R 61.00 per certificate | R 64.00 per certificate | |
| (v) Other documents<br>(vi) | R 110 per request plus ,95c per page | R 115 per request plus ,R1.00 per page | |
| (vii) Guideline documents | # | # | Guidelines are available free on DAFF website. |
| (vii) An appeal in terms of section 6 of Act no 36 1947 | R 6 239.00 per application | R 6 520.00 per application | |

**CIVILIAN SECRETARIAT FOR THE POLICE SERVICE**

**NO. R. 396** **27 MARCH 2020**

## REGULATIONS UNDER SECTION 15AD OF THE SOUTH AFRICAN POLICE SERVICE ACT, 1995 (ACT NO. 68 OF 1995)

The Minister of Police has, under section 15AD of the South African Police Service Act, 1995 (Act No. 68 of 1995), made the regulations in the Schedule.

**B.H CELE, MP**
**Minister of Police**

**Date:** 25/02/2020

## SCHEDULE

**Definitions**

**1.** In these Regulations, unless the context otherwise indicates —

**"assessment committee"** means a committee of the Board contemplated in section 15AA(2) of the Act;

**"CAS"** means the Crime Administration System;

**"chairperson"** means the chairperson of the Board;

**"collection form"** means the form that is included in the DNA buccal collection kit that must be completed when buccal samples are collected;

**"complaint"** means a complaint contemplated in section 15Z(1)(d)(i) of the Act;

**"complainant"** means a person who lodges a complaint in terms of these regulations;

**"CRIM system"** means the Criminal Information System;

**"Criminal Procedure Act"** means the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

**"DNA buccal collection kit"** means the kit designed for taking of cellular material from the inside cheek of a person;

**"DNA reference samples"** means a buccal or blood reference sample taken from a person;

**"forensic analyst"** means a member of the Service who is employed in the Division: Forensic Services and who has an appropriate qualification and competency to perform forensic examinations or verifications of forensic investigative leads;

**"forensic DNA investigative lead"** means the verified outcome of a comparative search done on the forensic DNA database;

**"FSL"** means Forensic Science Laboratory;

**"FSL admin system"** means the Forensic Science Laboratory Administration system used to manage forensic casework;

**"ICDMS"** means Integrated Case Docket Management System;

**"NFDD"** means the National Forensic DNA Database;

**"reference blood sample"** means the blood sample taken from a person;

**"serial offences"** means different cases of murder or rape linked through forensic investigative leads where an offender allegedly committed such offences at least on two separate occasions; and

**"the Act"** means the South African Police Service Act, 1995 (Act No. 68 of 1995).

**Taking of buccal sample**

**2.**(1) Any office or place that is private and out of sight and hearing of other persons, may be used as a place where a buccal sample may be taken.

(2) Subject to the provisions of this regulation, an authorised person may —

(a) take a buccal sample from a person contemplated in sections 36D(2) and 36E(1) of the Criminal Procedure Act; and

(b) supervise the taking of a buccal sample from a person contemplated in paragraph (a) who requests to take the sample himself or herself.

(3) A DNA buccal collection kit must be used to collect the buccal sample.

(4) An authorised person must take the buccal sample immediately after the fingerprints of the person have been taken.

(5) The personal protective clothing provided in the DNA buccal collection kit must be —

(a) worn by the authorised person when a buccal sample is collected; and

(b) disposed of by placing these items in the original packaging of the kit, which in turn must be attached to the evidence sealing bag containing the DNA buccal sample.

(6) A registered medical practitioner or registered nurse may take a buccal sample upon the request of a person who is required to submit such sample.

(7) The investigating officer must inform the person from whom a buccal sample was taken if his or her forensic DNA profile derived from the buccal sample is removed from the NFDD in accordance with the provisions of Chapter 5B of the Act.

**Taking of other samples**

**3.**(1) A reference blood sample may be taken from a deceased victim or perpetrator of an offence by a registered medical practitioner or registered nurse or forensic pathology officer or pathologist.

(2) A forensic analyst may request that bodily samples and fingerprints be collected from a deceased person contemplated in sub-regulation (1).

