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PART 1 OF 4

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DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 441

03 APRIL 2020

CONTINUING EDUCATION AND TRAINING ACT, 2006 (ACT NO. 16 OF 2006)**AMENDED NOTICE RELATING TO THE CHANGE OF SEAT OF NORTH WEST
COMMUNITY EDUCATION AND TRAINING COLLEGE**

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Technology in terms of Sections 3(1A)(c) and (d) of the Continuing Education and Training Act, 2006 (Act No. 16 of 2006):

- Hereby repeal the physical location and official address of North West Community Education and Training College published in Government Gazette No. 38570 of 16 March 2015; and
- Hereby give notice that the new physical location and official address of North West Community Education and Training College is 45 Van Velden Street, Brits, 0250.



Dr BE Nzimande, MP

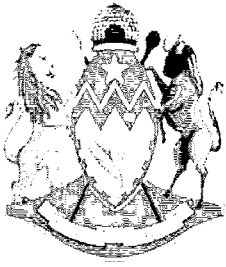
Minister of Higher Education, Science and Technology

Date: 07/02/2020

DEPARTMENT OF TRANSPORT

NO. 442

03 APRIL 2020

**transport**

Department:
Transport
Province of KwaZulu-Natal

Street Address: 172 Burger Street, Pietermaritzburg, 3200

Postal Address: Private Bag X9043 Pietermaritzburg, 3200

Tel: 033 355 8975

Fax: 033 355 8091

Email: Sandile.Nkala@kznttransport.gov.za**SCM: ACQUISITIONS****SUSPENSION OF SITE MEETINGS AND TENDER CLOSINGS**

Dear prospective service providers.

Given the recent developments pertaining to the nationwide lockdown which will come into effect from midnight on Thursday 26th March until midnight Thursday 16th of April, the KZN Department of Transport is suspending indefinitely all site briefing meetings and tender closings during this period.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sandile Nkala', written over a horizontal line.

Sandile Nkala

Admin Officer: Supply Chain Management

Date: 24 March 2020

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NOTICE 223 OF 2020****SA OLIVE INDUSTRY
APPLICATION FOR THE CONTINUATION OF STATUTORY MEASURES (ON
OLIVE PRODUCTS)**

NAMC REQUESTING COMMENTS / INPUTS FROM INDUSTRY ROLE PLAYERS

On 13 March 2020, the National Agricultural Marketing Council (NAMC) received a request from SA Olive (SA Olive Industry Association) for the continuation of statutory measures (levies, records & returns and registration) on imported and local produced volumes of olive products in terms of the Marketing of Agricultural Products Act (MAP Act) 1996. The current statutory measures will expire on 22 September 2020.

It is proposed that the following statutory measures be implemented for a new four-year period, effective from date of publication:

- Levies (in terms of Section 15 of the MAP Act);
- Records & Returns (in terms of section 18 of the MAP Act); and
- Registration (in terms of section 19 of the MAP Act).

The purpose and objective of the statutory measures relating to **records & returns and registration** are to compel DAGs (directly affected groups) in the olive industry to register with SA Olive and to provide information to SA Olive. By combining compulsory registration with the keeping of information and the rendering of returns on an individual basis, market information for the whole of the industry can be processed and disseminated and will form the basis for the collection of levies. The statutory measures relating to records & returns and registration are also necessary to ensure that continuous, timeous and accurate information is available to all role players.

The **payment of the statutory levy**, will be used to finance the following:

- Communication, consumer education and market development (40%);
- Transformation and training (20%);
- Technical research, development and transfer (15%);
- Quality control and certification (15%);
- Information and statistics (5%) and
- Administration (5%).

The proposed levy amounts applicable on both local production and imports remain the same as the current levies. The current and proposed levies are as follows:

Local production and imports	Current statutory levy	Proposed new statutory levy amount (unchanged)
Table olives levied on a per kilogram basis (p/kg)	8c p/kg	8c p/kg
Olive oil levied on a per liter basis (p/l)	40c p/l	40c p/l

Proposed budget for the new four (4) year period:

Expenditure			2020/21	2021/22	2022/23	2023/24
			R	R	R	R
1	Technical research, development & transfers	15%	281 400	281 400	281 400	281 400
2	Communication, consumer education & market development	40%	750 400	750 400	750 400	750 400
3	Statistics & information	5%	93 800	93 800	93 800	93 800
4	Quality control & certification	15%	281 400	281 400	281 400	281 400
5	Transformation and Training.	20%	375 200	375 200	375 200	375 200
6	Administration	5%	93 800	93 800	93 800	93 800
Total Budget		100%	1 876 000	1 876 000	1 876 000	1 876 000

The NAMC believes that the proposed statutory measures requested are consistent with the objectives of the MAP Act (as set out in section 2 of the Act).

Directly affected groups (e.g. producers, packers, importers and processors) in the olive industry are kindly requested to submit any comments, in writing, regarding the proposed statutory measures, to the NAMC on or before 24 April 2020, to enable the Council to finalise its recommendation to the Minister in this regard.

ENQUIRIES:

National Agricultural Marketing Council
 Mathilda van der Walt
 e-mail: mathildavdw@namc.co.za
 Tel.: (012) 341 1115
 Fax No.: (012) 341 1911

**ECONOMIC DEVELOPMENT DEPARTMENT
NOTICE 224 OF 2020**

**COMPETITION TRIBUNAL
NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rules 34(b)(ii) and 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following mergers:

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM139Dec19	The SPAR Group Ltd	Monteagle Africa Ltd	04/03/2020	Approved
LM146Jan20	Thebe SPV (Pty) Ltd	Schoonbee Nation Building (Pty) Ltd	04/03/2020	Approved
LM149Jan20	Luvon Investments (Pty) Ltd	Changing Tides 91 (Pty) Ltd and Investec Property Fund Ltd, Target Properties - Musina Mall and Great North Plaza	04/03/2020	Approved
LM108Sep19	Simba (Pty) Ltd	Pioneer Food Group Ltd	05/03/2020	Approved Subject to Conditions
LM148Jan20	Luvon Investment (Pty) Ltd	Investec Property Fund Ltd In Respect of Boitekong Mall	11/03/2020	Approved
LM154Feb20	RH Bophelo Operating Company (Pty) Ltd	Perthpark Properties in respect of the Shares and Claims in Rondebosch Medical Centre (Pty) Ltd and Broadcount Investments (Pty) Ltd in respect of a property known as Rondebosch Medical Centre Hospital Property	11/03/2020	Approved
LM122Oct19	Marinvest S. r. l	Ignazio Messina & C.S. p.A and RORO Italia S.r.l	16/06/2020	Approved Subject to Conditions
LM159Feb20	Dipula Income Fund Limited	Unlocked Properties 18 (Pty) Ltd	25/03/2020	Approved
LM183Sep18	MIH eCommerce Holdings (Pty) Ltd	We Buy Cars (Pty) Ltd	27/03/2020	Prohibited

**The Chairperson
Competition Tribunal**

DEPARTMENT OF LABOUR
NOTICE 225 OF 2020
NOTICE OF FEBRUARY 2020

PLEASE FIND SET OUT BELOW A LIST OF BARGAINING COUNCILS THAT HAVE BEEN ACCREDITED BY THE CCMA IN TERMS OF THE PROVISIONS OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED) FOR CONCILIATION AND/ OR ARBITRATION AND/ OR INQUIRY BY ARBITRATOR, WITH THE TERMS OF ACCREDITATION ATTACHED FOR THE PERIOD 01 FEBRUARY 2020 TO THE 31 AUGUST 2023.

**BARGAINING COUNCILS ACCREDITED TO CONDUCT CONCILIATION AND ARBITRATION,
SUBJECT TO CONDITIONS WHERE APPLICABLE**

**(RENEWAL OF ACCREDITATION AS WELL AS THE SUBSIDY AMOUNT PAYABLE PER CLOSED
CASE IS R711.84 AS FROM 01 APRIL 2020 (FOR 2020/2021 FINANCIAL YEAR)**

Name of Council	Accredited Functions
<u>PRIVATE SECTOR BARGAINING COUNCILS</u>	
Bargaining Council for the Civil Engineering Industry	Accredited for conciliation and arbitration (including Inquiry by Arbitrator) from 01 April 2020 until 31 August 2023 .
Transnet Bargaining Council	Accredited for conciliation and arbitration (including Inquiry by Arbitrator) from 01 February 2020 until 31 January 2023 on condition that all CCMA set efficiencies are maintained and settlement rate is improved upon.
<u>PUBLIC SECTOR BARGAINING COUNCILS</u>	
Education Labour Relations Council (ELRC)	Accredited for conciliation and arbitration (including Inquiry by Arbitrator) from 01 February 2020 until 31 January 2023 on condition that all CCMA set efficiencies are maintained and settlement rate is improved upon.

(RENEWAL OF ACCREDITATION)

1. The Governing Body of the CCMA resolved to grant renewal of accreditation to the following Bargaining Councils:
 - 1.1 Bargaining Council for the Civil Engineering Industry accredited from 01 April 2020 until 31 August 2023.
 - 1.2 Transnet Bargaining Council accredited from 01 February 2020 until 31 January 2023.
 - 1.3 Education Labour Relations Council accredited from 01 February 2020 until 31 January 2023.

TERMS OF ACCREDITATION FOR CONCILIATION, ARBITRATION AND INQUIRY BY ARBITRATOR

1. SCOPE OF ACCREDITATION:

Herewith categories of disputes for which Councils are eligible to apply for accreditation.

COUNCILS ARE ACCREDITED TO PERFORM THE FOLLOWING DISPUTE RESOLUTIONS FUNCTIONS:

Unfair dismissal disputes	- Section 191
Unfair Labour practice	- Section 191
Mutual Interest disputes	- Section 64
Interpretation of Collective Agreement disputes	- Section 24 (1)
Essential Services disputes	- Section 74
Pre-dismissal arbitrations	- Section 188A
Temporary Employment Service	- Section 198, 198A, 198B, 198C and 198D
Disputes about Interpretation and Application of Chapter 2	- Section 9

COUNCILS MAY NOT SEEK ACCREDITATION FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS REGARDING DISPUTES OVER THE FOLLOWING (see FOOTNOTE 11 of SECTION 51):

Organisational rights (sections 16, 21 and 22);

Collective Agreements where the agreement does not provide for a dispute resolution procedure or the procedure is inoperative or any party frustrates the resolution of disputes (section 24(2) to (5));

Agency shops and closed shops (section 24(6) and (7) and section 26(11);

Determinations made by the Minister in respect of proposals made by a Statutory Council (section 45);

The interpretation and application of Collective Agreements of a Council whose registration has been cancelled (section 61(5) to (8));

Demarcation of sectors and areas of Councils (section 62);

The Interpretation or application of Part C (Bargaining Councils), Part D (Bargaining Councils in the Public Service), Part E (Statutory Councils) and Part F (General Provisions concerning Councils) (Section 63);

Picketing (section 69(8) to 10);

Proposals which are the subject of joint-decision making in a workplace forum (section 86);

Disclosure of information to workplace forums (section 89);

Interpretation or Application of the provisions of Chapter 5 of the LRA which deals with workplace forums (section 94);

Enforcement of the Collective Agreements by Bargaining Councils (section 33A) and;

Enforcement of arbitration awards in terms of section 143. Only the Director of the CCMA, unless the power has been delegated to a CCMA Senior Commissioner may certify awards as if it were an order of the Labour Court;

Facilitating mass retrenchment disputes section 189(A).

2. POWERS OF ACCREDITATION:

Only those persons who are accredited by the CCMA, or are part-time Commissioners appointed by the Governing Body of the Commission in the terms of section 117 (2) of the Labour Relations Act, may perform the accreditation functions of the council for the Council.

The following provisions of the LRA, as amended apply to Councils accredited for conciliation and arbitration:

- (a) For the purpose of this paragraph any reference in Part C of Chapter VII of the LRA to:
 - “Commission” must be read as a reference to the Council;
 - “Commissioner” must be read as a reference to a conciliator or arbitrator appointed by the Council.
 - “Director” must be read as a reference to the Secretary of the Council.

- (b) The provisions of the sections contained in Part C of Chapter VII (section 127(6)) of the LRA shall apply to the Council in the performance of its accredited functions subject to the Council's Constitution and/or Collective Agreements. For the purpose of this sub-paragraph the following applies:
 - (i) The provisions of section 133 to 136;
 - (ii) The provisions of section 138 to 142, S142A, S143, S144 and S145;
 - (iii) The provisions of section 146 unless the Collective Agreement of the Council provides that the Arbitration Act, Act 42 of 1965 applies to any arbitration conducted under its accredited function and which Collective Agreement is binding on the parties to the disputes; and
 - (iv) The provisions of section 148.

3. EXTENSION OF ACCREDITATION:

Despite the expiry of the period of accreditation as stated in the Certificate of Accreditation, the Council may continue to perform its accredited functions in respect of any dispute referred to it during the period of accreditation, but not yet resolved by the time the period expires, until the dispute is resolved either through conciliation or arbitration.

4. TRANSGRESSION OF TERMS OF ACCREDITATION:

If the accredited Council fails to comply with the terms of accreditation, the Governing Body of the CCMA may revoke accreditation. In terms of section 130 of the LRA, as amended the Governing Body of the CCMA may withdraw accreditation after having given reasonable notice of withdrawal.

5. AMENDMENT OF ACCREDITATION:

An Accredited Council may apply to the Governing Body of the CCMA in terms of section 129 of the LRA to amend its accreditation.

**LEGAL PRACTICE COUNCIL
NOTICE 226 OF 2020**

NATIONAL OFFICE
Thornhill Office Park
Building 20
94 Bekker Street
Vorna Valley, Midrand
1686
Tel: 010 001 8500



Date: 24 March 2020

**THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL
NOTIFICATION FOR COMMENT: APPLICATION FOR ACCREDITATION TO PRESENT
PRACTICAL VOCATIONAL TRAINING STRUCTURED PROGRAMMES**

All interested parties are invited to comment on the draft Guidelines for application for accreditation to be made to the South African Legal Practice Council ("Council") to present the Practical Vocational Training ("PVT") structured programmes for the year 2021 and thereafter.

The draft Guidelines are published herewith for comment.

All interested parties are called upon to submit their comments to Council in writing within a period of 30 days from the date of publication of this notice.

All comments must be sent by email to rules@lpc.org.za on or before 03 May 2020.

SIGNED AT PRETORIA THIS 23rd DAY OF MARCH 2020



Ms Hialeleni Kathleen Diepu

Chairperson: Legal Practice Council

PROGRAMME OF STRUCTURED COURSE WORK

THE NORMS AND STANDARDS APPROVED BY THE LEGAL PRACTICE COUNCIL

APPLICATION FOR ACCREDITATION



LEGAL PRACTICE COUNCIL

Applications for Accreditation to present the programme of structured course work for Practical Vocational Training

GENERAL GUIDELINES

The requirements for the transformation and restructuring of the legal profession are set out in the Legal Practice Act. Central to this is the building of a legal profession that broadly reflects the diversity and demographics of South Africa, and is accountable, efficient, and independent, and upholds the rule of law, the administration of justice and the Constitution of the Republic (section 5 of the Legal Practice Act).

The building of such a system necessitates, among other things, the promotion of high standards of legal education and training, compulsory post-qualification professional development, continuing legal education and trial advocacy training not only in public universities, but also in organisations and institutions accredited by the Legal Practice Council: such courses need to be accessible and sustainable training courses for law graduates aspiring to be admitted and enrolled as legal practitioners having due regard to our inherited legacy and the aspirations of the new constitutional dispensation.

The accreditation of training institutions and organisations applies only to those institutions that offer training programmes that contribute to the qualification of legal practitioners and candidate legal practitioners. Accreditation means that an institution is granted the legal authority to offer duly accredited programmes.

The aim of accrediting these training institutions and individuals is to ensure that-

- (a) all accredited institutions offer a high quality of legal education as determined by the norms and standards applied by the Legal Practice Council;
- (b) all accredited institutions provide accessible and sustainable training of law graduates aspiring to be admitted and enrolled as legal practitioners;
- (c) all accredited institutions have the resources, capacity and expertise to deliver accredited programmes;
- (d) all accredited institutions will develop programmes in order to empower historically disadvantaged legal practitioners, as well as candidate legal practitioners;
- (e) all accredited institutions warrant that the candidate legal practitioners trained by them have attained an adequate level of competence as determined in the rules, for admission and enrolment as legal practitioners; and,
- (f) the system continues on a path of transformation in accordance with the design of the Legal Practice Act and complementary government policy and regulation.

Accreditation can be seen as a means of protecting the integrity of the legal system and the interests of the public and the Constitution of the Republic.

Chapter 2 of the Legal Practice Act deals specifically with training organisations and institutions. The Regulations for the accreditation of such institutions, of which this guide and the application form are an appendix, provide the legal framework within which the Legal Practice Council is required to regulate the accreditation of private institutions.

Section 6 of the Legal Practice Act empowers the Council to provide financial support to organizations or institutions providing legal education and training. Accordingly, as part of their application for accreditation, training institutions and organizations are required to include an application for any funding required, and to furnish a full breakdown of that funding, what it pertains to, the items in respect of which it is estimated that funding will be spent, and the estimated amount per trainee that is requested compared with the estimated cost per trainee of providing the accredited training.

MORE SPECIFIC GUIDELINES

Introduction

These are the guidelines for prospective applicants desiring to apply for accreditation to the Legal Practice Council (“the Council”).

All interested parties must apply for accreditation to the Council to present the Practical Vocational Training (“PVT”) structured programmes for the year 2021 and thereafter. Those parties who have already received accreditation for the year 2020 must treat such accreditation as valid only for this year. Accreditation henceforth will be valid for two years and must be renewed biennially. The Council may withdraw accreditation at any time should an applicant fail to abide by the terms of the accreditation.

The Guidelines

The purpose of these guidelines is to assist applicants to apply for accreditation. The guidelines are the following:

- In **Part A** the application process is set out: this includes the prescribed forms to be completed. Part A commences with the logistical requirements and contains the minimum standards applicants have to meet.
- The logistical requirements stipulated by the Council will be subject to verification and inspection by officials from the Council.
- Applicants must submit details of their proposed trainers and presenters. The Council provides minimum standards and guidelines for teaching and training methods.
- In **Part B** the required curriculum and details of the course work are set out. Applicants must comply with the structured course work approved by the Council.

- The Council will approve or reject the applicant's curriculum and course content. Applicants must comply with the Council's norms and standards set out below.
- Applicants have a right of appeal should the Council not accredit such applicant as a training institution.