(3) An investigating officer may request a registered medical practitioner or registered nurse to collect crime scene samples, including skin cells, from the body of a suspect or victim.

(4) In the absence of a buccal sample or upon a specific request of a person from whom the sample is required, a control blood sample may be taken by a registered medical practitioner or a registered nurse.

**Samples taken from arrested person**

**4.**(1) A DNA buccal collection kit must be used when a buccal sample is collected from an arrested person, and his or her fingerprints must be taken on the SAPS 76 form.

(2) The unique barcode form reference number of the DNA collection kit must be recorded on the SAPS 76 form and on the collection form.

(3) The original collection form must be placed in the evidence sealing bag, together with the buccal sample and the duplicate collection form must be filed in the docket.

(4) The collection form must be completed before the sample is taken.

(5) The SAPS 76 form, the barcode number on the evidence sealing bag and the unique barcode reference number of the DNA collection kit and the particulars of the person from whom the buccal sample was taken, must be captured on the CAS/ICDMS system immediately after the sample was taken.

(6) After a buccal sample has been taken the—

(a) cellular phone number;

(b) e-mail address; and

(c) postal or residential address,

of the arrested person, if available, must be captured on the CAS/ICDMS system.

(7)(a) Only one buccal sample may be taken from an arrested person irrespective of the number of offences which he or she is alleged to have committed.

(b) In the case where an arrested person is allegedly involved in more than one offence, the cases must be linked to the information or main docket that was selected on the CAS/ICDMS system.

(c) The unique barcode form reference number of the DNA collection kit must be entered on CAS/ICDMS and linked to the fingerprint number in respect of all the cases involved.

(d) All the linked CAS/ICDMS numbers must be recorded on the SAPS 76 form.

(8) In order to record the information on the CRIM system, the SAPS 76 and SAPS 69 forms must, within five working days from taking the fingerprints, be submitted to the local criminal record centre.

(9) A commanding officer must, when he or she inspects case dockets, also inspect the SAPS 184 fingerprint register to ensure that the SAPS 76 and SAPS 69 forms filed in the case docket, correspond with the number of fingerprint forms recorded in the SAPS 184 fingerprint register and the number of forms which have been submitted to the local criminal record centre.

(10) A commanding officer must perform the necessary quality control checks on all SAPS 76 forms, to ensure that fingerprints that have been taken are identifiable before submitting the forms to the local criminal record centre.

(11) Every commander of a local criminal record centre must record the receipt of the fingerprint forms and perform weekly inspections to ensure that the buccal sample reference numbers and information on the SAPS 76, SAPS 69 and SAPS192 forms have been captured on the CRIM system within five working days from receipt thereof.

**Samples taken from persons for investigative purposes**

**5.**(1) The DNA buccal collection kit must be used when a buccal sample is collected for investigative purposes from a person contemplated in section 36E(1) of the Criminal Procedure Act, and his or her fingerprints must be taken on the SAPS 192 form.

(2) The original collection form must be filed in the case docket and the copy of the form, together with the buccal sample, must be placed in the evidence sealing bag before it is sealed.

(3) The contact particulars of the person from whom the buccal sample has been taken, including a cellular phone number, where available, must be recorded in the

investigation diary (SAPS 5) in the case docket. The authorised person must clearly indicate on the collection form that the sample was taken for investigative purposes.

**Preservation and timely transfer of collected samples to FSL**

**6.**(1) The approved evidence collection kits and DNA buccal collection kits must be utilised for the collection of DNA evidence and buccal samples respectively.

(2) The evidence collection kit must be packaged in an evidence sealing bag and must clearly indicate the relevant station and CAS number, before they are submitted to the FSL unless compelling reasons (such as the size of the forensic sealing bag) hamper the packaging thereof in the supplied evidence sealing bag.

(3) If an evidence collection kit is not available, the investigating officer concerned must consult with the FSL to ascertain how the exhibit or sample must be dealt with.

(4) The forensic evidence packaged in the marked evidence sealing bags may be submitted to the FSL by means of a reliable courier service.

(5) The detective commander or designated person must take the necessary steps to ensure that every bodily sample taken, is submitted to the FSL for examination as soon as possible, but in any event within 30 days after the sample has been taken.

(6) If no forensic DNA profile could be derived from the sample or if the sample was compromised, the re-taking of a buccal sample must be done within 30 days after receiving such a request from the FSL.

(7) The station commander must ensure that no bodily samples are kept at the station for a period exceeding 15 days from the date that they were taken.

(8) In order to ensure that the exhibits or samples are not exposed to heat degradation, the directives regarding packaging, storing and transporting of exhibit material issued by the FSL, must be adhered to.

(9) A covering letter containing the following information must be attached to the marked evidence sealing bag with the buccal sample:

(a) barcode number of the buccal sample;

(b) station and CAS number, or the number of the reference sample where relevant;

(c) whether the buccal sample was taken from —

  (i) a child;

  (ii) an arrested person;

(iii) a victim or complainant;

(iv) a person who is under investigation, but not arrested and with his or her informed consent or authorised by the court;

(v) from a family member of a missing person or unidentified human remains; and

(d) whether the bodily sample or crime scene sample is from —

(i) a missing or unidentified person; or

(ii) unidentified human remains.

(10) A buccal sample —

(a) may not be packaged with other exhibits;

(b) must be packaged in a separate evidence sealing bag and submitted to the FSL; and

(c) must be accompanied by a covering letter contemplated in sub-regulation (9) containing a request that it be compared with crime scene samples that have previously been or will be submitted to the FSL.

(11)(a)If the FSL requests that buccal samples be submitted to them to verify that a person's forensic DNA profile is the same as the forensic DNA profile found on exhibits, a confirmation DNA buccal sample marked with the words "confirmation DNA buccal sample" must be submitted to them.

(b) The detective commander must ensure proper management of requests for confirmation DNA buccal samples.

(12) The authorised officer may determine the appropriate FSL to which the buccal samples and exhibits may be submitted.

(13) The FSL must provide written reasons to the investigating officer if it refuses to accept exhibits or analyse buccal samples or exhibits. Such reasons may be electronically communicated to the investigating officer.

**Information that must be captured**

**7.** Forensic analysts must ensure that the following information is captured on the appropriate information technology system utilised to manage the analysis of bodily samples in the FSL:

(a) The barcode of a buccal sample;

(b) the station and CAS/ICDMS number, where relevant;

(c) whether a buccal sample was taken from —

(i) a child;

(ii) an arrested person;

(iii) a person convicted of an offence;

(iv) a person who is under investigation, but not arrested and with his or her informed consent or authorised in accordance with section 36E(2) of the Criminal Procedure Act;

(v) a police official, or any other person, who as part of his or her official duties attends or processes a crime scene;

(vi) a police official or any other person, who may be handling, processing or examining crime scene samples or bodily samples for forensic analysis;

(vii) a person directly involved in the servicing or calibration of equipment in laboratories used in the forensic DNA analysis process;

(viii) a person who entered a forensic DNA laboratory;

(ix) a convicted offender, in which case the prison number must be captured;

(x) a contractor or supplier directly involved in the manufacturing of consumables, equipment, utensils or reagents;

(xi) the victim of the offence; or

(xii) a family member of a missing person; and

(d) whether the bodily sample or crime scene sample is from —

(i) a missing or unidentified person; or

(ii) unidentified human remains.

**Forensic investigative leads**

**8.**(1) The NFDD must be used to conduct comparative searches to identify potential forensic DNA leads.

(2) Potential forensic DNA leads must be verified by forensic analysts in the operational environment from the NFDD before forensic DNA leads are reported to investigating officers.

(3) The forensic investigative lead must be reported to the appropriate investigating officers and teams responsible for following up the forensic investigative lead within 35 calendar days from verification by the forensic analyst at the Section: Forensic Database Management.

**Communication of forensic DNA findings and related information**

**9.**(1) The forensic analyst must report to the investigating officer the outcome of the examination and the results of the tests for purposes of section 212(6)*(a)* and *(b)* of the Criminal Procedure Act, if —

(a) the person under investigation or the DNA of a suspect matches the DNA found in the crime scene sample;

(b) an identification of human remains has been made;

(c) no DNA could be found in the crime scene sample relevant to the case; and

(d) a person under investigation or a suspect may be excluded by the DNA found in the crime scene sample.