PART A

Logistical Requirements

All applicants will have to meet the following requirements:

- a) There must be a comfortable teaching and learning environment;
- b) There must be a classroom or lecture venue capable of accommodating the number of candidates the applicant wishes to train;
- c) The classroom must be capable of being used as a moot court;
- d) The availability of break-away rooms for candidates to work on case studies. Provision must be made for at least 4 small break-away rooms;
- e) There must be access to basic text books and relevant legislation;
- f) There must be access to the internet for research purposes;
- g) The lecture room must be fitted with data projectors and screens with audio facilities;
- h) A computer room must be established to assist candidates to use technology;
- i) There must be access to refreshments;
- j) Ablution facilities must be provided;
- k) A rest area must be provided.

Site Visits

Applicants are informed that the Council will conduct site visits, upon reasonable notice to the training institution, to verify that minimum standards are met.

Training and Teaching Personnel

The Council will require that all teaching and training personnel be drawn from the ranks of experienced practitioners. Applicants will be required to provide full details of all trainers and teachers to be deployed. All trainers and teachers are expected to meet the norms and standards published by the Council. Minimum standards for teaching methods are stated below in Part B.

Non-Refundable Fee

Applicants will be expected to pay the following fees:

- a) A non-refundable fee to be paid on application for accreditation; and
- b) A non-refundable fee to be paid on annual renewal of accreditation.

- c) The fee payable on application for accreditation is R5 000 and must accompany the application. Absent payment, the application will not be processed.
- d) The fee payable for any renewal is R2 500 and must accompany applications for renewal of accreditation.
- e) All fees will be subject to review by the Council.

Application Form

Applicants should complete the Application Form after having read these Guidelines. The Application Form is a separate document appended at the end of the Guidelines. See the document entitled APPLICATION FOR ACCREDITATION AS A TRAINING INSTITUTION (*In terms of s 6(5)(g) of the Legal Practice Act 28 of 2014*).

PART B

Curriculum and Structured Course Work

All applicants are required to provide details of the structured course work to be offered to candidate legal practitioners. The following is expected:

- a) A full description of every course on offer with details of the course content;
- b) Applicants must produce and present their course materials and manuals. Note, course materials must be written by the applicants.
- c) Applicants must present a timetable for the whole PVT programme, indicating the required hours of study and how those hours are earned. There must be an indication of how many hours of class study, case studies, independent study and on-line study are proposed.
- d) The applicant is expected to provide a brief and clear statement of what the candidate can expect to achieve on successful completion of each course (outcomes).
- e) Applicants must satisfy the Council that they can comply with the norms and standards. The Council will assess the teaching methodology.

Guidelines for Teaching Methods

The following are the basic guidelines for teaching and training candidate legal practitioners (“candidates”) in the PVT programme and optional programmes. This is not an exhaustive list: applicants are encouraged to develop their own training methods. Please note: the Council does not expect applicants to redo the LLB.

- a) An appropriate and well-managed presentation; reading to candidates from books and legislation serves no practical purpose;
- b) Instructors must remain relevant to the content being dealt with;

- c) Instructors must focus on the candidates' understanding of the concepts and how to apply this in practice;
- d) Instructors must engage candidates by asking questions and calling for comment: candidates must be encouraged to ask questions and participate;
- e) Instructors must impress upon candidates that any drafting assignments be carried out without assistance and without the use of precedents;
- f) The course must be subdivided into appropriate units, lessons or modules;
- g) A sequential exposition is a must, with new material building on previous material;
- h) The use of a variety of approaches, including summaries, visual material and illustrative examples to illuminate particular concepts is encouraged;
- i) All instructors are to make candidates aware of recent judgments and amendments to legislation; and
- j) The inclusion of clear instructions to guide candidates through the material.
- k) Applicants must produce an assessment questionnaire for candidates who must complete the questionnaire at the end of each course. Such questionnaires must be filed and made available to the Council.

Fees for Training the PVT Programme

Applicants who intend to charge fees for attendance at PVT programmes must disclose the amount in their application. **Proposed fees are subject to Council approval.**

Accreditation for Single Subjects or Coursework

Applicants may apply for accreditation to provide training and teaching for specialised courses and not necessarily the whole PVT programme. Applications may be made for training of candidates and admitted legal practitioners for certain specialised programmes.

- a) The following is a list of such specialised courses:
 - Trial Advocacy
 - Legal Writing (for dispute resolution)
 - Drafting commercial contracts
 - Accounts management
 - Business practice and management
 - Wills and estates
 - Conveyancing
 - Notaries
- b) The courses above are typically three to five-day courses and are intensive. The course content and norms and standards are set by the Council. Applicants are expected to provide full details of the curriculum, coursework and outcomes.
- c) Applicants must disclose the fees for such training in the application: the fees are subject to approval by the Council.

Financial Information

The Council must be satisfied, at least for the period that accreditation is sought, that the applicant is financially capable of sustaining the training programme. Accordingly, relevant financial information is required from applicants in the application form. Although audited financial statements are not required as part of the application, the Council reserves the right to request audited financial statements should it deem such to be necessary.

Quality Control

The Council is mandated to carry out oversight regarding the quality of training provided by applicants. Applicants are informed of the following:

- a) A programme of quality control and oversight measures will be determined by the Council and published to all interested parties.
- b) Applicants will be subjected to regular inspection;
- c) Council staff will attend programmes;
- d) Poor or indifferent quality will result in termination of accreditation.
- e) The Council is committed to continuous improvement. Applicants are encouraged actively to improve course contents and training methods. The Council will release regular notices or newsletters to deal with new training materials and how to deal with changes and updates to the law and practice.

NORMS AND STANDARDS

Regulations 6(11) and 7(10) required the Council to provide training standardised in terms of norms and standards for the structured PVT coursework. The anticipated regulation 4 requires likewise. The document, setting out the required norms and standards, is annexed to these Guidelines. All applicants for accreditation are expected to meet such standards.

Applicants are advised to prepare their applications for accreditation based on the norms and standards published by the Council.

Certificate of Accreditation

The Council will issue all successful applicants for accreditation with a certificate of accreditation. The certificate will contain the date of issuance of accreditation and the time period during which the certificate remains valid.

APPLICATION FOR ACCREDITATION AS A TRAINING INSTITUTION
(In terms of s 6(5)(g) of the Legal Practice Act 28 of 2014)

Note: Applicants must consult the document: *A Guide for Completing the Application for Accreditation as a Training Institution.*

A ADMINISTRATIVE DATA

1 Legal name of the applicant

2 Particulars of authorised contact person or key individual

(a) **Name**

(b) **Designation of contact person (e.g. Ms, Mr, Dr, Prof, etc.)**

(c) **Telephone number**

(d) **Email address**

3 Postal address of the applicant

Code

4 Physical address and contact details of the applicant's main office

Code
Telephone
E-mail address

5 Website address (if any)

B COMPANY, VOLUNTARY ASSOCIATION OR OTHER PERSON7 **Legal name of the applicant (same as in Item 1)**8 **Official trading name, abbreviation, acronym or translation (if applicable)**9 **Type of juristic person**
(if a voluntary association – *universitas personarum* – attach its constitution)10 **Company registration number**
(if applicable)11 **Particulars of the Management**(a) **Chief Executive Officer or head of the training institution**(i) **Name**(ii) **Title**(iii) **Identity number (passport number and citizenship if not South African)**(iv) **Telephone number including cellular phone number, if available**

(b) Names and identity numbers of all the applicant's current directors or key individuals

Surname & Initials	Title	Designation	Identity Number	Passport number

12 Details of the applicant's accountant or accounts manager**(a) Name of the applicant's auditor**

13 Tax and business registration details**(a) VAT Registration Number (if applicable)**

(b) Income Tax Number (if applicable)

14 Applicant's proposed tuition fees

Tuition fees of the Training Institution	Are fees to be charged?		Amount	LPC check
	Yes	No		
Tuition fees for the whole course	State the amount of the fee for the whole course			
Tuition fees for each course charged separately	State the amount of the fee per course			

15 Payment of the non-refundable LPC fee for the accreditation application/renewal application

	Payment to the Legal Practice Council	Date paid	LPC check
Application for whole course accreditation	R 5,000.00		
Application for renewal	R 2,500.00		
Application for select courses accreditation	Amount to be determined by the LPC		
Application for renewal	Amount to be determined by the LPC		

C PARTICULARS OF LEARNING PROGRAMMES

- 16 **Table 01: Programmes submitted to the LPC for accreditation in terms of the Legal Practice Act:** On 26 October 2019 the LPC approved the Norms and Standards of the course content set out below in the left column of Table 01. Regulations published in GG No. 41879 on 31 August 2018 concerning legal practitioners qualifying as attorneys or advocates, with or without fidelity fund certificates – are to be read in conjunction with the approved course content of the practical vocational training programme. To compare the course names, see **Annexure C**.

Name of programme in the Norms and Standards approved by the LPC on 26 October 2019	List of course names	Mode of delivery	Language of instruction	Minimum duration in hours	Contact with students	
					Full-time	Part-time
Taking Instructions and Obtaining a Mandate	1					
Plain language Writing and Analytical Thinking	2					
Drafting Legal Documents – Pleadings & Motions	3					
Ethics for legal Practitioners	4					
Civil Procedure & Trial Advocacy	5					
Criminal Court Practice & Trial Advocacy	6					
Insolvency practice	7					
Drafting of Contracts	8					
Matrimonial Matters & Divorce	9					
Delictual Claims Including Personal Injury Claims	10					
Legal Practitioners Accounts Management	11					
Labour Dispute Resolution	12					
Alternative Dispute Resolution	13					
Wills and Estates	14					
Introduction to e-commerce and application of ECTA including the use of electronic signatures	15					
Basic Business Transactions						
Business Rescue						
Constitutional law	16					
Legal Technology (Online)	17					
Introduction to practice management (Online)	18					
Introduction to Cyber law (Online)	19					
Customary Law (Online)	20					
Numeracy skills training	21					
Legal Costs	22					

D STAFF AND STUDENT DATA

- 18 **Table: 04: Total staff expected to be employed and students to be registered for practical legal training programmes during the first year of operation. The data should be expressed as headcount only.**

	First intake	Second intake	Third (if any)
Students			
Academic / head office staff			
Full-time			
Part-time			
Support staff			
Full-time			
Part-time			
Service staff			
Full-time			
Part-time			

E FINANCIAL VIABILITY REPORTS AND LEGAL DOCUMENTS

- 19 **ANNEXURE A: Annual financial statements.**
- 20 **ANNEXURE B: Occupational health and safety compliance audit report.**

F DETAILS OF THE COURSE CURRICULA FOR THE APPROVED PROGRAMME

- 21 **ANNEXURE C: Table to compare the LPC 26 October 2019 approved practical vocational training programme with regulation 6 and 7 of R. 921 GG No. 41879, 31 August 2018**
- 22 **ANNEXURE D: Programme of structured course work. Norms and Standards approved by the Legal Practice Council on 26 October 2019**
- 23 **ANNEXURE E: Accounting course. Norms and Standards approved by the Legal Practice Council on 26 October 2019**
- 24 **ANNEXURE F: Appeal Form in the event an Applicant is aggrieved by a decision of the Legal Practice Council. The Council will give reasons for the decision not to accredit an Applicant as a training institution.**

I, _____ declare that this application and the documents and electronic documents submitted as evidence in part of this application are the rightful property of the training institution. I accept the terms and conditions of the application and grant permission to the Legal Practice Council to proceed with the invoicing and evaluation of this application.

SIGNATURE

DATE

ANNEXURE A ¹**(a) Annual financial statements**

For purposes of applying for accreditation as a training institution, the applicant must prepare and submit the annual financial statements for the previous financial year. The preparation and presentation of the financial statements must comply with the requirements of the the *Companies Act 71 of 2008* and the *Statements of GAAP*. The financial statements must include the following:

- Accountant's report
- Directors' report
- Balance sheet
- Income statement
- Cash-flow statement
- Summary of accounting policies
- Notes to the financial statements

The accountant's report referred to above must comply with the following requirements:

(i) The accountant's report

In the report, the accountant must express his/her opinion on the appropriateness of the management's use of the going concern assumption in their preparation of the applicant's financial statements. The accountant's report must be available for public scrutiny. Further, the accountant must indicate whether or not he/she concurs with the directors' Financial Viability Statement referred to below.

(ii) Directors' report

Any matter not dealt with in the balance sheet, statement of changes in equity, income statement, cash-flow statement or notes thereto, must be dealt with in the directors' report. Any post-balance sheet event that is material to the appreciation of the financial position of the applicant, its changes in equity, and the results of its operations and cash flows must also be tabled in the directors' report.

Ideally the report should include, but not be limited to, the following aspects:

- *Directors and secretary*
- *Principal activities/Nature of business*
- *Directors' responsibilities*
- *Going concern assessment*
- *Operating results*
- *Dividends (if any)*
- *Review of operations*
 - o Revenue
 - o Profit before tax
- *Share capital*
- *Post-balance-sheet events*

¹ The text of the current document is drawn from the Regulations for the Registration of Private Higher Education Institutions, 2003: Annexures GN R335 of 2003 GG 24976 of 28 Feb 2003: F FINANCIAL VIABILITY REPORTS AND LEGAL DOCUMENTS at ITEM 29.

So, the Council needs to consider the replacement of the auditor with an accountant.

- *Financial viability statement*

The Chief Executive Officer, or an official of similar standing, must sign the directors' report.

(b) Three-year financial forecasts

A new applicant who has not previously operated in any form whatsoever, must submit a three-year financial forecast drafted by the applicant's accountant. The three-year financial forecast must consist of the following:

- (a) *Accountant's report*
- (b) *Detailed assumptions*
- (c) *Balance sheet*
- (d) *Pro forma income statements for three years*
- (e) *Pro forma cashflow statements for three years*
- (f) *Explanatory notes to the financial forecasts*

(aa) Detailed assumptions

These assumptions should serve as the basis for all the figures and calculations done in the *pro forma* statements.

(bb) *Balance sheet*

This statement must, on analysis, be in a position to provide answers to the following questions:

- What assets does the applicant own?
- How much does the applicant intend investing in the proposed operations?
- What are the applicant's sources of funding?
- What is the proportion of debt to be incurred vis-a-vis own capital/equity?

(cc) *Pro forma income statements*

These statements must, on analysis, be able to show all the sources of the applicant's income and the amounts to be generated from each source. They must further indicate how the applicant is to meet the following funding requirements (start-up expenditure line items):

- *Capital costs*
- *Classroom furniture and equipment*
- *Library facility*
- *Student support services*
- *Student financial aid*
- *Research*
- *Quality assurance and quality promotion*
- *Professional fees (legal, financial, etc.)*
- *Costs for developing tuition materials*
- *Systems design, purchase and implementation*
- *Promotion/Advertising/Marketing Costs*
- *Furniture*

- *Electronic equipment (teaching and learning)*
- *Vehicles*
- *Staff recruitment*
- *Staff salaries*
- *Rent*
- *Travel*
- *Recreation*
- *Telecommunications*
- *Office consumables, etc.*

(dd) *Pro forma cash flow statements*

These statements must indicate how much, during the first three years of operation, the applicant expects to-

- *generate for/from operating activities;*
- *generate for/from investing activities; and*
- *generate for/from financing activities.*

(ee) *Explanatory notes*

Aspects that have not been dealt with as part of *Assumptions*, should be clearly explained in this section. Where applicable, this section should include, but not be limited to, the explanation of the following:

- *Dividend policy (if any)*
- *Financing terms and conditions*
- *VAT treatment, etc.*

ANNEXURE B

Applicants are referred to the legislation below and are expected to comply; with particular reference not only to employees but also to candidate legal practitioners in attendance

Occupational Health and Safety Act 85 of 1993

8 General duties of employers to their employees

(1) Every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees.

(2) Without derogating from the generality of an employer's duties under subsection (1), the matters to which those duties refer include in particular-

(a) the provision and maintenance of systems of work, plant and machinery that, as far as is reasonably practicable, are safe and without risks to health;

(b) taking such steps as may be reasonably practicable to eliminate or mitigate any hazard or potential hazard to the safety or health of employees, before resorting to personal protective equipment;

(c) making arrangements for ensuring, as far as is reasonably practicable, the safety and absence of risks to health in connection with the production, processing, use, handling, storage or transport of articles or substances;

(d) establishing, as far as is reasonably practicable, what hazards to the health or safety of persons are attached to any work which is performed, any article or substance which is produced, processed, used, handled, stored or transported and any plant or machinery which is used in his business, and he shall, as far as is reasonably practicable, further establish what precautionary measures should be taken with respect to such work, article, substance, plant or machinery in order to protect the health and safety of persons, and he shall provide the necessary means to apply such precautionary measures;

(e) providing such information, instructions, training and supervision as may be necessary to ensure, as far as is reasonably practicable, the health and safety at work of his employees;

(f) as far as is reasonably practicable, not permitting any employee to do any work or to produce, process, use, handle, store or transport any article or substance or to operate any plant or machinery, unless the precautionary measures contemplated in paragraphs (b) and (d), or any other precautionary measures which may be prescribed, have been taken;

(g) taking all necessary measures to ensure that the requirements of this Act are complied with by every person in his employment or on premises under his control where plant or machinery is used;

(h) enforcing such measures as may be necessary in the interest of health and safety;

(i) ensuring that work is performed and that plant or machinery is used under the general supervision of a person trained to understand the hazards associated with it and who have the authority to ensure that precautionary measures taken by the employer are implemented; and

(j) causing all employees to be informed regarding the scope of their authority as contemplated in section 37 (1) (b).

ANNEXURE C: HOW TO UNDERSTAND THE APPROVED PROGRAMME NAMES

Table A shows the PVT courses from the perspective of the LPC approval dated 26 October 2019.
Table B shows the PVT courses from the perspective of Regulation 6 (candidate attorneys) and Regulation 7 (pupils).