(2) (a) When there are matches between the forensic DNA profile derived from the crime scene and buccal samples, the FSL must provide the forensic findings report within the time frames specified as per the Annual Operational Plan of the Service.

(b) The Head of the FSL must implement monitoring system that ensures that he or she is informed on a daily basis whether there are DNA matches between forensic DNA profiles derived from buccal samples and crime scene samples.

(c) The Head of the FSL must on a quarterly basis report the number of FSL cases where suspects are linked within the same case to the crime scene samples collected in the case to the Board.

(d) The information in the reports contemplated in paragraph (c) must be included in the annual report of the Service.

(3) The investigating officer must, in addition to the report communicated through a system notification by means of the FSL admin system to the docket diary of the CAS/ICDMS system, be informed by the FSL if –

(a) the results of DNA evidence recovery tests were negative;

(b) the forensic DNA of a suspect is excluded from the DNA found in the exhibits;

(c) the forensic DNA of a suspect matches the DNA in the exhibits examined;

(d) no forensic DNA finding could be made;

(e) human remains or a missing person is identified; and

(f) different cases are linked to each other due the different crime scene samples sharing the same forensic DNA profiles or a suspect is linked from the NFDD to one or more cases.

(4)(a) The FSL may establish a system in which DNA process teams are used to process DNA crime samples, bodily samples and DNA reference samples.

(b) The DNA process teams contemplated in sub-regulation (a) may, amongst others, include persons responsible for —

(i) case reception and registration of forensic casework;

(ii) evidence recovery;

(iii) submission of DNA crime samples, bodily samples and buccal samples to the DNA analysis process laboratory;

(iv) DNA analysis process laboratory;

(v) monitoring the status of the DNA analysis process; and

(vi) analysing forensic DNA profiles and associated data derived from the samples and compile a DNA report.

**DNA examinations conducted at the FSL**

**10.**(1) DNA casework reported to the FSL with fixed court dates and with known suspects must be prioritised and completed within the timeframe as agreed upon by the prosecutor.

(2) The Head of the FSL must ensure that cases in which a serial offender is involved or where an offender is involved in multiple offences -

(a) are prioritised by the FSL;

(b) are completed within 35 calendar days after receiving confirmation of DNA reference samples or electronic notifications from the section: Forensic Database Management that cases are linked.

(3) All DNA casework at the FSL must be examined and completed within the target dates as established by the authorised officer. Failure to comply with the target dates, together with an explanation for such failure, must on a quarterly basis be reported by the FSL to the Board.

**Request for access to information stored on NFDD**

**11.**(1) Applications for comparative searches for criminal investigative purposes on the NFDD must be made in writing by the officials responsible for —

(a) the investigation or coordinating of criminal investigations; or

(b) casework related to the identification of missing persons or unidentified human remains.

(2)(a) Only operational forensic analysts in the section: Forensic Database Management of the Quality Component may have access to the NFDD and are authorised to perform comparative searches.

(b) Only persons authorised by the Section Head: Forensic Database Management or the Section Commander may have access to the offices where forensic analysts perform comparative searches.

(3) A person may in writing request the authorised officer to confirm whether his or her forensic DNA profile is contained on the NFDD: Provided that the person must first obtain a police clearance certificate that indicates whether the person has a criminal record and attach it to the certificate.

**Follow-up of forensic investigative leads**

**12.**(1) The National Commissioner must establish and maintain units in every province specifically dedicated to the follow-up and investigation of forensic investigative leads.

(2)(a) Provincial Commissioners must ensure that forensic investigative leads that –

(i) serve the purposes contemplated in section 15F(a) to (e) of the Act;

(ii) link suspects to multiple offences; and

(iii) identify serial murder or rape cases,

are followed-up by the units contemplated in sub-regulation (1).

(b) The units must report on a monthly basis to the relevant Provincial Commissioner on the progress made with regard to the matters contemplated in sub-regulation (1).

(3) The number of forensic investigative leads followed-up and outstanding leads must be reported on a quarterly basis to the National Commissioner and to the Board. The reasons for not following-up on the reported forensic investigative leads must be provided to the Board by the Divisional Commissioner: Detective Service.

(4)(a) In cases where forensic investigative leads link a specific suspect to multiple offences or serial offences involving the same suspect, the units contemplated in sub-regulation (1) must re-open on the CAS/ICDMS the different dockets in connection with the offences.

(b) The evidence in the re-opened dockets referred to in paragraph (a) must be taken into account in order to compile a profile of the suspected serial offender.

(5) In cases where the re-opened dockets contemplated in sub-regulation 4(a) are not submitted to the National Prosecuting Authority for decision the relevant Provincial

Commissioner and the Divisional Commissioner: Detective Service must approve the closure of the dockets.

(6) The Divisional Commissioner: Detective Service must ensure that forensic investigative leads that include crimes in different stations and different provincial borders are communicated and coordinated across station borders or, where applicable, provincial borders. He or she must also facilitate the identification of psychologically motivated crimes that are indicated in the forensic investigative leads (such as serial murders, serial rapes, muti-murders, child murders, sexual murders, mass murders, spree murders) and liaise with the Investigative Psychological Unit when such cases occur and when serial offences occur in more than one province.

(7) The units referred to in sub-regulation (1) of every province must consolidate the different categories of forensic investigative leads or cases which indicate links based on information such as modus operandi, DNA, fingerprints, cell phone data, or identikits.

(8) If a suspect is suspected to have committed different type of offences in different stations and different provincial borders, appropriately trained and experienced investigators must be co-opted to the unit contemplated in sub-regulation (1), or if the dockets are handed over to another unit members, of such units may form part of the unit contemplated in sub-regulation (1) to ensure continuity.

(9) Investigating officers attached to the units contemplated in sub-regulation (1) must utilise the forensic investigative leads identified by comparative searches by —

(a) investigating the modus operandi of the suspects in their cases and identifying trends where the same modus operandi has been used, in order to link suspects; and

(b) requesting –

(i) the assistance of the Crime Intelligence Analysis Centre to perform modus operandi and intelligence screening to identify possible suspects; and

(ii) the Section: Investigative Psychology to assist with the investigation to confirm behavioural links between cases.

(10) The investigating officer must inform the National Prosecuting Authority of any case prepared for trial, in which forensic investigative leads or information links the suspect to other cases.

(11) A Provincial Commissioner must at least on a quarterly basis, provide feedback on arrests and successful convictions made in the reported forensic investigative leads to the nodal point at the Division: Detective Service.

**Destruction of DNA reference samples and buccal samples**

**13.**(1) DNA reference samples and buccal samples must be destroyed within 30 days after obtaining a forensic DNA profile or after the sample has been processed by the FSL.

(2) Buccal samples must be disposed of in medical waste removal containers and incinerated.

(3) Any other extract or processed portion of a buccal sample must be disposed of in medical sharps containers and incinerated.

(4) The destruction of the buccal samples must be recorded in the laboratory case file or appropriate register.

**Removal of forensic DNA profiles from NFDD on application**

**14.**(1) Any application in terms of sections 15I(2),15J(3) and 15L(4) of the Act for the removal of a DNA profile from the NFDD must be accompanied by a police clearance certificate on a form determined by the National Commissioner to confirm that the applicant has no criminal record.

(2) The application must contain the —

(a) full particulars of the applicant;

(b) reason why the buccal sample was originally obtained from the person;

(c) relevant station and CAS/ICDMS number if a forensic DNA profile was derived from a buccal sample that was taken in respect of the investigation; and

(d) reason why the applicant wants the DNA profile to be removed.

(3) The authorised officer or designated officer must consult the Director General: Department of Justice and Constitutional Development or a person designated by him or her regarding convicted persons pardoned in terms of section 327 of the Criminal Procedure Act and must ensure that such persons' DNA profiles are removed from the NFDD.

**Protocols and training relating to familial searches**

**15.**(1) Familial searches may only be conducted by forensic analysts of the Section: Forensic Database Management.

(2) A likelihood ratio calculation may be applied to the outcome of the familial search to identify forensic investigative leads in order to enable an investigation officer to—

(a) interview family members of near matches; or

(b) identify unidentified human remains.