Table A

Name of programme in the Norms and Standards approved by the LPC on 26 October 2019	List in Annex B	Names in regulations	Regulation section numbers	Names in regulations	Regulation section numbers
Taking Instructions and Obtaining a Mandate	1				
Plain language Writing and Analytical Thinking	2				
Drafting Legal Documents – Pleadings & Motions	3	Legal writing and drafting	7(9)(g)		
Ethics for legal Practitioners	4	Professional legal ethics	6(10)(b)	Professional conduct & legal ethics of advocates	7(9)(f)
Civil Procedure & Trial Advocacy	5	High Court practice	6(10)(d)	Advocacy skills, including trial & motion court proceedings & attendance of court proceedings	7(9)(b)
		Magistrate’s Court practice	6(10)(e)	Civil procedure	7(9)(d)
Criminal Court Practice & Trial Advocacy	6	Criminal Court practice	6(10)(f)	Criminal procedure	7(9)(e)
Insolvency practice	7				
Drafting of Contracts	8	Drafting of contracts	6(10)(m)		
Matrimonial Matters & Divorce	9	Matrimonial law	6(10)(k)		
Delictual Claims Including Personal Injury Claims	10	Personal injury claims	6(10)(c)		
Legal Practitioners Accounts Management	11	Attorneys’ bookkeeping	6(10)(i)	For pupils intending to be admitted as advocates referred to in section 34(2)(b) of the Act, bookkeeping as contemplated in regulation 6(10)(i)	7(9)(a)
Labour Dispute Resolution	12	Labour dispute resolution	6(10)(g)		
Alternative Dispute Resolution	13	Alternative dispute resolution	6(10)(h)	Alternative dispute resolution	7(9)(c)
Wills and Estates	14	Wills and estates	6(10)(j)		
Introduction to e-commerce and application of ECTA including the use of electronic signatures	15				
Constitutional law	16	Constitutional practice	6(10)(a)	Constitutional law & Customary law	7(9)(h)
Legal Technology (Online)	17				
Introduction to practice management (Online)	18	Introduction to practice management	6(10)(o)		
Introduction to Cyber law (Online)	19	Information & communication technology for practice, and associated aspects of cyber law	6(10)(n) 7(9)(i)		
Customary Law (Online)	20				
Numeracy skills training	21				
Legal Costs	22	Legal costs	6(10)(l)		
Trial advocacy training programme	25(3)(a)(i) Rule 19				
Post-qualification professional development	5(h), 6(1)(a)(ix), & 5(e),(g)				
Continuing education and training	6(5)(e)				

Table B

Name of programme in the Regulations	Regulations Reg 6 listed from (10)(a) to (o) with Reg 7 integrated into the sequence of Reg 6.	Name of programme in the Norms and Standards approved by the LPC on 26 October 2019	List in Annex B
		Taking Instructions and Obtaining a Mandate	1
		Plain language Writing and Analytical Thinking	2
		Insolvency practice	7
		Introduction to e-commerce and application of ECTA including the use of electronic signatures	15
		Legal Technology (Online)	17
		Customary Law (Online)	20
		Numeracy skills training	21
Constitutional practice	6(10)(a)	Constitutional law	16
Constitutional law & Customary law	7(9)(h)	Constitutional law Customary Law	16 20
Professional legal ethics	6(10)(b)	Ethics for legal Practitioners	4
Professional conduct & legal ethics of advocates	7(9)(f)	Ethics for legal Practitioners	4
Personal injury claims	6(10)(c)	Delictual Claims Including Personal Injury Claims	10
High Court practice	6(10)(d)	Civil Procedure & Trial Advocacy	5
Advocacy skills, including trial & motion court proceedings & attendance of court proceedings	7(9)(b)	Civil Procedure & Trial Advocacy	5
Magistrate's Court practice	6(10)(e)	Civil Procedure & Trial Advocacy	5
Civil procedure	7(9)(d)	Civil Procedure & Trial Advocacy	5
Criminal Court practice	6(10)(f)	Criminal Court Practice & Trial Advocacy	6
Criminal procedure	7(9)(e)	Criminal Court Practice & Trial Advocacy	6
Labour dispute resolution	6(10)(g)	Labour Dispute Resolution	12
Alternative dispute resolution	6(10)(h)	Alternative Dispute Resolution	13
Attorneys' bookkeeping	6(10)(i)	Legal Practitioners Accounts Management	11
For pupils intending to be admitted as advocates referred to in section 34(2)(b) of the Act, bookkeeping as contemplated in regulation 6(10)(i)	7(9)(a)	Legal Practitioners Accounts Management	11
Wills and estates	6(10)(j)	Wills and Estates	14
Matrimonial law	6(10)(k)	Matrimonial Matters & Divorce	9
Legal costs	6(10)(l)	Legal Costs	22
Drafting of contracts	6(10)(m)	Drafting of Contracts	8
Legal writing and drafting	7(9)(g)	Drafting Legal Documents – Pleadings & Motions	3
Information & communication technology for practice, and associated aspects of cyber law	6(10)(n) 7(9)(i)	Introduction to Cyber law (Online)	19
Introduction to practice management	6(10)(o)	Introduction to practice management (Online)	18

Table C

Name of programme in the Norms and Standards approved by the LPC on 26 October 2019	List in Annex B	Names in new regulations about to be published	Regulation section 4(1) sub-paragraphs
Taking Instructions and Obtaining a Mandate	1	taking instructions and obtaining a mandate	(a)
Plain language Writing and Analytical Thinking	2	plain language writing and analytical thinking	(b)
Drafting Legal Documents – Pleadings & Motions	3	drafting legal documents - pleadings and motions	(c)
Ethics for legal Practitioners	4	ethics for legal practitioners	(d)
Civil Procedure & Trial Advocacy	5	civil procedure and trial advocacy	(e)
Criminal Court Practice & Trial Advocacy	6	criminal court practice and trial advocacy	(f)
Insolvency practice	7	insolvency practice	(g)
Drafting of Contracts	8	drafting of contracts	(h)
Matrimonial Matters & Divorce	9	matrimonial matters and divorce	(i)
Delictual Claims Including Personal Injury Claims	10	delictual claims, including personal injury claims	(j)
Legal Practitioners Accounts Management	11	legal practitioners' account management	(k)
Labour Dispute Resolution	12	labour dispute resolution	(l)
Alternative Dispute Resolution	13	alternative dispute resolution	(m)
Wills and Estates	14	wills and estates	(n)
Introduction to e-commerce and application of ECTA including the use of electronic signatures	15	introduction to E-commerce and application of the Electronic Communications and Transactions Act, 25 of 2002, including the electronic signatures	(o)
		basic business transactions	(p)
		business rescue	(q)
Constitutional law	16	constitutional law	(r)
Legal Technology (Online)	17	legal technology (online)	(s)
Introduction to practice management (Online)	18	introduction to practice management (online)	(t)
Introduction to Cyber law (Online)	19	introduction to cyber law (online)	(u)
Customary Law (Online)	20	customary law (online)	(v)
Numeracy skills training	21	numeracy skills training	(w)
Legal Costs	22		
Trial advocacy training programme	25(3)(a)(i) Rule 19		
Post-qualification professional development	5(h), 6(1)(a)(ix), & (5)(e),(g)		
Continuing education and training	6(5)(e)		

ANNEXURE D

Programme of structured course work

Norms and Standards : Regulation 4(1) of the new regulations replacing regulations 6(11) and 7(10)

Subject and curriculum	Outcomes	Remarks	1	2	3
<p><u>1 Taking Instructions and Obtaining a Mandate – Reg 4(1)(a)</u> <u>Content:</u> This course starts with FICA and CPA compliance. An explanation why a client is entitled to an estimate of fees and disbursements. Reference to tariffs of fees and templates for making fee assessments. How to prepare for a first consultation. How to conduct a first consultation. How to contextualise a client’s problem. How to arrange follow up consultations. The importance of first obtaining all the relevant facts. How to obtain relevant documentation. How to listen to a client without interrupting. How to ask relevant questions to bring out the facts. How to structure questions. Why leading questions must be avoided.</p>	<p><u>Expected Outcomes</u></p> <p>The candidate must understand the following:</p> <ul style="list-style-type: none"> a) What to do to prepare for a first consultation with a potential client. b) What are the basic compliance requirements? c) How to carry out the first interview or consultation. d) How to go about taking instructions. How to obtain the relevant facts. e) Techniques in carrying out a consultation. f) An understanding of applied research, as opposed to academic research. g) How to use the available research tools. How to do research in an effective and efficient manner. 	<p><u>Note to Trainer</u></p> <p>This module contemplates training on a practical level.</p> <p>Candidates must know what to do, why we do and how to do it.</p> <p>An assessment of the candidates will take place through both formative and summative assessments.</p> <p>Candidates will have to score a minimum of 50% to pass an assessment.</p>	8	2	10

¹ Minimum contact hours

² Assignments

³ Notional hours

<p>When to write letters and when not to write letters. How much detail to include in a letter and what type of detail. An introduction on how to carry out legal research. Where to find the law. How to find the law quickly. How to use annotations effectively. How to use electronic Law reports. What is meant by: “the best statement of the law is to be found in the most recent decision of the highest court.”</p>					
<p>2 Plain Language Writing and Analytical Thinking – Reg 4(1)(b) <u>Content:</u> A sensitive assessment of English language competency needs to be done. What is plain language writing: why plain language is relevant to lawyers: and, how to achieve writing in plain language. A short course on writing skills to cover grammar, syntax, sentence construction, punctuation and vocabulary. Assistance with comprehension skills. Introduction of a compulsory reading programme. All candidates are required to read at least one book, of their own choice, per month throughout the period of the PVT contract. Principals and pupil masters must ensure compliance.</p>	<p><u>Expected Outcomes</u></p> <p>The ability to write well is an essential skill. The following is expected of candidates:</p> <ol style="list-style-type: none"> Candidates must write in plain English on their own. They must not become slaves to precedents. After the PVT contract is completed, there must be a demonstrable improvement in the candidate’s literacy skills. During PVT contracts, candidates must be encouraged to develop a culture of reading and writing. Candidates must demonstrate the ability to write as a lawyer without <i>sounding</i> like one. Candidates must not use jargon or “legalese”. 	<p><u>Note to Trainer</u></p> <p>The module is extremely important: an effort has to be made to improve literacy skills amongst candidates. Principals and pupil masters must be aware of their roles in this. An experienced English teacher must present the plain English writing module. The module must have writing and reading assignments from the outset: one book per month. Principals and pupil masters must monitor candidates from the outset. Assessment of writing skills needs to take place throughout the PVT contract.</p>	8	3	11

<p>Candidates must be encouraged to write on their own without copying and pasting from office precedents.</p> <p><u>Problem Solving</u> An explanation of how to analyse a legal problem. How to think like a lawyer. How to apply logic. How to find solutions to legal problems. Critical thinking: What is critical thinking? How to apply critical thinking. The object is to develop application of cognitive skills. How to apply the law to the peculiar facts of one's case.</p> <p>Facts first: law second.</p>	<p>e) Candidates must understand how to approach a legal problem. They must grasp that the facts are the most important: only then should one consider the law.</p> <p>f) An understanding of how to gather the known facts and analyse them is an essential skill.</p> <p>g) The candidate must understand that first the facts have to be obtained, then the matter can be contextualised as to the area of the law that is applicable.</p> <p>h) Candidates have to understand that any legal solution must be supported by the facts of the case.</p>	<p>The final assessments will include the ability to write.</p> <p>Experienced practitioners (at least seven years' experience in practice or a comparable level of expertise) must explain the concept of how to understand a legal problem: how to analyse and contextualise the problem. Then follows the method of finding answers for a client with reference to the facts and the law.</p> <p>Writing involves thinking. There is a method in this. Candidates must apply their minds before putting pen to paper. This must be taught during the first month of the PVT contract.</p> <p>NB: Candidates cannot expect to pass exams and assessments if they are unable to write properly due to poor literacy skills.</p>			
<p>3 <u>Drafting Legal Documents – Pleadings and Motions – Reg 4(1)(c)</u></p> <p><u>Content:</u> <u>Managing Fact:</u></p> <p>a) How to obtain relevant facts. b) What are the sources of fact. c) Obtaining documents including electronic documents. How to preserve documents. d) Obtaining witness statements. e) Carrying out <i>in loco</i> inspections if necessary: how to record the evidence.</p>	<p><u>Expected Outcomes</u></p> <p>Candidates will know the following:</p> <p>a) Candidates must understand the skills listed in the content column. They are not expected to be expert drafters already.</p> <p>b) Candidates must be able to recognise the procedures and be able to assist in dealing with cases under the supervision of principals and pupil masters.</p>	<p><u>Note to Trainers</u></p> <p>Note: for this module we expect the trainers to have at least 7 to 10 years of practical experience or a comparable level of expertise in all areas of dispute resolution and litigation in particular.</p> <p>When assessing assignments, assist by correcting the faults and ask the candidate to redraft; in this way</p>			

<p>f) How to obtain and preserve relevant exhibits: what exhibits are.</p> <p>g) The explanation above is required before any papers are drafted.</p> <p><u>Analysing Fact.</u></p> <p>a) Candidates must understand what to do after gathering the facts.</p> <p>b) Candidates must learn, at the outset, to sequence all the facts and documents.</p> <p>c) Candidates must be able to analyse facts on the basis that only relevant facts must be retained and presented at a hearing; only facts that are admissible, in terms of the rules of evidence, can be relied on. Further, candidates must understand that any version of facts they intend to rely on, must be probable in relation to the circumstances of the case.</p> <p>d) Candidates must learn, early in their careers, that they cannot go to court with a version that is improbable or implausible.</p> <p>e) Candidates must be able to work out that there are facts which support their own client's version of what actually happened; and that there will be facts that do not support their client's version.</p> <p>f) Candidates must understand that carrying out such an analysis is the</p>	<p>c) Candidates will be subjected to both formative and summative assessments.</p> <p>d) Candidates will know how to analyse three sets of affidavits in motion matters.</p> <p>e) Candidates will know how to grasp findings of facts on affidavits, including the <i>Plascon-Evans</i> test.</p> <p>f) Candidates will know how to bring an interdict [as part of the case studies].</p>	<p>there will be some skills transfer.</p> <p>Remember to explain managing facts before allowing candidates to start drafting pleadings.</p> <p>Explain that the sequence of facts forms the crux of chronologies needed in terms of Directives in many Courts.</p>			
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<p>only way for lawyers to understand the facts of their client’s case.</p> <p>g) Merely reading witness statements and documents is of no value. Nor is it of any value merely to accept a version on the basis that “those are my instructions”; one must carry out an objective fact analysis first.</p> <p><u>Working out the case concept</u> (or theory of your case)</p> <p>a) What happened according to your client’s version of the facts?</p> <p>b) What are the issues, factual and legal, that emerge from the facts?</p> <p>c) What are you going to tell the judge at the hearing?</p> <p>d) What version are you going to present in your papers?</p> <p>e) How will you present evidence?</p> <p>f) Who will be the witnesses and what documents will you need?</p> <p>g) How will you run the case from pleadings to final argument?</p> <p>h) This process has to be applied before any papers are drafted.</p> <p><u>Working out the cause of action or defence</u></p> <p>a) There must be a comprehensive explanation, using case studies, of how one takes a set of facts and works out what your client’s cause</p>					
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<p>of action or defence is. Look to the case concept and the applicable law. Do not draft papers without first undertaking this step.</p> <p>b) Candidates must understand the meaning of the elements of one's cause of action or defence and where and how to find those elements in the peculiar facts of your case and with reference to the law.</p> <p>c) Candidates must know how to recognise and formulate a cause of action and defence before any drafting commences.</p> <p>d) The object is for candidates to understand this method instead of consulting a precedent first.</p> <p><u>Deciding what procedure to use Action / Application</u></p> <p>a) Candidates must understand the test whether to proceed by way of action or motion.</p> <p>b) Candidates must understand the main differences between actions and applications.</p> <p>c) Refer to the Uniform Rules of Court and practice directives.</p> <p>d) What is meant by a dispute of fact: how does one test a set of facts?</p> <p>e) Candidates must know what happens in court when an application cannot be adjudicated on the papers.</p>		<p>Emphasise the importance of drafting pleadings without using a precedent.</p> <p>We recommend using case studies to assist candidates to understand the test whether to proceed by way of motion or action.</p> <p>Explain a referral to evidence and a referral to trial. In each case use a case study of how such referrals are drafted.</p>			
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<p><u>Drafting pleadings</u> (including how to get to your first rough draft)</p> <ol style="list-style-type: none"> a) Candidates must draft on their own without the assistance of a precedent. b) Candidates must read and understand rules 18 and 22 of the Uniform Rules. c) Candidates must know how to draft particulars of claim and a plea. d) Candidates must draft causes of action in contract, delict, divorce and unjust enrichment. The focus must be on contract and delict. e) Candidates must do assignments for formative assessments. f) Candidates must grasp the lay-out of pleadings with proper paragraph numbering, appropriate spacing, font types, use of headings and point first drafting. g) No pleading may be vague: each pleading must disclose a cause of action. h) A plea must comply with Rule 22 of the Uniform Rules. Bare denials are not allowed. Candidates must plead their client's version, which, if proved, will amount to a defence to plaintiff's claim. i) Candidates must be able to draft a Special Plea and to know when and how to draft a Special Plea. 		<p>Emphasise that candidates draft on their own without the assistance of a precedent.</p> <p>Explain the method of drafting with reference to Rules 18 and 22 of the Uniform Rules of Court.</p> <p>Use case studies to assist candidates to draft all causes of action.</p> <p>Assignments can be submitted on e-learning platforms. Trainers must assess each assignment.</p> <p>Explain the lay-out of pleadings with proper paragraph numbering, appropriate spacing, font types, use of headings and point first drafting.</p> <p>Explain what is meant by a pleading that is vague and one that does not disclose a cause of action.</p> <p>Explain that in a plea there must be a response to the plaintiff's facts and that evasive drafting is not tolerated. They are not to draft bare denials without setting out their client's version.</p>			
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<p><u>Drafting Notices of Motion and three sets of affidavits</u></p> <p>a) Candidates must learn the different types of notices of motion and when each is used. This must include a long form notice of motion, a short form notice of motion and a Two-Part notice of motion.</p> <p>b) Candidates must know when and how each of the three types is used.</p> <p>c) Candidates must learn to draft founding, answering and replying affidavits.</p> <p>d) Candidates must know the required lay-out of each of the affidavits with reference to the requirements in the Uniform Rules and directives.</p> <p>e) Candidates must know how to index and paginate court files.</p>		<p>Explain a “Special Plea”, when it is used and how it is drafted.</p> <p>Use case studies and get the candidates to draft on their own.</p> <p>Explain the purpose of founding, answering and replying affidavits.</p> <p>Online Drafting exercises and case studies will have to be completed.</p>			
<p>4 Ethics for legal Practitioners – Reg 4(1)(d)</p> <p><u>Content:</u></p> <p>A single contact session as well as Ethics for Legal Practitioners needs to be incorporated into the introduction to each module recommended in this programme.</p> <p>Candidates must be aware of the ethical requirements for all types of practitioner.</p>	<p><u>Expected Outcomes</u></p> <p>a) Candidates will know the seven universal ethical principles that apply to all professions.</p> <p>b) Candidates will know any specific rule in the Code of Conduct that applies to any module.</p>	<p><u>Note to Trainer</u></p> <p>The content of the course must be uniform for all candidate legal practitioners.</p> <p>Currently the regulations and the Code of Conduct provide for three types of legal practitioner. So, the candidate must be aware of the ethical requirements for all three.</p>	6	0	6