(3) The Divisional Commissioner: Forensic Services must ensure that forensic analysts of the Section: Victim Identification are identified and trained to assist investigating officers in the investigation of forensic investigative leads that have been identified by means of familial searches.

(4) A minimum of 21 loci must be used by the FSL to derive the forensic DNA profiles from DNA samples used in familial searches.

(5) The Section Head: Victim Identification Unit must inform the Section Head: Forensic Database Management of any positive identifications made in order to expunge a forensic DNA profile loaded in the Missing Persons and Unidentified Human Remains Index.

**Lodging of complaints**

**16.**(1) A complaint may be lodged by a person who —

(a) has knowledge or becomes aware of any violation relating to the manner in which a DNA sample or forensic DNA profile is or has been handled;

(b) is affected, or likely to be affected, by the manner in which the results of the analysis of a DNA sample or forensic DNA sample in the NFDD is or has been handled;

(c) has knowledge, or becomes aware, of any breach of security relating to—

(i) the safe transportation or storage of a DNA sample;

(ii) the safe transportation or storage of a forensic DNA profile;

(iii) the physical security of the NFDD; or

(iv) any other matter that breaches, prejudices or compromises the proper management of DNA samples, forensic DNA profiles or the integrity of the NFDD;

(d) has knowledge of unethical conduct by an employee in the exercise of any function of the NFDD, or is affected by unethical conduct; or

(e) has knowledge of unethical conduct by an independent provider in the provision of services under arrangement with the NFDD.

(2) A complaint as contemplated in sub-regulation (1) may be lodged —

(a) on behalf of —

(i) a child;

(ii) a person who suffers from a physical disability or a mental disability;

(b) by a person authorised to act on behalf of a complainant.

(3) A complaint contemplated in sub-regulation (1) must within 12 months after —

(a) the date on which the matter which is the subject of the complaint occurred; or

(b) the date on which the matter which is the subject of the complaint came to the knowledge of the complainant,

be submitted in writing to the chairperson of the Board.

(4) A complaint must be signed by the complainant or his or her authorised representative, and must —

(a) provide his or her full name, identity number and contact details;

(b) specify the nature of the complaint and the basis for the allegation;

(c) provide relevant information on the complaint; and

(d) specify the nature of recourse sought by the complainant.

(5)(a) A complaint may not be lodged anonymously, unless the chairperson is of the opinion that exceptional circumstances exist to justify such complaint.

(b) In the case of an anonymous complaint, the complainant must provide the information contemplated in subregulation (4)(b),(c) and (d).

(6) A complaint lodged or instituted by the Board in terms of section 15AA(1) of the Act, must be registered in a computer-based register and an acknowledgement of receipt must be sent to the complainant within seven days of the receipt of the complaint stating that it has been referred to a committee for consideration.

(7) A complaint registered in terms of sub-regulation (6) must be disposed of within one month after receipt thereof or within such other period as the Board may authorise in writing.

**Appointment and composition of complaints assessment committee**

**17.**(1) The Board must appoint an assessment committee contemplated in section 15AA(2) of the Act, consisting of no more than three persons, to assess a complaint.

(2) The assessment committee must include a person—

(a) who has knowledge and experience in forensic science, if the complaint relates to forensic science;

(b) who has knowledge and experience in human rights law, if the complaint relates to a human rights violation; or

(c) who has knowledge and experience in ethics relating to forensic science, if the complaint relates to unethical conduct.

(3) The Board must appoint the assessment committee within seven days after receipt of the complaint or becoming aware of the circumstances contemplated in regulation 16(1).

**Assessment of complaint**

**18.**(1) In assessing a complaint, the assessment committee may take into consideration —

(a) whether the Service has conducted or is conducting an investigation of its own;

(b) whether the complainant has exhausted the internal remedies available in the Service;

(c) whether the complainant has exercised his or her right in a court of law or another competent tribunal; and

(d) whether the complaint is of a trivial, frivolous, vexatious nature or was made in bad faith.

(2) If the assessment committee is of the opinion that additional information is required to make a proper assessment, it may request such information from the complainant or the authorised officer.

(3) In conducting an assessment, the assessment committee must have—

(a) reasonable access to information derived from the NFDD;

(b) access to systems in place to store and destroy DNA samples;

(c) access to records maintained in the Division: Forensic Services relating to the transportation, storage and destruction of DNA samples;

(d) policies relating to the management of DNA samples and forensic DNA profiles;

(e) statistics relating to the number of DNA match findings, all DNA samples received, analysed, disposed of and forensic DNA profiles that are stored, destroyed or removed from the NFDD;

(f) measures taken by the authorised officer to put in place remedial measures to reduce or address the factors that gave rise to a valid complaint; and

(g) any other information that the assessment committee may reasonably require.

(4) The authorised officer must provide the information referred to in sub-regulation (3) to the assessment committee within 14 days after receipt of such a request from the assessment committee.

(5)(a) The assessment committee may request written or oral submissions from any person or executive authority of the organisation or organ of state which may be necessary to properly assess the merit of the complaint.

(b) A request contemplated in paragraph (a) must be in writing and delivered by registered post or delivered by hand directly to the relevant person or to the executive authority of the organisation or organ of state where the information is kept.

(6) The assessment committee, after considering all the relevant factors and available information, must within seven days after making an assessment, report in writing to the Board on the outcome of such assessment and may make recommendations to the Board on the matter.

(7) The chairperson must table the assessment committee's report for discussion at the next Board meeting.

(8) The Board may request the assessment committee to further investigate the complaint and reconsider its assessment.

(9) After considering the report and recommendations of the assessment committee as contemplated in sub-regulation (6), and provided that the complaint

does not relate to a criminal act or that disciplinary action is not recommended by the assessment committee, the Board may implement the recommendation of the assessment committee.

(10) The Board must within ten days after its decision has been taken inform the complainant in writing accordingly and if the complaint has been referred to another authority for further action, the details thereof.

(11) In the case where a criminal act is alleged to have been committed by a person subject to an assessment, the Board must within ten days after it received the report of the assessment committee comply with the provisions of section 15AA(4) of the Act.

(12) If a complaint is referred to a relevant authority in terms of section 15AA(4) and (5) of the Act, the authorised officer of the NFDD must ensure that full cooperation, assistance and support is provided to the relevant authority.

(13) The Board must ensure that recommendations regarding disciplinary matters are referred to the institutions referred to in section 15AA(5) of the Act within 10 days after receiving the assessment.

**Alternative dispute resolution**

**19.**(1) The Board may, if it deems it necessary in the interest of service delivery, proceed to resolve a complaint through the mediation and conciliation process contemplated in section 15Z(d)(iii) of the Act.

(2) The decision to refer the complaint for resolution or mediation and conciliation must be done in consultation with the complainant and the affected party.

(3) If the informal resolution or mediation fails, the Board may refer the matter to the Minister for direction.

**Reports**

**20.**(1)(a)The chairperson must ensure that a report is compiled on the status of all complaints received and assessed, including, but not limited to, any systemic matter that constitutes an abuse of power, impropriety or prejudice to any person or community that lodged a complaint.

(b) The report referred to in paragraph (a) must be submitted to the Minister on a bi-annual basis.

(2) The report contemplated in section 15Z(6) of the Act must contain—

(a) the number of complaints received;

(b) the number of complaints initiated by the Board in terms of section 15AA(1) of the Act;

(c) the nature of the complaints;

(d) the number of complaints which the Board decided were well-founded;

(e) the number of complaints which have been referred to—

(i) the National Commissioner;

(ii) the Executive Director of IPID; and

(iii) any other relevant authority; and

(f) a summary of—

(i) the subject matter of complaints that the responsible body received;

(ii) any matters of general importance arising out of those complaints, or the way in which the complaints were handled;

(iii) any matter where action has been or is to be taken to improve services as a consequence of those complaints.

**Register**

**21.** The register contemplated in regulation 16(6) must contain—

(a) details of every complaint that is lodged;

(b) details of the nature and category of each complaint;

(c) the date of receipt of the complaint;

(d) the date of referral of the complaint to the committee for assessment;

(e) the outcome of the assessment of each complaint; and

(f) the outcome of disciplinary action that has been recommended.