<p>Details of course content The seven universal ethical principles</p> <p>The current Code of Conduct of 29 March 2019:</p> <p>Section 3 of the general provisions in the Code of Conduct requires attention.</p> <p>Section 56 The scope and limits of legitimate cross-emanation are particularly important.</p>	<p>c) Candidates will be able to apply the Code of Conduct applicable to all branches of the legal profession, be it attorney, advocate or advocate with a trust account.</p> <p>d) All candidates will understand and know the provisions of section 3.</p> <p>e) All candidates will be able to apply section 56 of the Code when doing the Trial Advocacy programme and in the summative assessment of the open book exam.</p>	<p>The summative assessment must be an open book exam. Candidates must have open book access to the Code of Conduct and relevant regulations during the assessment.</p> <p>Candidates will answer questions based on applying the Code.</p>			
<p>Universal ethical principles honesty trustworthiness loyalty respect for others adherence to the law doing good and avoiding harm to others accountability</p>	<p>The universal ethical principles text is from https://www.iaa.govt.nz/for-advisers/adviser-tools/ethics-toolkit/professional-ethics-and-codes-of-conduct/</p>	<p>Only the seven ethical principles set out in the first column must be memorised by rote.</p>			
<p><u>5 Civil Procedure and Trial Advocacy – Reg 4(1)(e)</u> <u>Content:</u> There is a substantial overlap in the Uniform Rules of Court and Magistrates’ Courts Rules. Candidates must have knowledge of the rules in both courts. The differences must be highlighted. In particular the difference in powers and functions</p>	<p><u>Expected Outcomes</u></p> <p>Candidates must understand the process and procedures in taking a matter to trial from pleadings to hearing.</p> <p>The purpose is to ensure that candidates</p>	<p><u>We provide for six days of training</u> <u>Note to Trainers</u> What follows is part of the Trial Advocacy programme. For purposes of this PVT programme we expect the various disciplines to be dealt with in a programme which can be included within the high court and magistrates court practice</p>	36	6	42

<p>regarding the Magistrate’s Court. Candidates must be made familiar with Practice Directives in both the High Court and Magistrate’s Court. Candidates must know where to find the directives and how they are applied.</p> <p>The following must be dealt with: <u>Contingency Litigation:</u> What is contingency litigation and how to decide whether to take a matter on contingency? What are the rules and how to charge contingency fees? What do courts say about contingency litigation?</p> <p><u>Case management:</u> What is Case Management, and how to apply it in your practice and in court proceedings. Candidates must learn that modern day litigation is less adversarial and more cooperative with the object being to resolve disputes quickly and at a reasonable cost. Candidates must know how to refer a matter to case management, the process and procedures in case management.</p> <p><u>Certification:</u> Candidates must understand how the trial certification process works. In particular that a judge will require the parties to agree and record the triable issue/s.</p>	<p>understand the practical steps required to be taken and how to prepare for a trial.</p> <p>Candidates will know how to set down a matter for trial.</p>	<p>and procedure. The minimum hours must be achieved. This course is not to be confused with the five-day advanced course that we recommend for those practitioners who want to appear in court trials and applications. That advanced course is dealt with separately, below. The instruction method is practical: this requires the use of case studies. Advocacy is a performance skill: so, trainers are expected to give demonstrations. This can also be included in a moot court programme.</p> <p><u>Note to Trainers</u> Since instruction is of a practical nature, trainers must use case studies so that candidates can actually carry out various tasks or see how they are done. The trainers for this module must have at least 7 to 10 years’ experience or a comparable level of expertise in dispute resolution.</p> <p>Instruction must be given about the process and procedures in case management and certification process: this must include attending case conferences and certifications with a judge.</p>			
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<p><u>Trial Preparation:</u> Candidates must understand that there is a duty on a practitioner to settle a matter at any stage. The earlier the matter gets settled, the better.</p> <p>Candidates must acquire the following skills:</p> <ul style="list-style-type: none"> * How to analyse pleadings. * How to determine triable issues. * How to limit the issues for trial. * How to initiate case conferences for certification and for trial readiness. * How to do pre-trial conferences, and how to draft the agenda. * How to carry out a proof analysis. <p>Candidates must understand what is meant by “proof of a fact” and how to discharge the onus.</p> <ul style="list-style-type: none"> * How to carry out witness and documentation analysis. * How to prepare chronology documents. <p><u>Discovery:</u></p> <ul style="list-style-type: none"> * Candidates must understand latest Developments on how to obtain, preserve and present relevant documentation including Electronic Documents. * Candidates must understand the concept of narrow discovery and proportionality. 		<p><u>Note to Trainer</u> Explain what is meant by “door settlements” and why our courts are against them. Explain the consequences of making door settlements.</p> <p>Explain that the intended purpose of the pre-trial conference must be achieved; it is not merely a step requiring compliance.</p> <p>Explain that once the issues are settled, candidates have to consider how they will go about proving their client’s version.</p>			
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<p>* Candidates must know how to prepare trial bundles. This must include the importance of sequencing.</p> <p><u>How to Attend Pre-Trial Conferences and Case Conferences.</u></p> <p>* Candidates must understand the purpose of these conferences and how that purpose can be achieved.</p> <p><u>Trial Procedure</u> Requirement of practice notes for the court. When are these notes expected to be filed and what are the contents?</p> <p><u>The content</u> Before proceeding with this programme, candidates must be made aware of their Case Concept, how they intend to proceed with the hearing and discharge the onus.</p> <p>* Witness briefing. Candidates must know how to prepare a witness for court appearances.</p> <p>* Opening Statement.</p> <p>* Leading a witness in chief.</p> <p>* Cross examination.</p> <p>* Re-examination.</p> <p>* Presenting argument.</p> <p>Note: this is part of the trial advocacy programme. These skills will be split up as separate modules which will be incorporated into and presented as part of</p>		<p><u>Note to Trainer</u> This will include an explanation of case conferencing with judicial officers. Explain how to prepare for a case or pre-trial conference.</p> <p>Explain the purpose of practice notes.</p>			
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<p>the civil procedure programme. Different instructors can be used.</p> <p><u>Heads of Argument.</u></p> <ul style="list-style-type: none"> * When are heads required. * What is meant by “main heads of argument”. * What are Short heads and Comprehensive heads. <p>Note: candidates will not be expected to draft heads in this programme.</p>		<p>Explain how a typical set of heads is laid out.</p>			
<p>6 <u>Criminal Court Practice and Trial Advocacy – Reg 4(1)(f)</u></p> <p><u>Content:</u> Candidates must know the peculiar requirements in a criminal trial thus:</p> <p><u>Course Content</u></p> <ul style="list-style-type: none"> * How to obtain and analyse the charge sheet and docket. * How to take instructions and obtain your client’s version. * How to obtain witness statements and ensure witness presence in court. * How to do plea bargaining. * How to do bail applications. * How to plead effectively, including when to make a Plea explanation. * How to attend trial and pre-trial conferences. * How to cross-examine state witnesses. 	<p><u>Expected Outcomes</u></p> <p>Candidates will understand the process involved in conducting a criminal matter, from obtaining the charge sheet to final argument.</p>	<p><u>Note to Trainers</u></p> <p>This module contemplates training on a practical level. So, avoid repeating the university lectures on criminal procedure.</p> <p>Candidates are expected to attend criminal trials and bail applications in the Magistrate’s Court and High Court during the duration of the PVT contract. Use case studies and demonstrate what happens in court.</p> <p>The trial advocacy component can be incorporated into the trial advocacy training for the High Court.</p>	<p>12</p>	<p>4</p>	<p>16</p>

<p>* How to present your client's version to a state witness.</p> <p>* How to lead evidence in chief including the decision to call your client.</p> <p>* How to present argument</p> <p>* How to present sentencing options and evidence in mitigation.</p> <p>Note: the court craft here will also be a module of Trial Advocacy.</p>					
<p>7 <u>Insolvency practice</u> – Reg 4(1)(g)</p> <p><u>Content:</u></p> <p>How to bring an: Application for sequestration both: - Voluntary and - Compulsory Liquidation and, Business rescue. Application for Rehabilitation.</p> <p>Discussion of the relevant provisions of the Insolvency Act and Companies Act. Candidates must understand the effect of a sequestration of a person's estate and the effect of the winding up of a juristic person. Candidates are not expected to run meetings of creditors. That experience is gained inhouse while in practice with senior lawyers.</p> <p>Blended learning: made up of contact sessions + online work.</p>	<p><u>Expected Outcomes</u></p> <p>The candidate will be able to:</p> <ol style="list-style-type: none"> Draft a notice of motion for each type of application, be it liquidation or sequestration. Draft the founding affidavit for each type of application so that the allegations contain all the basic compliance requirements. Understand the difference between friendly and voluntary applications for sequestration. Understand the effect of sequestration on the insolvent's property. Find the applicable law concerning the winding-up and liquidation of companies. Be able to apply the relevant practice directives. 	<p><u>Note to Trainer</u></p> <p>The course requires formative assessments while candidates get used to drafting the notices of motion and founding affidavits.</p> <p>Summative assessments need to be open book exams in the sense that candidates have access to the Insolvency Act 24 of 1936, the Companies Act 71 of 2008 and Chapter XIV of the Companies Act 61 of 1973.</p> <p>The summative assessment must establish whether the candidate can produce a valid application: it must not rehash the LLB degree.</p>	12	4	16

<p>8 <u>Drafting of Contracts</u> – Reg 4(1)(h) <u>Content:</u> * General techniques in drafting a commercial contract: Obtaining instructions: * The basic provisions for effective contracts: * The structure of a contract (international best practice): * How to use commercial precedents. * How to draft the standard boilerplate provisions. * How to draft transactional provisions. * Where relevant, questions of basic compliance must be addressed. * Introduction to due diligence.</p>	<p><u>Expected Outcomes</u></p> <p>Candidates must understand that drafting a contract involves much more than merely reaching for a precedent.</p> <p>Understanding the transaction is of vital importance followed by due diligence.</p>	<p><u>Note to Trainer</u></p> <p>The emphasis must be on how to understand the transaction, then to draft the provisions.</p> <p>There must be a critical method in using precedents. It is not a mere copy and paste exercise.</p> <p>We recommend the use of a case study which will become part of the formative assessment.</p>	12	3	15
<p>9 <u>Matrimonial Matters and Divorce</u> – Reg 4(1)(i) <u>Content:</u> Taking instructions in detail. Advice on marriage and its consequences Ante-nuptial contracts Advice on out of community of property with or without the accrual system and marriage in community of property Divorce and its consequences Drafting particulars of claim / defence. Drafting Rule 43 Applications. How to settle matrimonial disputes outside Court. ADR in Family Law.</p>	<p><u>Expected Outcomes</u></p> <p>Candidates must appreciate that all family law matters are dealt with differently. Our courts do not encourage adversarial litigation and expect the parties to cooperate towards a reasonable settlement.</p> <p>These matters must be dealt with in a sensitive and sensible manner. Candidates must be alive to this especially where minor children are involved.</p> <p>The candidate must understand the following:</p>	<p><u>Note to Trainers</u></p> <p>This module must be presented by a practitioner with 7 years or more experience or a comparable level of expertise in all aspects of family law.</p> <p>The course requires formative assessments while candidates get used to drafting pleadings for divorce and Rule 43 applications.</p> <p>Summative assessments need to be open book exams in the sense that</p>	10	6	16

<p>Advice on rights and duties concerning children in a marriage, including: Adoptive children: Step-children: and, Children in foster care.</p> <p>How to deal with custody of children. The best interests of the child principle. Maintenance of children and, if applicable, former spouses.</p> <p>A discussion on the judgement in <u>Brownlee v Brownlee</u>.</p> <p>The duty of a practitioner in all family matters to resolve disputes quickly and cheaply.</p> <p>Blended learning: made up of contact sessions + online work.</p>	<ol style="list-style-type: none"> a) How to carry out the first consultation to get all the facts. b) How to advise on marriage, ante-nuptial contracts with or without the accrual system, community of property and the consequences of marriage. c) How to advise on divorce and its consequences. d) How to settle matrimonial disputes outside Court and to introduce clients to the idea of settlement through ADR. e) How to draft divorce particulars of claim or defence. f) How to draft Rule 43 applications. g) How to give advice concerning the Children's Act 38 of 2005, especially the Hague Convention. h) How to work out maintenance for children, and where applicable, former spouses. i) How to enforce divorce settlement agreements. j) Able to identify the principle in the Brownlee case. 	<p>candidates have access to the Children's Act 38 of 2005, and legislation like the Marriage Act 25 of 1961, Recognition of Customary Marriages Act 120 of 1998, Civil Union Act 17 of 2006 and Divorce Act 70 of 1979, and all applicable practice directives and practice manuals. Emphasis must be on the application of the law, not rote learning of statutes. 50% is required to pass an assessment.</p> <p>One must assume that candidates dealt in their LLB with the law relating to engagement, the contract of marriage, the formalities required for a valid marriage into the Marriage Act, the Recognition of Customary Marriages Act and the Civil Union Act.</p> <p>Likewise, one assumes the LLB dealt with the Child Care Act 38 of 2005 and the Divorce Act 70 of 1979.</p>			
<p>10 Delictual Claims Including Personal Injury Claims – Reg 4(1)(j) <u>Content:</u></p> <p>* How to gather & analyse the facts before deciding on a cause of action.</p>	<p><u>Expected Outcomes</u></p> <p>Delictual claims, including personal injury claims are an important part of any litigation practice.</p>	<p><u>Note to Trainer</u></p> <p>This module requires a trainer of more than 7 years of practical experience or a comparable level of</p>	6	6	12

<ul style="list-style-type: none"> * How to work out the cause of action. * How to draft the cause of action (particulars of claim). * How to assess quantum. * Candidates must be familiar with the Uniform Rules of Court and practice directives relating to these claims. * Case studies on RAF claims and medical negligence claims. * How and when to engage an expert and the case management of experts before the matter is allocated a trial date (case management process). 	<p>Candidates must know how to obtain the facts, contextualise the matter and formulate a cause of action with reference to the facts and the law.</p> <p>Candidates are expected to know that there is a process of “certification” in court which case manages these claims from issue to hearing.</p>	<p>expertise.</p> <p>It is important for trainers to point out that there are abuses that take place; such as the over-inflation of quantum.</p> <p>Candidates must avoid this and where possible, settle the claim as soon as possible.</p> <p>There should be no “door settlements”.</p> <p>In new directives, door settlements may require the legal practitioners to forego their fees or, worse, pay the fees of the parties.</p>			
<p>11 <u>Legal Practitioners Accounts Management</u> – Reg 4(1)(k)</p> <p>See Annexure “E”</p> <p>Old content:</p> <ul style="list-style-type: none"> * Cash book. * Ledgers. * Transfer Procedures. * VAT. * Section 86 (3) and Section 86 (4) <p>Trust Investments + Rules.</p> <ul style="list-style-type: none"> * Conveyancing Transactions. * Correspondents Transactions and Accounts. * Trust Banking Accounts. <p>Note that the above is a decades’ old programme, roundly criticised for not serving any useful purpose.</p>	<p>See Annexure “E”</p>	<p>See Annexure “E”</p> <p>Note 01: <u>The Legal Practice Management</u> course is currently provided by LEAD and may be undertaken at any time after completion of this course.</p> <p>Note 02: this programme coupled with the current book keeping exams requires urgent review.</p> <p>Note 03: if an alternative programme, such as the above recommendation, is approved; then this need not be an elective course and can be of uniform application, not only for attorneys and advocates with trust accounts.</p>	<p>30</p>	<p>6</p>	<p>36</p>

<p>It has become outdated and irrelevant.</p> <p>Suggested reviewed programme:</p> <p><u>First Module</u></p> <ul style="list-style-type: none"> * How to use accounting software. * Comprehensive training on the management of trust funds and trust accounts – the rules and obligations. * Thorough knowledge of Sections 86 to 91 of the Legal Practice Act. * The rules and requirements of the Fidelity Fund. * Applying for a Fidelity Fund Certificate. <p><u>Second Module</u></p> <ul style="list-style-type: none"> * How to manage the finances of one's practice. * How to manage personal finance. <p><u>Third Module</u></p> <ul style="list-style-type: none"> * Introduction to Legal Practice Management 					
<p>12 <u>Labour Dispute Resolution</u> – Reg 4(1)(l)</p> <p><u>Content:</u></p> <p>Industrial Relations Framework. Identification of an employee Permanent employees. Temporary employees.</p>	<p><u>Expected Outcomes</u></p> <p>The candidate will understand the following:</p> <p>a) How to conduct consultations to get all the facts, especially to obtain a balanced understanding of any dispute between the parties.</p>	<p><u>Note to Trainer</u></p> <p>The course requires formative assessments while candidates draft statements of case, notices of motion and founding affidavits for the Labour Court, and appeals to the Labour Appeal Court.</p>	12	0	12