**Access to forensic DNA profile and crime scene sample for exoneration purposes**

**22.**(1) Any person who believes he or she has wrongfully been convicted of an offence may, in writing, request the Head of the FSL to have access to the forensic DNA profile derived from a particular crime sample that was collected and submitted to the FSL in that case.

(2) The request must contain the relevant station and case number in respect of which it is alleged that there was a wrongful conviction and the request must set out reasons why the forensic DNA profile is required.

(3) The Head of the FSL or his or her delegate must within 30 days after receipt of the request consider the request and inform the requester of the outcome thereof. If the request is refused, written reasons for the refusal must be provided to the requester.

**General**

**23.**(1) The Divisional Commissioner: Detective Service must —

(a) on a quarterly basis obtain from the Department of Correctional Services a list of convicted offenders whose forensic DNA profiles are not loaded on the NFDD and who are serving a sentence of imprisonment in respect of an offence referred to in Schedule 8 of the Criminal Procedure Act, as well as persons who have been released on parole or under correctional supervision in respect of an offence referred to in Schedule 8;

(b) ensure the implementation of an action plan to support the taking of buccal samples from persons referred to in paragraph (a), as well as persons awaiting trial relating to Schedule 8 offences under the Criminal Procedure Act; and

(c) liaise with the authorised officer to ensure that the forensic DNA profiles of persons referred to in paragraphs (a) and (b) are included in the NFDD.

(2) The authorised officer or person designated by him or her must on a monthly basis request the Director General: Department of Justice and Constitutional Development to provide him or her with the particulars of persons whose names have been included in the National Register for Sex Offenders contemplated in section 50(1) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007).

(3) The National Commissioner must ensure that adequate stock levels of evidence collection kits (including sexual assault collection kits, DNA buccal sample collection kits, and DNA crime scene collections) are acquired and maintained for immediate provisioning to stations on request. The stock levels of evidence kits at the provisioning stores must be reported on a quarterly basis to the Board and the Minister of Police.

(4) The National Commissioner must, in consultation with the Department of Public Works and Infrastructure, ensure that adequate forensic facilities are provided and maintained in accordance with the relevant accreditation standards and compliance to the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993). The status of

forensic facilities and the identification of upgrading and building of forensic facilities must be reported by the National Commissioner in the annual plan of the Service.

(5) The authorised officer may determine national standards for testing laboratories that perform animal forensic DNA analysis and may facilitate research with academic institutions and other facilities to develop procedures, best practices and chemistries in the identification of animal DNA for forensic purposes or criminal investigation.

**Repeal**

**24.** The Regulations published in Government Notice No. R. 207 in *Government Gazette* No. 38561 of 13 March 2015 are hereby repealed.

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**NO. R. 397** **27 MARCH 2020**

## PRESCRIBED RATE OF INTEREST (SECTION 1 OF THE PRESCRIBED RATE OF INTEREST ACT, 1975)

(1) Under section 1(2)(*b*) of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975), I, Ronald Lamola, Minister of Justice and Correctional Services, hereby publish a rate of interest of 9,75 percent *per annum* as from 1 March 2020 for the purposes of section 1(1) of the said Act.

(2) Government Notice No. R. 1212 of 20 September 2019 is hereby withdrawn.

**R LAMOLA, MP**

**Minister of Justice and Correctional Services**

**DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

**NO. R. 397** **27 MAART 2020**

## VOORGESKREWE RENTEKOERS
## (ARTIKEL 1 VAN DIE WET OP DIE VOORGESKREWE RENTEKOERS, 1975)

(1) Kragtens artikel 1(2)(*b*) van die Wet op die Voorgeskrewe Rentekoers, 1975 (Wet No. 55 van 1975), publiseer ek, Ronald Lamola, Minister van Justisie en Korrektiewe Dienste, hierby met ingang van 1 Maart 2020 vir doeleindes van artikel 1(1) van genoemde Wet 'n rente koers van 9,75 persent per jaar.

(2) Goewermentskennisgewing No. R. 1212 van 20 September 2019 word hierby ingetrek.

**R LAMOLA, MP**
**Minister van Justisie en Korrektiewe Dienste**