<p>Disciplinary Proceedings and Hearings. Dismissals. Bargaining Agents, Forums and Collective Bargaining. Dispute resolution. Labour Relations Act 66 of 1995. Basic Conditions of Employment Act. Employment Equity Act 75 of 1997. Rules for the Conduct of Proceedings in the Labour Court (GN 1665 of 1996: GG 17495 of 14 Oct 1996) Rules for the Conduct of Proceedings in the Labour Appeal Court (GN 1666 of 1996: GG 17495 of 14 Oct 1996)</p> <p>NB: The LSSA Manual on Labour Dispute 2019 is a mini textbook. This manual will have to be revised.</p>	<ul style="list-style-type: none"> b) How to identify an employee. c) How to identify temporary and permanent employees. d) How to identify the difference between temporary employees and independent contractors: Chapter IX of the LRA. e) How to draft a statement of claim into Form 2, Rule 6 Referrals of the Labour Court Rules. f) How to draft applications into Form 4, Rule 7 Applications of the Rules. g) Whether a dismissal complies with Chapter VIII and Schedule 8: Code of Good Practice: Dismissal of the LRA. 	<p>Summative assessments need to be open book exams in the sense that candidates have access to the Labour Relations Act, the Basic Conditions of Employment Act, and the Employment Equity Act.</p> <p>The summative assessment must establish whether the candidate can produce a valid pleading: it must not rehash the LLB degree.</p>			
<p>13 <u>Alternative Dispute Resolution</u> – Reg 4(1)(m) <u>Content:</u></p> <p>Defining and understanding: - what is a conflict. Negotiation. Mediation. Protection of Investment Act 22 of 2015, section 13. Arbitration. Arbitration Act 42 of 1965 and the International Arbitration Act 15 of 2017.</p>	<p><u>Expected Outcomes</u></p> <p>The candidate must understand the following:</p> <ul style="list-style-type: none"> a) How to identify a conflict. b) The differences between negotiation, mediation, arbitration and litigation. c) The pros and cons of negotiation, mediation, arbitration and litigation. d) When is mediation appropriate? e) When does mediation not work? f) How arbitration differs to litigation. g) Is arbitration appropriate for organs of state that are audited by the Auditor General? 	<p><u>Note to Trainer</u></p> <p>The course requires formative assessments while candidates engage in case studies.</p> <p>Summative assessments need to be open book exams. Candidates have access to the Arbitration Act, the International Arbitration Act and section 13 of the Protection of Investment Act 22 of 2015.</p>	6	0	6

<p>The role of ADR in litigation. The LSSA Manual on Alternative Dispute Resolution.</p>					
<p>14 Wills and Estates – Reg 4(1)(n) Content:</p> <p>Wills. The Wills Act 7 of 1953 The Trust Property Control Act 57 of 1988. Drafting Wills. Taking instructions, what one needs to know to draft a will. Proper consultation. The role of sound literacy skills. Interpreting (archaic) Wills. Drafting Living Wills. Does the National Health Act 61 of 2003 make provision for a living will? Testate and Intestate Succession. Intestate Succession Act 81 of 1987. Maintenance of Surviving Spouses Act 27 of 1990 Recognition of Customary Marriages Act 120 of 1998 Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009. Administration of deceased estates. Administration of Estates Act 66 of 1965 Estate duty. Estate Duty Act 45 of 1955.</p>	<p><u>Expected Outcomes</u></p> <p>The candidate must understand the following:</p> <ol style="list-style-type: none"> a) How to conduct a comprehensive consultation with clients before advising on the law of succession and drafting a will. b) How to draft a will. c) How to draft a living will. d) How to apply the Trust Property Control Act to trusts established in a will. e) How to apply the Intestate Succession Act. f) How to apply the Administration of Estates Act from reporting the estate to the final liquidation and distribution account. g) How to apply the Estate Duty Act. h) Candidates must be familiar with the other legislation mentioned in the first column. 	<p><u>Note to Trainer</u></p> <p>The course requires formative assessments while candidates engage in drafting wills.</p> <p>Summative assessments need to be open book exams.</p> <p>Candidates must have access to the Wills Act, the Trust Property Control Act, the Intestate Succession Act and the Reform of Customary Law of Succession and Regulation of Related Matters Act.</p>	18	4	22

<p><u>15 Introduction to E- Commerce and application of the Electronic Communications and Transactions Act 25 of 2002, including the use of electronic signatures – Reg 4(1)(o)</u></p> <p><u>Content:</u> A discussion on the content of “ECTA”, the Electronic Communications and Transactions Act 25 of 2002. What is an electronic signature? How to deal with these signatures in practice. What is an advanced signature and where is it required in practice? The effect of ECTA on drafting contracts, in particular “non-variation clauses”. The effect on business and legal practice of the internet and cloud technology. An introduction to Block Chain technology and smart contracts.</p>	<p><u>Expected Outcomes</u></p> <p>This module is intended to introduce candidates to the ever-changing world of digital technologies and how this impacts on the work of practitioners, how clients access legal services and the impact on how contracts are drafted and concluded.</p> <p>It is important for candidates to understand what is meant by an electronic signature and how this impacts on commercial transactions.</p>	<p><u>Note to Trainers</u></p> <p>The trainer for this module must be an experienced practitioner who is routinely involved in digital commerce.</p> <p>This module will not be subject to any summative assessments.</p>	3	0	3
<p><u>Basic Business Transactions – Reg 4(1)(p)</u></p> <p><u>Content:</u> The seven main business transactions. * Sale of business * Sale of shares * Lease of immovable property * Employment of an independent contractor * Partnership agreement * Joint venture * Service level agreement</p>	<p><u>Expected Outcomes</u></p> <p>The candidate must understand the following: a) How to identify the seven main business transactions. b) How to understand the peculiar transaction client is engaged in. c) How to apply the general principles of contract from offer and acceptance to capacity and reciprocal obligations. d) How to negotiate, plan, draft and</p>	<p><u>Note to Trainer</u></p> <p>Summative assessments need to be open book exams. The instruction must focus on candidates drafting their own contracts without recourse to precedents insofar as it relates to the transaction. Ensure candidates can understand the difference between a sale and a</p>			

<p>Good faith, public policy and legal certainty in drafting contracts. Performance and administration of business contracts. Remedies for breach of contracts.</p> <p>NB. Responsible use of precedents is allowed.</p>	<p>administer a contract.</p> <p>e) How to weigh key elements of the contract like liabilities and debts, taxes, manageability and business growth with reciprocal obligations (rights and duties).</p> <p>f) When and whether good faith is an element of a contract: implied, tacit, express or required by law – like case law.</p>	<p>lease: and, a partnership and a joint venture.</p> <p>For a critical comparison of constitutionalism bringing potential uncertainty to contract law, see the article by Judge of Appeal Malcolm Wallis ‘<i>Commercial Certainty and Constitutionalism: Are They Compatible</i>’ (2016) 133 SALJ 545.</p>			
<p>Business Rescue – Reg 4(1)(q) Content:</p> <p>Definition & purpose of business rescue Definition of financially distressed How to accomplish business rescue Who may object to business rescue and the grounds of objection? How an affected person applies to court for an order placing a company under supervision and commencing business rescue proceedings. How a company may legally dispose of its property while under business rescue. The order of preference of creditors when a company lacks money to meet its debts.</p> <p>Effects of business rescue on contracts: employees, shareholders and directors. Rights of employees during business rescue. Participation by creditors and holders of</p>	<p><u>Expected Outcomes</u></p> <p>The candidate must understand the following:</p> <p>a) How business rescue in Chapter 6 of the Companies Act is applied.</p> <p>b) How to assess whether a company is financially distressed.</p> <p>c) The advantages and disadvantages of business rescue generally.</p> <p>d) How an affected person applies to court to place a company under business rescue.</p> <p>e) What is the effect of such an order?</p> <p>f) How to draft such founding affidavit.</p> <p>g) How to draft an answering affidavit against business rescue.</p> <p>h) Who has preference in claims against the company under rescue?</p> <p>i) The effect on contracts, employees, shareholders and directors.</p> <p>j) Who has a right to participation in the</p>	<p><u>Note to Trainer</u></p> <p>Summative assessments need to be open book exams.</p> <p>Trainers need to discuss the pros and cons of business rescue and ensure candidates know the extent and effect of the moratorium on legal proceedings and the protection of the company’s property interests.</p> <p>Candidates should know the general powers of business rescue practitioners.</p> <p>The rights and duties of the affected persons from employees, directors, shareholders to creditors needs to be understood generally.</p>			

<p>company securities. Requirements of a business rescue plan. Implementing a business plan. Consequences for failure to implement the plan.</p>	<p>business rescue proceedings? k) The requirements of a business rescue plan. l) How a plan is implemented and the consequences if it is not.</p>	<p>Finally, the implementation of a business plan must be understood as well as the consequences for default.</p>			
<p>16 Constitutional law – Reg 4(1)(r) Content: Introduction to Constitutional law and Customary law. For Customary Law see the online course below at item 20. Constitutional Law: Jurisdiction of our courts to hear constitutional matters. The 2013 change to the jurisdiction of the Constitutional Court. Introduction to the Rules and Directives in the Constitutional Court. Eleven ways to get to the Constitutional Court. How to enforce Constitutional rights. How to advise clients about their Constitutional rights, duties and obligations. How to apply Chapter 2 of the Bill of Rights and the limitations clause. How to apply the rest of the Constitution in giving advice to clients.</p>	<p><u>Expected Outcomes</u> The candidate must understand the following: a) How to conduct a comprehensive consultation with clients before advising on the Constitution. b) How to assess a constitutional issue. c) How to draft applications in terms of the Rules of the Constitutional Court. d) How to draft applications for leave to appeal to the Constitutional Court. e) How to explain and give clients advice about the remedies permitted to the Constitution.</p>	<p><u>Note to Trainer</u> Summative assessments need to be open book exams. Candidates must have access to the Constitution, 1996 and the Constitutional Court Rules and the Uniform Rules of Court.</p>	6	3	9

<p>17 Legal Technology (Online) – Reg 4(1)(s) <u>Content:</u></p> <p>This module is intended to introduce candidates to the impact of technology on legal practice. Candidates must be aware of how a modern legal practice is set up and what technologies avail practitioners.</p> <p>Candidates must be made aware of how technology has changed the way clients, or consumers, access legal services. This must include how practitioners make use of technology to market their firms and remain relevant to their clients.</p>	<p><u>Expected Outcomes</u></p> <p>This module represents an introduction to the use of technology in a 21st century law practice.</p> <p>Candidates must understand how technology has changed how consumers access legal services.</p> <p>Candidates must be encouraged constantly to keep up with the changes that flow from the increasing use of technology in our practices.</p>	<p><u>Note to Trainers</u></p> <p>This module must be presented by a practitioner in a practice that makes use of the latest technologies. Trainers must impress on candidates that technology will constantly influence how we work and serve our clients.</p> <p>There will not be any summative assessments of this module.</p>	0	6	6
<p>18 Introduction to practice management (Online) – Reg 4(1)(t) <u>Content:</u></p> <p>The role of management Organisational behaviour Business plan Marketing Financial management Administration Risk management Personal management Starting a practice The attorney and insurance</p>	<p><u>Expected Outcomes</u></p> <p>This module is vital to candidates who seek eventually to open their own practices.</p>	<p><u>Note to Trainers</u></p> <p>This module must be presented by an experienced practitioner who started his or her own practice from scratch.</p> <p>There will not be any summative assessments of this module.</p>	0	6	6

<p>19 Introduction to Cyber law (Online) – Reg 4(1)(u) <u>Content:</u></p> <p>Awareness of cyberattacks. Protective risk management strategy. Data response plan. Chapter 1: Technology Chapter 2: Organisational processes Chapter 3: Staff training Responsibility for personal/commercial information. Specific cyber security tips.</p> <p>The future of artificial intelligence as a boon and a threat to legal practitioners.</p>	<p><u>Expected Outcomes</u></p> <p>Candidates will be able:</p> <ol style="list-style-type: none"> to make adequate decisions about the technology required to sustain a reasonable measure of cybersecurity in the context of a law firm/practice, to have a good grasp of the organisational processes involved in a law practice to maintain adequate cybersecurity, and, to have an appreciation of what is required to keep all staff in a law practice, in particular – oneself – up-to-date with the essential elements of cybersecurity. 	<p><u>Note to Trainer</u></p> <p>Currently the cybersecurity course is an online course.</p> <p>Summative assessments are done online during the course.</p>	0	6	6
<p>20 Customary Law (Online) – Reg 4(1)(v) <u>Content:</u></p> <p>Customary law in the context of the Constitution, 1996 The anomaly of the <i>Bhe decision</i> (living versus official customary law) Marriages into customary law – section 15 of the Constitution Language and culture – section 30 of the Constitution Traditional leadership – ss 211 & 212 of the Constitution</p>	<p><u>Expected Outcomes</u></p> <p>After having studied this study unit, candidates are able to:</p> <ol style="list-style-type: none"> explain the concept customary law differentiate between living customary law and official customary law differentiate between customary law and common law Analyse the significance of customary law in relation to the Constitution Give advice about customary law marriages. Give advice about inheritance and succession under customary law. 	<p><u>Note to Trainer</u></p> <p>Currently, the Customary Law course is an online course.</p> <p>Summative assessments are done online during the course.</p>	0	4	4

<p>Social structure of indigenous communities Succession and inheritance Land and property rights</p>	<p>g) Give advice about land and property rights.</p>				
<p>21 Numeracy skills training – Reg 4(1)(w) <u>Content:</u></p> <p>The numerical system Basic symbols and terminology in mathematics</p> <p>Using your calculator Basic calculations Order of calculations Rounding off Substitution into formulae</p> <p>Introduction to fractions Adding and subtracting fractions Multiplying and dividing Fractions, decimals and percentages Percentage increase and decrease</p> <p>Value Added Tax and averages Simple and compound interest Proportional allocation Introduction to ratios Comparing ratios Proportional allocation Apportionment of damages</p>	<p><u>Expected Outcomes</u></p> <p>After having studied this study unit, candidates will be able to:</p> <ul style="list-style-type: none"> a) understand Roman numerals and writing and reading numbers; b) The windows calculator, the ordinary calculator and the scientific calculator; c) Addition, subtraction, multiplication and division; d) Rounding off, fractions and the concept of the lowest common denominator; e) Adding, subtracting, multiplying and dividing fractions. f) Calculating interest and VAT; g) Understand proportions, ratios and proportional allocation; and h) Apportionment of damages. 	<p><u>Note to Trainer</u></p> <p>Be patient with candidates. There is no exam for numeracy skills.</p> <p>The trainer must be competent in teaching mathematics to adults.</p> <p>There will not be any summative assessments of this module.</p>	<p>0</p>	<p>6</p>	<p>6</p>

<p>22 Legal Costs – Reg 4(1)(x) Content: Section 35(4) of the Legal Practice Act provides that the SALRC must investigate legal costs and report to the Minister within two years. Until then the tariffs determined by the Rules Board for Courts of Law apply. In the interim the content of the module is as follows: The concept of “legal costs” non-litigious matters civil litigious matters Early advice to client and estimate of costs Estimate of fees and disbursements Mandate Taking a deposit Contingency fees Retainers Agreed fees Ethics in relation to costs overreaching undercharging recovery / attempted recovery of costs for work not strictly necessary Keeping proper accounting records Failure to render accounts Different cost orders party and party costs attorney and client costs attorney and own client costs</p>	<p><u>Expected Outcomes</u></p> <p>After having studied this module, candidates will be able to:</p> <ol style="list-style-type: none"> a) explain the concept of legal costs; b) differentiate non-litigious matters and litigious matters; c) give a client an accurate estimate of the costs of a matter concerning fees and disbursements to the sheriff, counsel and expert witnesses (if any); d) understand and apply the law about contingency fees; e) understand the need to keep proper accounting records; f) understand the need to account to client in terms of the mandate between client and attorney; g) understand the different costs orders and be able to explain the orders to a client; h) draw a bill of costs; i) attend at taxation and give a useful and meaningful response to the Taxing Master on items in the Bill of Costs. 	<p><u>Note to Trainer</u></p> <p>Summative assessments may be done online during the course.</p>	6	0	6
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<p>costs <i>de bonis propriis</i> wasted costs reserved costs / costs to stand over costs in the cause costs of the day all costs/costs/taxed costs no order made / no order as to costs specific cost orders Settlement agreements Payments into court and tenders Cost consultants settling of bills of cost formal requirements for taxation notice of taxation taxability of costs appearance on taxation interest on a taxed allocatur consent to taxation Review of taxation</p>					
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OPTIONAL COURSES

The LPC will have to accredit institutions to provide the two options below. The LPC can anticipate applications for the options below. The structured course work and the norms and standards appear below. These courses will be attended by practitioners as well.

23 Optional courses:	<u>Expected Outcomes</u>	<u>Note to Trainer</u>
<p>a) Advanced Trial Advocacy – 5 days (40 hrs) This is a structured course as contemplated in Section 25 (3) (a) of the LPA and rule 19.2. The programme must satisfy the requirement of 40 hours, minimum.</p> <p>Advocacy is a performance skill. The course is divided into four parts: the first two parts comprise theory: the last two parts are performances in a mock trial situation under supervision as indicated in the third column, notice to trainers.</p> <p>Part one, how to assess facts. Fact analysis. Part two, how to adopt a strategy for trial, aka a trial theory: a candidate will learn the essential difference between a leading question (for use in cross-examination) and a valid question in leading a witness (the who, what, when, where, why, how and how much questions). Part three, performing in the mock trial as counsel for plaintiff and/or defendant: one day a candidate will be counsel for plaintiff, the next counsel for defendant <i>et cetera</i>. Part four, cross-examination in a mock criminal law trial: all candidates will practice this session.</p>	<p>The trial advocacy training will ensure that:</p> <ol style="list-style-type: none"> a) Candidates appreciate and understand how to conduct trials with confidence despite their natural nervousness when performing in court. b) Candidates will be able to assess facts that are in their client’s favour and against their client’s case. c) Equally, candidates will be able to assess facts that favour the other litigant in the case as well as facts that do not favour the other litigant. d) Candidates will have a good grasp of the Good fact – Bad fact assessment. The model assesses good and bad facts for each party independently, first for the plaintiff and then for the defendant. e) Candidates will be able to present an opening statement. f) Candidates will be able to conduct an examination-in-chief using, <i>inter alia</i>, the piggy-back or looping method. g) Candidates will be able to conduct cross-examination in civil cases. 	<p>The course requires formative assessments while candidates engage in mock trials. The trainer must identify the following six steps during the training and require the candidate to repeat the drill.</p> <ol style="list-style-type: none"> 1. Headnote – a catchy phrase to identify only one fault in the candidate’s performance. 2. Playback – repeat exactly the phrase the candidate used which requires improvement. 3. Rationale – explain the nature of the problem and why the performance needs improvement. 4. Prescription – a clear pithy statement of how the performance can be improved. 5. Demonstration – the trainer shows the candidate how to perform. 6. Replay – then candidates immediately repeat the critical part of their performance to show they have grasped the lesson. The replay must be short and to the point. <p>The method requires all candidates to be</p>

<p>The theory and mock trial performances deal with:</p> <ul style="list-style-type: none"> • Opening statement • Examination-in-chief • Cross-examination (civil & criminal) • Re-examination (to be avoided) • Final argument <p>NB: it is assumed that the candidates have an adequate knowledge of the rules of court, the rules of evidence, how to draft pleadings and heads of argument, and a good grasp of ethics.</p> <p>It is also assumed that candidates will read the trial exercises properly before attending the trial advocacy course.</p>	<p>h) Candidates will understand that leading questions are permissible ONLY in cross-examination.</p> <p>i) Candidates will be able to conduct cross-examination in criminal cases. The core duty in criminal cases is to put the version of the accused to the witnesses for the State. Failure to do so renders the accused at risk of being found guilty as charged.</p> <p>j) Candidates will understand why re-examination is not advised.</p> <p>k) Finally, candidates will be able to present a coherent final argument at the end of the trial.</p>	<p>present for each performance. Learning is incremental and each candidate learns from other candidates' performances.</p> <p>Candidates must also be witnesses in the mock trials while they are not performing as counsel in the mock trial. Accordingly, candidates must read the trial exercises carefully and have a thorough recollection of the role each witness plays in the mock trial.</p> <p>NB the trainers will be responsible for both formative and summative assessments of the candidates. The standard of such assessment must be approved by the LPC.</p> <p><u>At the end of the training a candidate must receive a certificate of competence in terms of Rule 19.2.4.</u></p>
<p>b) Advanced drafting course – 5 days</p> <p><u>Content:</u></p> <p>Candidates must receive practical training in the following skills:</p> <p><u>Drafting Pleadings</u></p> <p>Candidates must receive training in the following disciplines:</p> <ol style="list-style-type: none"> a) How to obtain the facts and documents; b) How to sequence the facts and documents; c) How to contextualise the matter in law; d) Where to find the applicable law; e) How to apply the law to the facts of the case; f) How to work out the cause of action or defence. 	<p><u>The Expected Outcomes</u></p> <p>Candidates are expected to have a working knowledge of how to draft.</p> <p>An assessment must be made using an open book format of examination combined with the assignments completed during the course.</p> <p>This course must be done after the candidate completed the course on plain English writing. The candidate must also be part of the literacy programme which requires the candidate to read and complete one book per month.</p>	<p><u>Note to Trainers</u></p> <p>This module is an intensive course.</p> <p>Encourage candidates to write on their own from day one. We encourage the use of case studies. Give candidates a statement of fact and require them to draft particulars of claim on their own and without the assistance of precedents.</p> <p>Candidates are expected to draft particulars of claim in Contract and Delict. Each effort must be assessed by a trainer and candidates must be encouraged to repeat the draft until they</p>

<p><u>Drafting skills</u> With the use of case studies, candidates must draft the following:</p> <ol style="list-style-type: none"> a) Be able to write down the material facts of the case; b) Be able to recognise the material elements of the cause of action or defence; c) Be able to use this to prepare a rough draft of particulars of claim’; d) Draft particulars of claim with reference to the Uniform Rules and practice directives; e) Draft particulars of claim with reference to the peculiar facts of the case; f) Draft particulars of claim without reference to precedents. g) Be able to draft a plea with reference to the Uniform Rules and practice directives; h) Be able to draft a version setting out a defence to plaintiff’s claim. i) Candidates must be introduced into drafting statements of claim and statements of defence. 		<p>get it right. This is time consuming and trainers are to impress upon candidates that they are expected to work long hours and at home to complete case studies.</p> <p>The trainer for this module must have more than 10 years’ experience or a comparable level of expertise in drafting for litigation.</p>
<p><u>Motion Court</u> Candidates must learn the following skills:</p> <ol style="list-style-type: none"> a) To assess the facts and the law to decide whether a matter may be dealt with in an application rather than an action. When is a dispute of fact not capable of being adjudicated on the papers? b) To draft notices of motion; including long 		<p><u>Note to Trainers</u></p> <p>This module requires trainers with at least 10 years of experience or a comparable level of expertise in drafting motion papers.</p> <p>We recommend the use of case studies where candidates must draft on their own under supervision of a trainer.</p>

<p>and short form notices as well as two-part notices of motion. A notice of motion in search and seizure applications (Anton Piller).</p> <p>c) To draft a founding affidavit. This must include the recommended layout in the Uniform Rules and practice directives. Candidates must learn how to set out the cause of action and the supporting evidence and be able to provide justification for the order sought.</p> <p>d) To draft an answering affidavit. The most effective layout must be explained including how to set out a version that will answer an applicant's case.</p> <p>e) To draft a replying affidavit. It must be short and only drafted if strictly necessary.</p> <p>f) To know how to use annexures. Avoid bulky documents and ones not strictly necessary to support the deponent's case.</p> <p>g) Candidates must know how to apply the <i>Plascon-Evans</i> test.</p> <p><u>Heads of Argument</u> Candidates must be familiar with the layout and method of drafting the different types of heads of argument (concise heads; comprehensive heads; main heads of argument (SCA) and written argument (CC)).</p> <p>The following must be in this module:</p> <p>a) The typical layout of heads of argument; b) The method to be used in Applications;</p>		<p>We recommend that one of the case studies include drafting papers for an interdict.</p> <p>This is an intensive course and requires intensive application by trainers. We therefore recommend that no more than 20 candidates be accommodated per 5-day session.</p>
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<p>c) The method to be used in Trials; d) The method to be used in Appeals and Reviews. e) Candidates must know how to draft chronology documents to be filed with heads of argument. Candidates must know the relevant Rules and practice directives; in particular regarding page limitations and the prohibition of copying and pasting from authorities.</p>		
<p><u>Writing Opinions</u> Candidates must learn how to set out and write an opinion.</p> <p><u>Course content</u> The following must be in this module:</p> <p>a) The modern method of setting out an opinion. b) Understanding the question. c) The need to answer the question and provide recommendations. d) An efficient approach to legal research. e) How to write short opinions. f) How to justify your position with reference to the facts and the law.</p>		<p><u>Note to Trainers</u> It is recommended that candidates be given a simple opinion to write under supervision of the trainer.</p>

General notes for the Legal Practice Council

Candidate legal practitioners (candidates) must score a minimum of 50% to pass any assessment, formative or summative.

Some of the courses require experienced practitioners of at least seven to ten years' experience in practice. However, practitioners with a comparable level of expertise, despite having served fewer years in practice, are welcome to assist with the training.

Provision is made in the text above for trainers with comparable experience.

Annexure E

LEGAL PRACTITIONER'S ACCOUNTS MANAGEMENT

Current Curriculum content	Relevant Section in Legal Practice Act	Recommendations
Chapter 1 – Introduction		
Bookkeeping and Accounting	<p>Rule 54.6 – A Legal Practitioner shall have and keep Business and Trust Account transactions as are necessary to enable the firm to satisfy its obligations in terms of the Act, these rules and any other law with respect to the preparation of financial statements that present fairly and in accordance with Acceptable financial reporting framework in South Africa</p> <p>Rule 54.6.1. Records showing all assets and liabilities as required in terms of Section 87</p> <p>Rule 54.6.2 Records containing entries from day to day of all moneys received and paid by it on its own account</p>	In light of Rule 54 it seems as if the Legislature envisioned that an attorneys firm should go further than to do the mere bookkeeping of transactions (as described by Rule 54.6.2) they should further have accounting records which is in line with IFRS and IFRS for SME's (Rule 54.6) and Records showing all assets and liabilities (Rule 54.6.1). Practitioners need an understanding that there is a reporting standard; but are not expected to actually comply themselves. An accountant will prepare the books accordingly.
What is a Business?	Section 34(5)	This is still relevant and explains that a Legal Practitioner can act on their own account, as part of a juristic entity, Law Clinic, Legal Aid, State. It also gives the forms of business enterprise for the previously known "Advocates".
Difference between owner and Business		In this section we might take the opportunity to introduce the <u>Personal Finance Management</u> as suggested and perhaps include budgets, cash flow forecasts on a personal finance level. This will also reduce the risks associated with maintaining Trust Accounts.
The Bookkeeping Process		This is still very relevant and must be included in the curriculum as it explains the double entry bookkeeping system.
The Cash Book	<p>Rule 54.6.2 for recording Day to day transactions;</p> <p>Rule 54.8 Keeping Trust and Business accounts separate</p>	This is the starting point of all Cash transactions and must be explained to students

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Balances Brought Down		This is the balancing of T-Accounts and will have to be explained to students to get an understanding of what is balance of an account at the end of the month. The current teaching of T-accounts is outdated and must be replaced with a more modern or relevant accounting system such as Excel using a debit and credit column.
Debit and Credits		This also needs to be explained as students will have to complete the double entry bookkeeping system which started with the Cash book.
Chapter 2 – Cash Book	Rule 54.6.2 ; Rule 54.14.13, Rule 54.14.14	
Basic cashbook principals, recording transactions		This is still very relevant as this is the first leg of the double entry bookkeeping system and the starting point of writing up transactions where movement of money is involved. We would however like to see that the notes make mention of the different types of deposits that we get, for example credit cards, perhaps discuss the do's and don'ts for cell phone banking, electronic payments and banking apps etc. Instead of cheques.
Balancing of cash books		Still relevant
Bank reconciliation statements and Supplementary Cash books		Still relevant for purposes of understanding why one needs to do this. But needs to be revised in the light of available software.
Extracting a list of Trust Creditors	Rule 54.15.1, Rule 54.14.8	This is very important to ensure that you always have enough money in your Trust Account to cover your liabilities towards clients. The current notes have to be revised to emphasise the importance of this.
Chapter 3 – Petty Cash		
How to record petty cash		This is still being used in practice and students should know how to implement internal controls to manage petty cash correctly. They require the theory.
Chapter 4 – Journals Chapter 6 – Transfer Journal and Transfer Procedures		

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LEGAL PRACTITIONER'S ACCOUNTS MANAGEMENT

Transfer journals	Rule 54.14 Internal Controls- Rule 54.14.12	This is an important aspect of attorneys bookkeeping as the Trust moneys will now be transferred into your Business account and could create a Trust deficit if you are not careful.
Trust Journals		How to deal with Trust errors and with transactions where money should be transferred from one client to another within the practice
Fee Journals	Section 35	Fees will become even more important as we move forward under the LPA. Section 35 (which is not in effect yet) will prescribe tariffs for attorneys. Further we need to also include contingency fees and the practical working thereof under this heading. (Section 35(12)) We would also like to see a section on time management and the recording of time as a Legal Practitioner as well as how to deal with your time on Pro-Bono matters.
Chapter 5 - Ledgers		As these are the books of secondary entry, the practitioners need to understand this process to give effect to the double entry bookkeeping system and therefore this should also be kept in the curriculum.
Chapter 6 – Transfer Journals (as discussed under Chapter 4)		
Chapter 7 – Value Added Tax		This is still a very relevant topic and should be included in the curriculum as it also goes hand-in-hand with fees as well.
Chapter 8 - Investments	Section 86(3); section 86(4) and Section 55	Investments on behalf of the LPFF and for the client's benefit should still be discussed in detail and we would put a little more emphasis on the theory aspect thereof as well. Further with regards to Section 55 Investment Practices, I think we should discuss this in more detail in the notes and especially the FAIS requirements thereof.
Chapter 9 - Conveyancing		This is still a very relevant and important part of attorneys' practices and also the area where there is a lot of risk involved. The practical writing up of the accounts are still relevant as well

Annexure E

LEGAL PRACTITIONER'S ACCOUNTS MANAGEMENT

		as the theoretical aspect thereof. We intend to include due diligence for purposes of transferring funds and making payments to client. Avoids fraud.
Chapter 10 – Correspondent Transactions	Code of Conduct; Part III Conduct of Attorneys; Rule 12 Sharing of fees; Rule 14 Payment of commission; Rule 19	This will still need to be addressed in the notes however the notes have to be amended to reflect the current practice in appointing correspondents. In particular Practitioners need an understanding of how fees and disbursements are managed when a correspondent is engaged. Fee sharing and payment of commission as well as pro-bono work should be dealt with under this heading.
Chapter 11 - Theory		This chapter in the current curriculum discusses the theory surrounding all of the above, however we find that students hardly ever go through this chapter in preparation for the exam. We would prefer if the theory is included in the relevant sections before the practical writing up of the books are done for the specific topic.
Our Remarks		1. In our view the content of the curriculum is still very relevant to the Legal Practice act and complies with the Act and rules.
		2. It is our opinion that the current notes should be modernised and maybe be reorganised to some extent to get the students to buy into the fact that practitioner's accounts management is still relevant for purposes of conducting a practice.
We further propose the following be dealt with: a) Trust and Business concepts and the understanding thereof, which includes the identification of Trust and Business funds, transactions and ledger accounts.		3. It is further our opinion that the Assessment method should perhaps be changed. We would suggest that the written exam should place more emphasis on the theory part of the curriculum and then there should be an online assignment where students should

Annexure E

LEGAL PRACTITIONER'S ACCOUNTS MANAGEMENT

<ul style="list-style-type: none">b) The concepts of Value, (money, goods and services).c) Accounting for disbursements.d) Accounting to clients.e) The trust reconciliation statement.f) Compliance with the Act and Rules.g) Personal Injury and accident claims matters.h) Administration and collection matters.i) Litigation (high court and magistrates court) matters.		<p>write up a set of books in Excel by recording transactions as per case study which would be provided.</p> <p>This can be part of the formative assessment.</p>
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APPEAL

AGAINST THE DECISION BY THE LEGAL PRACTICE COUNCIL

NOT TO GRANT THE APPLICANT ACCREDITATION AS A TRAINING INSTITUTION

Name of Appellant (Applicant):

Date of application for accreditation:

Date of decision by the Legal Practice Council:

Attach the reasons given by the Legal Practice Council:

Attach the grounds for the appeal:

Date and signature of receipt by the Appeals Committee:

Appeal case number allocated upon receipt:

The Appellant (Applicant) will receive the decision of the Appeals Committee within twenty business days of the receipt of the appeal by the Appeals Committee.



**LEGAL PRACTICE COUNCIL
NOTICE 227 OF 2020**

NATIONAL OFFICE
Thornhill Office Park
Building 20
94 Bekker Street
Vorna Valley, Midrand
1686
Tel: 010 001 8500



Date: 23 March 2020

**THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL
NOTIFICATION FOR COMMENT: APPLICATION FOR ACCREDITATION TO PRESENT
PRACTICAL VOCATIONAL TRAINING STRUCTURED PROGRAMMES**

All interested parties are invited to comment on the draft Guidelines for application for accreditation to be made to the South African Legal Practice Council ("Council") to present the Practical Vocational Training ("PVT") structured programmes for the year 2021 and thereafter.

The draft Guidelines are published herewith for comment.

All interested parties are called upon to submit their comments to Council in writing within a period of 30 days from the date of publication of this notice.

All comments must be sent by email to rules@lpc.org.za on or before 03 May 2020.

SIGNED AT PRETORIA THIS 23rd DAY OF MARCH 2020



Ms Hlaleleni Kathleen Dlepu

Chairperson: Legal Practice Council

**PROGRAMME OF STRUCTURED COURSE
WORK**

**THE NORMS AND STANDARDS
APPROVED BY THE LEGAL PRACTICE
COUNCIL**

APPLICATION FOR ACCREDITATION



LEGAL PRACTICE COUNCIL

Applications for Accreditation to present the programme of structured course work for Practical Vocational Training

GENERAL GUIDELINES

The requirements for the transformation and restructuring of the legal profession are set out in the Legal Practice Act. Central to this is the building of a legal profession that broadly reflects the diversity and demographics of South Africa, and is accountable, efficient, and independent, and upholds the rule of law, the administration of justice and the Constitution of the Republic (section 5 of the Legal Practice Act).

The building of such a system necessitates, among other things, the promotion of high standards of legal education and training, compulsory post-qualification professional development, continuing legal education and trial advocacy training not only in public universities, but also in organisations and institutions accredited by the Legal Practice Council: such courses need to be accessible and sustainable training courses for law graduates aspiring to be admitted and enrolled as legal practitioners having due regard to our inherited legacy and the aspirations of the new constitutional dispensation.

The accreditation of training institutions and organisations applies only to those institutions that offer training programmes that contribute to the qualification of legal practitioners and candidate legal practitioners. Accreditation means that an institution is granted the legal authority to offer duly accredited programmes.

The aim of accrediting these training institutions and individuals is to ensure that-

- (a) all accredited institutions offer a high quality of legal education as determined by the norms and standards applied by the Legal Practice Council;
- (b) all accredited institutions provide accessible and sustainable training of law graduates aspiring to be admitted and enrolled as legal practitioners;
- (c) all accredited institutions have the resources, capacity and expertise to deliver accredited programmes;
- (d) all accredited institutions will develop programmes in order to empower historically disadvantaged legal practitioners, as well as candidate legal practitioners;
- (e) all accredited institutions warrant that the candidate legal practitioners trained by them have attained an adequate level of competence as determined in the rules, for admission and enrolment as legal practitioners; and,
- (f) the system continues on a path of transformation in accordance with the design of the Legal Practice Act and complementary government policy and regulation.

Accreditation can be seen as a means of protecting the integrity of the legal system and the interests of the public and the Constitution of the Republic.

Chapter 2 of the Legal Practice Act deals specifically with training organisations and institutions. The Regulations for the accreditation of such institutions, of which this guide and the application form are an appendix, provide the legal framework within which the Legal Practice Council is required to regulate the accreditation of private institutions.

Section 6 of the Legal Practice Act empowers the Council to provide financial support to organizations or institutions providing legal education and training. Accordingly, as part of their application for accreditation, training institutions and organizations are required to include an application for any funding required, and to furnish a full breakdown of that funding, what it pertains to, the items in respect of which it is estimated that funding will be spent, and the estimated amount per trainee that is requested compared with the estimated cost per trainee of providing the accredited training.

MORE SPECIFIC GUIDELINES

Introduction

These are the guidelines for prospective applicants desiring to apply for accreditation to the Legal Practice Council (“the Council”).

All interested parties must apply for accreditation to the Council to present the Practical Vocational Training (“PVT”) structured programmes for the year 2021 and thereafter. Those parties who have already received accreditation for the year 2020 must treat such accreditation as valid only for this year. Accreditation henceforth will be valid for two years and must be renewed biennially. The Council may withdraw accreditation at any time should an applicant fail to abide by the terms of the accreditation.

The Guidelines

The purpose of these guidelines is to assist applicants to apply for accreditation. The guidelines are the following:

- In **Part A** the application process is set out: this includes the prescribed forms to be completed. Part A commences with the logistical requirements and contains the minimum standards applicants have to meet.
- The logistical requirements stipulated by the Council will be subject to verification and inspection by officials from the Council.
- Applicants must submit details of their proposed trainers and presenters. The Council provides minimum standards and guidelines for teaching and training methods.
- In **Part B** the required curriculum and details of the course work are set out. Applicants must comply with the structured course work approved by the Council.

- The Council will approve or reject the applicant's curriculum and course content. Applicants must comply with the Council's norms and standards set out below.
- Applicants have a right of appeal should the Council not accredit such applicant as a training institution.

PART A

Logistical Requirements

All applicants will have to meet the following requirements:

- a) There must be a comfortable teaching and learning environment;
- b) There must be a classroom or lecture venue capable of accommodating the number of candidates the applicant wishes to train;
- c) The classroom must be capable of being used as a moot court;
- d) The availability of break-away rooms for candidates to work on case studies. Provision must be made for at least 4 small break-away rooms;
- e) There must be access to basic text books and relevant legislation;
- f) There must be access to the internet for research purposes;
- g) The lecture room must be fitted with data projectors and screens with audio facilities;
- h) A computer room must be established to assist candidates to use technology;
- i) There must be access to refreshments;
- j) Ablution facilities must be provided;
- k) A rest area must be provided.

Site Visits

Applicants are informed that the Council will conduct site visits, upon reasonable notice to the training institution, to verify that minimum standards are met.

Training and Teaching Personnel

The Council will require that all teaching and training personnel be drawn from the ranks of experienced practitioners. Applicants will be required to provide full details of all trainers and teachers to be deployed. All trainers and teachers are expected to meet the norms and standards published by the Council. Minimum standards for teaching methods are stated below in Part B.

Non-Refundable Fee

Applicants will be expected to pay the following fees:

- a) A non-refundable fee to be paid on application for accreditation; and
- b) A non-refundable fee to be paid on annual renewal of accreditation.

- c) The fee payable on application for accreditation is R5 000 and must accompany the application. Absent payment, the application will not be processed.
- d) The fee payable for any renewal is R2 500 and must accompany applications for renewal of accreditation.
- e) All fees will be subject to review by the Council.

Application Form

Applicants should complete the Application Form after having read these Guidelines. The Application Form is a separate document appended at the end of the Guidelines. See the document entitled APPLICATION FOR ACCREDITATION AS A TRAINING INSTITUTION (*In terms of s 6(5)(g) of the Legal Practice Act 28 of 2014*).

PART B

Curriculum and Structured Course Work

All applicants are required to provide details of the structured course work to be offered to candidate legal practitioners. The following is expected:

- a) A full description of every course on offer with details of the course content;
- b) Applicants must produce and present their course materials and manuals. Note, course materials must be written by the applicants.
- c) Applicants must present a timetable for the whole PVT programme, indicating the required hours of study and how those hours are earned. There must be an indication of how many hours of class study, case studies, independent study and on-line study are proposed.
- d) The applicant is expected to provide a brief and clear statement of what the candidate can expect to achieve on successful completion of each course (outcomes).
- e) Applicants must satisfy the Council that they can comply with the norms and standards. The Council will assess the teaching methodology.

Guidelines for Teaching Methods

The following are the basic guidelines for teaching and training candidate legal practitioners (“candidates”) in the PVT programme and optional programmes. This is not an exhaustive list: applicants are encouraged to develop their own training methods. Please note: the Council does not expect applicants to redo the LLB.

- a) An appropriate and well-managed presentation; reading to candidates from books and legislation serves no practical purpose;
- b) Instructors must remain relevant to the content being dealt with;

- c) Instructors must focus on the candidates' understanding of the concepts and how to apply this in practice;
- d) Instructors must engage candidates by asking questions and calling for comment: candidates must be encouraged to ask questions and participate;
- e) Instructors must impress upon candidates that any drafting assignments be carried out without assistance and without the use of precedents;
- f) The course must be subdivided into appropriate units, lessons or modules;
- g) A sequential exposition is a must, with new material building on previous material;
- h) The use of a variety of approaches, including summaries, visual material and illustrative examples to illuminate particular concepts is encouraged;
- i) All instructors are to make candidates aware of recent judgments and amendments to legislation; and
- j) The inclusion of clear instructions to guide candidates through the material.
- k) Applicants must produce an assessment questionnaire for candidates who must complete the questionnaire at the end of each course. Such questionnaires must be filed and made available to the Council.

Fees for Training the PVT Programme

Applicants who intend to charge fees for attendance at PVT programmes must disclose the amount in their application. **Proposed fees are subject to Council approval.**

Accreditation for Single Subjects or Coursework

Applicants may apply for accreditation to provide training and teaching for specialised courses and not necessarily the whole PVT programme. Applications may be made for training of candidates and admitted legal practitioners for certain specialised programmes.

- a) The following is a list of such specialised courses:
 - Trial Advocacy
 - Legal Writing (for dispute resolution)
 - Drafting commercial contracts
 - Accounts management
 - Business practice and management
 - Wills and estates
 - Conveyancing
 - Notaries
- b) The courses above are typically three to five-day courses and are intensive. The course content and norms and standards are set by the Council. Applicants are expected to provide full details of the curriculum, coursework and outcomes.
- c) Applicants must disclose the fees for such training in the application: the fees are subject to approval by the Council.

Financial Information

The Council must be satisfied, at least for the period that accreditation is sought, that the applicant is financially capable of sustaining the training programme. Accordingly, relevant financial information is required from applicants in the application form. Although audited financial statements are not required as part of the application, the Council reserves the right to request audited financial statements should it deem such to be necessary.

Quality Control

The Council is mandated to carry out oversight regarding the quality of training provided by applicants. Applicants are informed of the following:

- a) A programme of quality control and oversight measures will be determined by the Council and published to all interested parties.
- b) Applicants will be subjected to regular inspection;
- c) Council staff will attend programmes;
- d) Poor or indifferent quality will result in termination of accreditation.
- e) The Council is committed to continuous improvement. Applicants are encouraged actively to improve course contents and training methods. The Council will release regular notices or newsletters to deal with new training materials and how to deal with changes and updates to the law and practice.

NORMS AND STANDARDS

Regulations 6(11) and 7(10) required the Council to provide training standardised in terms of norms and standards for the structured PVT coursework. The anticipated regulation 4 requires likewise. The document, setting out the required norms and standards, is annexed to these Guidelines. All applicants for accreditation are expected to meet such standards.

Applicants are advised to prepare their applications for accreditation based on the norms and standards published by the Council.

Certificate of Accreditation

The Council will issue all successful applicants for accreditation with a certificate of accreditation. The certificate will contain the date of issuance of accreditation and the time period during which the certificate remains valid.

APPLICATION FOR ACCREDITATION AS A TRAINING INSTITUTION*(In terms of s 6(5)(g) of the Legal Practice Act 28 of 2014)*

Note: Applicants must consult the document: *A Guide for Completing the Application for Accreditation as a Training Institution.*

A ADMINISTRATIVE DATA1 **Legal name of the applicant**

--

2 **Particulars of authorised contact person or key individual***(a)* **Name**

--

(b) **Designation of contact person (e.g. Ms, Mr, Dr, Prof, etc.)**

--

(c) **Telephone number**

--

(d) **Email address**

--

3 **Postal address of the applicant**

Code	

4 **Physical address and contact details of the applicant's main office**

Code	
Telephone	
E-mail address	

5 **Website address (if any)**

--

B COMPANY, VOLUNTARY ASSOCIATION OR OTHER PERSON7 **Legal name of the applicant (same as in Item 1)**8 **Official trading name, abbreviation, acronym or translation (if applicable)**9 **Type of juristic person**
(if a voluntary association – *universitas personarum* – attach its constitution)10 **Company registration number**
(if applicable)11 **Particulars of the Management**(a) **Chief Executive Officer or head of the training institution**(i) **Name**(ii) **Title**(iii) **Identity number (passport number and citizenship if not South African)**(iv) **Telephone number including cellular phone number, if available**

(b) Names and identity numbers of all the applicant's current directors or key individuals

Surname & Initials	Title	Designation	Identity Number	Passport number

12 Details of the applicant's accountant or accounts manager**(a) Name of the applicant's auditor**

13 Tax and business registration details**(a) VAT Registration Number (if applicable)**

(b) Income Tax Number (if applicable)

14 Applicant's proposed tuition fees

Tuition fees of the Training Institution	Are fees to be charged?		Amount	LPC check
	Yes	No		
Tuition fees for the whole course	State the amount of the fee for the whole course			
Tuition fees for each course charged separately	State the amount of the fee per course			

15 Payment of the non-refundable LPC fee for the accreditation application/renewal application

	Payment to the Legal Practice Council	Date paid	LPC check
Application for whole course accreditation	R 5,000.00		
Application for renewal	R 2,500.00		
Application for select courses accreditation	Amount to be determined by the LPC		
Application for renewal	Amount to be determined by the LPC		

C PARTICULARS OF LEARNING PROGRAMMES

- 16 **Table 01: Programmes submitted to the LPC for accreditation in terms of the Legal Practice Act:** On 26 October 2019 the LPC approved the Norms and Standards of the course content set out below in the left column of Table 01. Regulations published in GG No. 41879 on 31 August 2018 concerning legal practitioners qualifying as attorneys or advocates, with or without fidelity fund certificates – are to be read in conjunction with the approved course content of the practical vocational training programme. To compare the course names, see **Annexure C**.

Name of programme in the Norms and Standards approved by the LPC on 26 October 2019	List of course names	Mode of delivery	Language of instruction	Minimum duration in hours	Contact with students	
					Full-time	Part-time
Taking Instructions and Obtaining a Mandate	1					
Plain language Writing and Analytical Thinking	2					
Drafting Legal Documents – Pleadings & Motions	3					
Ethics for legal Practitioners	4					
Civil Procedure & Trial Advocacy	5					
Criminal Court Practice & Trial Advocacy	6					
Insolvency practice	7					
Drafting of Contracts	8					
Matrimonial Matters & Divorce	9					
Delictual Claims Including Personal Injury Claims	10					
Legal Practitioners Accounts Management	11					
Labour Dispute Resolution	12					
Alternative Dispute Resolution	13					
Wills and Estates	14					
Introduction to e-commerce and application of ECTA including the use of electronic signatures	15					
Basic Business Transactions						
Business Rescue						
Constitutional law	16					
Legal Technology (Online)	17					
Introduction to practice management (Online)	18					
Introduction to Cyber law (Online)	19					
Customary Law (Online)	20					
Numeracy skills training	21					
Legal Costs	22					

D STAFF AND STUDENT DATA

- 18 **Table: 04: Total staff expected to be employed and students to be registered for practical legal training programmes during the first year of operation. The data should be expressed as headcount only.**

	First intake	Second intake	Third (if any)
Students			
Academic / head office staff			
Full-time			
Part-time			
Support staff			
Full-time			
Part-time			
Service staff			
Full-time			
Part-time			

E FINANCIAL VIABILITY REPORTS AND LEGAL DOCUMENTS

- 19 **ANNEXURE A: Annual financial statements.**
- 20 **ANNEXURE B: Occupational health and safety compliance audit report.**

F DETAILS OF THE COURSE CURRICULA FOR THE APPROVED PROGRAMME

- 21 **ANNEXURE C: Table to compare the LPC 26 October 2019 approved practical vocational training programme with regulation 6 and 7 of R. 921 GG No. 41879, 31 August 2018**
- 22 **ANNEXURE D: Programme of structured course work. Norms and Standards approved by the Legal Practice Council on 26 October 2019**
- 23 **ANNEXURE E: Accounting course. Norms and Standards approved by the Legal Practice Council on 26 October 2019**
- 24 **ANNEXURE F: Appeal Form in the event an Applicant is aggrieved by a decision of the Legal Practice Council. The Council will give reasons for the decision not to accredit an Applicant as a training institution.**

I, _____ declare that this application and the documents and electronic documents submitted as evidence in part of this application are the rightful property of the training institution. I accept the terms and conditions of the application and grant permission to the Legal Practice Council to proceed with the invoicing and evaluation of this application.

SIGNATURE

DATE

ANNEXURE A ¹**(a) Annual financial statements**

For purposes of applying for accreditation as a training institution, the applicant must prepare and submit the annual financial statements for the previous financial year. The preparation and presentation of the financial statements must comply with the requirements of the the *Companies Act 71 of 2008* and the *Statements of GAAP*. The financial statements must include the following:

- Accountant's report
- Directors' report
- Balance sheet
- Income statement
- Cash-flow statement
- Summary of accounting policies
- Notes to the financial statements

The accountant's report referred to above must comply with the following requirements:

(i) The accountant's report

In the report, the accountant must express his/her opinion on the appropriateness of the management's use of the going concern assumption in their preparation of the applicant's financial statements. The accountant's report must be available for public scrutiny. Further, the accountant must indicate whether or not he/she concurs with the directors' Financial Viability Statement referred to below.

(ii) Directors' report

Any matter not dealt with in the balance sheet, statement of changes in equity, income statement, cash-flow statement or notes thereto, must be dealt with in the directors' report. Any post-balance sheet event that is material to the appreciation of the financial position of the applicant, its changes in equity, and the results of its operations and cash flows must also be tabled in the directors' report.

Ideally the report should include, but not be limited to, the following aspects:

- *Directors and secretary*
- *Principal activities/Nature of business*
- *Directors' responsibilities*
- *Going concern assessment*
- *Operating results*
- *Dividends (if any)*
- *Review of operations*
 - o Revenue
 - o Profit before tax
- *Share capital*
- *Post-balance-sheet events*

¹ The text of the current document is drawn from the Regulations for the Registration of Private Higher Education Institutions, 2003: Annexures GN R335 of 2003 GG 24976 of 28 Feb 2003: F FINANCIAL VIABILITY REPORTS AND LEGAL DOCUMENTS at ITEM 29.

So, the Council needs to consider the replacement of the auditor with an accountant.

- *Financial viability statement*

The Chief Executive Officer, or an official of similar standing, must sign the directors' report.

(b) Three-year financial forecasts

A new applicant who has not previously operated in any form whatsoever, must submit a three-year financial forecast drafted by the applicant's accountant. The three-year financial forecast must consist of the following:

- (a) *Accountant's report*
- (b) *Detailed assumptions*
- (c) *Balance sheet*
- (d) *Pro forma income statements for three years*
- (e) *Pro forma cashflow statements for three years*
- (f) *Explanatory notes to the financial forecasts*

(aa) Detailed assumptions

These assumptions should serve as the basis for all the figures and calculations done in the *pro forma* statements.

(bb) *Balance sheet*

This statement must, on analysis, be in a position to provide answers to the following questions:

- What assets does the applicant own?
- How much does the applicant intend investing in the proposed operations?
- What are the applicant's sources of funding?
- What is the proportion of debt to be incurred vis-a-vis own capital/equity?

(cc) *Pro forma income statements*

These statements must, on analysis, be able to show all the sources of the applicant's income and the amounts to be generated from each source. They must further indicate how the applicant is to meet the following funding requirements (start-up expenditure line items):

- *Capital costs*
- *Classroom furniture and equipment*
- *Library facility*
- *Student support services*
- *Student financial aid*
- *Research*
- *Quality assurance and quality promotion*
- *Professional fees (legal, financial, etc.)*
- *Costs for developing tuition materials*
- *Systems design, purchase and implementation*
- *Promotion/Advertising/Marketing Costs*
- *Furniture*

- *Electronic equipment (teaching and learning)*
- *Vehicles*
- *Staff recruitment*
- *Staff salaries*
- *Rent*
- *Travel*
- *Recreation*
- *Telecommunications*
- *Office consumables, etc.*

(dd) *Pro forma* cash flow statements

These statements must indicate how much, during the first three years of operation, the applicant expects to-

- *generate for/from operating activities;*
- *generate for/from investing activities; and*
- *generate for/from financing activities.*

(ee) *Explanatory notes*

Aspects that have not been dealt with as part of *Assumptions*, should be clearly explained in this section. Where applicable, this section should include, but not be limited to, the explanation of the following:

- *Dividend policy (if any)*
- *Financing terms and conditions*
- *VAT treatment, etc.*

ANNEXURE B

Applicants are referred to the legislation below and are expected to comply; with particular reference not only to employees but also to candidate legal practitioners in attendance

Occupational Health and Safety Act 85 of 1993

8 General duties of employers to their employees

(1) Every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees.

(2) Without derogating from the generality of an employer's duties under subsection (1), the matters to which those duties refer include in particular-

(a) the provision and maintenance of systems of work, plant and machinery that, as far as is reasonably practicable, are safe and without risks to health;

(b) taking such steps as may be reasonably practicable to eliminate or mitigate any hazard or potential hazard to the safety or health of employees, before resorting to personal protective equipment;

(c) making arrangements for ensuring, as far as is reasonably practicable, the safety and absence of risks to health in connection with the production, processing, use, handling, storage or transport of articles or substances;

(d) establishing, as far as is reasonably practicable, what hazards to the health or safety of persons are attached to any work which is performed, any article or substance which is produced, processed, used, handled, stored or transported and any plant or machinery which is used in his business, and he shall, as far as is reasonably practicable, further establish what precautionary measures should be taken with respect to such work, article, substance, plant or machinery in order to protect the health and safety of persons, and he shall provide the necessary means to apply such precautionary measures;

(e) providing such information, instructions, training and supervision as may be necessary to ensure, as far as is reasonably practicable, the health and safety at work of his employees;

(f) as far as is reasonably practicable, not permitting any employee to do any work or to produce, process, use, handle, store or transport any article or substance or to operate any plant or machinery, unless the precautionary measures contemplated in paragraphs (b) and (d), or any other precautionary measures which may be prescribed, have been taken;

(g) taking all necessary measures to ensure that the requirements of this Act are complied with by every person in his employment or on premises under his control where plant or machinery is used;

(h) enforcing such measures as may be necessary in the interest of health and safety;

(i) ensuring that work is performed and that plant or machinery is used under the general supervision of a person trained to understand the hazards associated with it and who have the authority to ensure that precautionary measures taken by the employer are implemented; and

(j) causing all employees to be informed regarding the scope of their authority as contemplated in section 37 (1) (b).

ANNEXURE C: HOW TO UNDERSTAND THE APPROVED PROGRAMME NAMES

Table A shows the PVT courses from the perspective of the LPC approval dated 26 October 2019.
Table B shows the PVT courses from the perspective of Regulation 6 (candidate attorneys) and Regulation 7 (pupils).

Table A

Name of programme in the Norms and Standards approved by the LPC on 26 October 2019	List in Annex B	Names in regulations	Regulation section numbers	Names in regulations	Regulation section numbers
Taking Instructions and Obtaining a Mandate	1				
Plain language Writing and Analytical Thinking	2				
Drafting Legal Documents – Pleadings & Motions	3	Legal writing and drafting	7(9)(g)		
Ethics for legal Practitioners	4	Professional legal ethics	6(10)(b)	Professional conduct & legal ethics of advocates	7(9)(f)
Civil Procedure & Trial Advocacy	5	High Court practice	6(10)(d)	Advocacy skills, including trial & motion court proceedings & attendance of court proceedings	7(9)(b)
		Magistrate’s Court practice	6(10)(e)	Civil procedure	7(9)(d)
Criminal Court Practice & Trial Advocacy	6	Criminal Court practice	6(10)(f)	Criminal procedure	7(9)(e)
Insolvency practice	7				
Drafting of Contracts	8	Drafting of contracts	6(10)(m)		
Matrimonial Matters & Divorce	9	Matrimonial law	6(10)(k)		
Delictual Claims Including Personal Injury Claims	10	Personal injury claims	6(10)(c)		
Legal Practitioners Accounts Management	11	Attorneys’ bookkeeping	6(10)(i)	For pupils intending to be admitted as advocates referred to in section 34(2)(b) of the Act, bookkeeping as contemplated in regulation 6(10)(i)	7(9)(a)
Labour Dispute Resolution	12	Labour dispute resolution	6(10)(g)		
Alternative Dispute Resolution	13	Alternative dispute resolution	6(10)(h)	Alternative dispute resolution	7(9)(c)
Wills and Estates	14	Wills and estates	6(10)(j)		
Introduction to e-commerce and application of ECTA including the use of electronic signatures	15				
Constitutional law	16	Constitutional practice	6(10)(a)	Constitutional law & Customary law	7(9)(h)
Legal Technology (Online)	17				
Introduction to practice management (Online)	18	Introduction to practice management	6(10)(o)		
Introduction to Cyber law (Online)	19	Information & communication technology for practice, and associated aspects of cyber law	6(10)(n) 7(9)(i)		
Customary Law (Online)	20				
Numeracy skills training	21				
Legal Costs	22	Legal costs	6(10)(l)		
Trial advocacy training programme	25(3)(a)(i) Rule 19				
Post-qualification professional development	5(h), 6(1)(a)(ix), & 5)(e),(g)				
Continuing education and training	6(5)(e)				

Table B

Name of programme in the Regulations	Regulations Reg 6 listed from (10)(a) to (o) with Reg 7 integrated into the sequence of Reg 6.	Name of programme in the Norms and Standards approved by the LPC on 26 October 2019	List in Annex B
		Taking Instructions and Obtaining a Mandate	1
		Plain language Writing and Analytical Thinking	2
		Insolvency practice	7
		Introduction to e-commerce and application of ECTA including the use of electronic signatures	15
		Legal Technology (Online)	17
		Customary Law (Online)	20
		Numeracy skills training	21
Constitutional practice	6(10)(a)	Constitutional law	16
Constitutional law & Customary law	7(9)(h)	Constitutional law	16
		Customary Law	20
Professional legal ethics	6(10)(b)	Ethics for legal Practitioners	4
Professional conduct & legal ethics of advocates	7(9)(f)	Ethics for legal Practitioners	4
Personal injury claims	6(10)(c)	Delictual Claims Including Personal Injury Claims	10
High Court practice	6(10)(d)	Civil Procedure & Trial Advocacy	5
Advocacy skills, including trial & motion court proceedings & attendance of court proceedings	7(9)(b)	Civil Procedure & Trial Advocacy	5
Magistrate's Court practice	6(10)(e)	Civil Procedure & Trial Advocacy	5
Civil procedure	7(9)(d)	Civil Procedure & Trial Advocacy	5
Criminal Court practice	6(10)(f)	Criminal Court Practice & Trial Advocacy	6
Criminal procedure	7(9)(e)	Criminal Court Practice & Trial Advocacy	6
Labour dispute resolution	6(10)(g)	Labour Dispute Resolution	12
Alternative dispute resolution	6(10)(h)	Alternative Dispute Resolution	13
Attorneys' bookkeeping	6(10)(i)	Legal Practitioners Accounts Management	11
For pupils intending to be admitted as advocates referred to in section 34(2)(b) of the Act, bookkeeping as contemplated in regulation 6(10)(i)	7(9)(a)	Legal Practitioners Accounts Management	11
Wills and estates	6(10)(j)	Wills and Estates	14
Matrimonial law	6(10)(k)	Matrimonial Matters & Divorce	9
Legal costs	6(10)(l)	Legal Costs	22
Drafting of contracts	6(10)(m)	Drafting of Contracts	8
Legal writing and drafting	7(9)(g)	Drafting Legal Documents – Pleadings & Motions	3
Information & communication technology for practice, and associated aspects of cyber law	6(10)(n)	Introduction to Cyber law (Online)	19
Introduction to practice management	6(10)(o)	Introduction to practice management (Online)	18

Table C

Name of programme in the Norms and Standards approved by the LPC on 26 October 2019	List in Annex B	Names in new regulations about to be published	Regulation section 4(1) sub-paragraphs
Taking Instructions and Obtaining a Mandate	1	taking instructions and obtaining a mandate	(a)
Plain language Writing and Analytical Thinking	2	plain language writing and analytical thinking	(b)
Drafting Legal Documents – Pleadings & Motions	3	drafting legal documents - pleadings and motions	(c)
Ethics for legal Practitioners	4	ethics for legal practitioners	(d)
Civil Procedure & Trial Advocacy	5	civil procedure and trial advocacy	(e)
Criminal Court Practice & Trial Advocacy	6	criminal court practice and trial advocacy	(f)
Insolvency practice	7	Insolvency practice	(g)
Drafting of Contracts	8	drafting of contracts	(h)
Matrimonial Matters & Divorce	9	matrimonial matters and divorce	(i)
Delictual Claims Including Personal Injury Claims	10	delictual claims, including personal injury claims	(j)
Legal Practitioners Accounts Management	11	legal practitioners' account management	(k)
Labour Dispute Resolution	12	labour dispute resolution	(l)
Alternative Dispute Resolution	13	alternative dispute resolution	(m)
Wills and Estates	14	wills and estates	(n)
Introduction to e-commerce and application of ECTA including the use of electronic signatures	15	introduction to E-commerce and application of the Electronic Communications and Transactions Act, 25 of 2002, including the electronic signatures	(o)
		basic business transactions	(p)
		business rescue	(q)
Constitutional law	16	constitutional law	(r)
Legal Technology (Online)	17	legal technology (online)	(s)
Introduction to practice management (Online)	18	introduction to practice management (online)	(t)
Introduction to Cyber law (Online)	19	introduction to cyber law (online)	(u)
Customary Law (Online)	20	customary law (online)	(v)
Numeracy skills training	21	numeracy skills training	(w)
Legal Costs	22		
Trial advocacy training programme	25(3)(a)(i) Rule 19		
Post-qualification professional development	5(h), 6(1)(a)(ix), & (5)(e),(g)		
Continuing education and training	6(5)(e)		

ANNEXURE D

Programme of structured course work

Norms and Standards : Regulation 4(1) of the new regulations replacing regulations 6(11) and 7(10)

Subject and curriculum	Outcomes	Remarks	1	2	3
<p>1 <u>Taking Instructions and Obtaining a Mandate – Reg 4(1)(a)</u> <u>Content:</u> This course starts with FICA and CPA compliance. An explanation why a client is entitled to an estimate of fees and disbursements. Reference to tariffs of fees and templates for making fee assessments. How to prepare for a first consultation. How to conduct a first consultation. How to contextualise a client’s problem. How to arrange follow up consultations. The importance of first obtaining all the relevant facts. How to obtain relevant documentation. How to listen to a client without interrupting. How to ask relevant questions to bring out the facts. How to structure questions. Why leading questions must be avoided.</p>	<p><u>Expected Outcomes</u></p> <p>The candidate must understand the following:</p> <ul style="list-style-type: none"> a) What to do to prepare for a first consultation with a potential client. b) What are the basic compliance requirements? c) How to carry out the first interview or consultation. d) How to go about taking instructions. How to obtain the relevant facts. e) Techniques in carrying out a consultation. f) An understanding of applied research, as opposed to academic research. g) How to use the available research tools. How to do research in an effective and efficient manner. 	<p><u>Note to Trainer</u></p> <p>This module contemplates training on a practical level.</p> <p>Candidates must know what to do, why we do and how to do it.</p> <p>An assessment of the candidates will take place through both formative and summative assessments.</p> <p>Candidates will have to score a minimum of 50% to pass an assessment.</p>	8	2	10

¹ Minimum contact hours

² Assignments

³ Notional hours

<p>When to write letters and when not to write letters. How much detail to include in a letter and what type of detail. An introduction on how to carry out legal research. Where to find the law. How to find the law quickly. How to use annotations effectively. How to use electronic Law reports. What is meant by: “the best statement of the law is to be found in the most recent decision of the highest court.”</p>					
<p>2 <u>Plain Language Writing and Analytical Thinking</u> – Reg 4(1)(b) <u>Content:</u> A sensitive assessment of English language competency needs to be done. What is plain language writing: why plain language is relevant to lawyers: and, how to achieve writing in plain language. A short course on writing skills to cover grammar, syntax, sentence construction, punctuation and vocabulary. Assistance with comprehension skills. Introduction of a compulsory reading programme. All candidates are required to read at least one book, of their own choice, per month throughout the period of the PVT contract. Principals and pupil masters must ensure compliance.</p>	<p><u>Expected Outcomes</u></p> <p>The ability to write well is an essential skill. The following is expected of candidates:</p> <ol style="list-style-type: none"> a) Candidates must write in plain English on their own. They must not become slaves to precedents. b) After the PVT contract is completed, there must be a demonstrable improvement in the candidate’s literacy skills. c) During PVT contracts, candidates must be encouraged to develop a culture of reading and writing. d) Candidates must demonstrate the ability to write as a lawyer without <i>sounding</i> like one. Candidates must not use jargon or “legalese”. 	<p><u>Note to Trainer</u></p> <p>The module is extremely important: an effort has to be made to improve literacy skills amongst candidates. Principals and pupil masters must be aware of their roles in this. An experienced English teacher must present the plain English writing module. The module must have writing and reading assignments from the outset: one book per month. Principals and pupil masters must monitor candidates from the outset. Assessment of writing skills needs to take place throughout the PVT contract.</p>	8	3	11

<p>Candidates must be encouraged to write on their own without copying and pasting from office precedents.</p> <p><u>Problem Solving</u> An explanation of how to analyse a legal problem. How to think like a lawyer. How to apply logic. How to find solutions to legal problems. Critical thinking: What is critical thinking? How to apply critical thinking. The object is to develop application of cognitive skills. How to apply the law to the peculiar facts of one's case.</p> <p>Facts first: law second.</p>	<ul style="list-style-type: none"> e) Candidates must understand how to approach a legal problem. They must grasp that the facts are the most important: only then should one consider the law. f) An understanding of how to gather the known facts and analyse them is an essential skill. g) The candidate must understand that first the facts have to be obtained, then the matter can be contextualised as to the area of the law that is applicable. h) Candidates have to understand that any legal solution must be supported by the facts of the case. 	<p>The final assessments will include the ability to write.</p> <p>Experienced practitioners (at least seven years' experience in practice or a comparable level of expertise) must explain the concept of how to understand a legal problem: how to analyse and contextualise the problem. Then follows the method of finding answers for a client with reference to the facts and the law.</p> <p>Writing involves thinking. There is a method in this. Candidates must apply their minds before putting pen to paper. This must be taught during the first month of the PVT contract.</p> <p>NB: Candidates cannot expect to pass exams and assessments if they are unable to write properly due to poor literacy skills.</p>			
<p>3 <u>Drafting Legal Documents – Pleadings and Motions – Reg 4(1)(c)</u></p> <p><u>Content:</u></p> <p><u>Managing Fact:</u></p> <ul style="list-style-type: none"> a) How to obtain relevant facts. b) What are the sources of fact. c) Obtaining documents including electronic documents. How to preserve documents. d) Obtaining witness statements. e) Carrying out <i>in loco</i> inspections if necessary: how to record the evidence. 	<p><u>Expected Outcomes</u></p> <p>Candidates will know the following:</p> <ul style="list-style-type: none"> a) Candidates must understand the skills listed in the content column. They are not expected to be expert drafters already. b) Candidates must be able to recognise the procedures and be able to assist in dealing with cases under the supervision of principals and pupil masters. 	<p><u>Note to Trainers</u></p> <p>Note: for this module we expect the trainers to have at least 7 to 10 years of practical experience or a comparable level of expertise in all areas of dispute resolution and litigation in particular.</p> <p>When assessing assignments, assist by correcting the faults and ask the candidate to redraft; in this way</p>			

<p>f) How to obtain and preserve relevant exhibits: what exhibits are.</p> <p>g) The explanation above is required before any papers are drafted.</p> <p><u>Analysing Fact.</u></p> <p>a) Candidates must understand what to do after gathering the facts.</p> <p>b) Candidates must learn, at the outset, to sequence all the facts and documents.</p> <p>c) Candidates must be able to analyse facts on the basis that only relevant facts must be retained and presented at a hearing; only facts that are admissible, in terms of the rules of evidence, can be relied on. Further, candidates must understand that any version of facts they intend to rely on, must be probable in relation to the circumstances of the case.</p> <p>d) Candidates must learn, early in their careers, that they cannot go to court with a version that is improbable or implausible.</p> <p>e) Candidates must be able to work out that there are facts which support their own client's version of what actually happened; and that there will be facts that do not support their client's version.</p> <p>f) Candidates must understand that carrying out such an analysis is the</p>	<p>c) Candidates will be subjected to both formative and summative assessments.</p> <p>d) Candidates will know how to analyse three sets of affidavits in motion matters.</p> <p>e) Candidates will know how to grasp findings of facts on affidavits, including the <i>Plascon-Evans</i> test.</p> <p>f) Candidates will know how to bring an interdict [as part of the case studies].</p>	<p>there will be some skills transfer.</p> <p>Remember to explain managing facts before allowing candidates to start drafting pleadings.</p> <p>Explain that the sequence of facts forms the crux of chronologies needed in terms of Directives in many Courts.</p>			
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<p>only way for lawyers to understand the facts of their client's case.</p> <p>g) Merely reading witness statements and documents is of no value. Nor is it of any value merely to accept a version on the basis that "those are my instructions"; one must carry out an objective fact analysis first.</p> <p><u>Working out the case concept</u> (or theory of your case)</p> <p>a) What happened according to your client's version of the facts?</p> <p>b) What are the issues, factual and legal, that emerge from the facts?</p> <p>c) What are you going to tell the judge at the hearing?</p> <p>d) What version are you going to present in your papers?</p> <p>e) How will you present evidence?</p> <p>f) Who will be the witnesses and what documents will you need?</p> <p>g) How will you run the case from pleadings to final argument?</p> <p>h) This process has to be applied before any papers are drafted.</p> <p><u>Working out the cause of action or defence</u></p> <p>a) There must be a comprehensive explanation, using case studies, of how one takes a set of facts and works out what your client's cause</p>					
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<p>of action or defence is. Look to the case concept and the applicable law. Do not draft papers without first undertaking this step.</p> <p>b) Candidates must understand the meaning of the elements of one's cause of action or defence and where and how to find those elements in the peculiar facts of your case and with reference to the law.</p> <p>c) Candidates must know how to recognise and formulate a cause of action and defence before any drafting commences.</p> <p>d) The object is for candidates to understand this method instead of consulting a precedent first.</p> <p><u>Deciding what procedure to use Action / Application</u></p> <p>a) Candidates must understand the test whether to proceed by way of action or motion.</p> <p>b) Candidates must understand the main differences between actions and applications.</p> <p>c) Refer to the Uniform Rules of Court and practice directives.</p> <p>d) What is meant by a dispute of fact: how does one test a set of facts?</p> <p>e) Candidates must know what happens in court when an application cannot be adjudicated on the papers.</p>		<p>Emphasise the importance of drafting pleadings without using a precedent.</p> <p>We recommend using case studies to assist candidates to understand the test whether to proceed by way of motion or action.</p> <p>Explain a referral to evidence and a referral to trial. In each case use a case study of how such referrals are drafted.</p>			
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<p><u>Drafting pleadings</u> (including how to get to your first rough draft)</p> <ol style="list-style-type: none"> a) Candidates must draft on their own without the assistance of a precedent. b) Candidates must read and understand rules 18 and 22 of the Uniform Rules. c) Candidates must know how to draft particulars of claim and a plea. d) Candidates must draft causes of action in contract, delict, divorce and unjust enrichment. The focus must be on contract and delict. e) Candidates must do assignments for formative assessments. f) Candidates must grasp the lay-out of pleadings with proper paragraph numbering, appropriate spacing, font types, use of headings and point first drafting. g) No pleading may be vague: each pleading must disclose a cause of action. h) A plea must comply with Rule 22 of the Uniform Rules. Bare denials are not allowed. Candidates must plead their client's version, which, if proved, will amount to a defence to plaintiff's claim. i) Candidates must be able to draft a Special Plea and to know when and how to draft a Special Plea. 		<p>Emphasise that candidates draft on their own without the assistance of a precedent.</p> <p>Explain the method of drafting with reference to Rules 18 and 22 of the Uniform Rules of Court.</p> <p>Use case studies to assist candidates to draft all causes of action.</p> <p>Assignments can be submitted on e-learning platforms. Trainers must assess each assignment.</p> <p>Explain the lay-out of pleadings with proper paragraph numbering, appropriate spacing, font types, use of headings and point first drafting.</p> <p>Explain what is meant by a pleading that is vague and one that does not disclose a cause of action.</p> <p>Explain that in a plea there must be a response to the plaintiff's facts and that evasive drafting is not tolerated. They are not to draft bare denials without setting out their client's version.</p>			
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<p><u>Drafting Notices of Motion and three sets of affidavits</u></p> <p>a) Candidates must learn the different types of notices of motion and when each is used. This must include a long form notice of motion, a short form notice of motion and a Two-Part notice of motion.</p> <p>b) Candidates must know when and how each of the three types is used.</p> <p>c) Candidates must learn to draft founding, answering and replying affidavits.</p> <p>d) Candidates must know the required lay-out of each of the affidavits with reference to the requirements in the Uniform Rules and directives.</p> <p>e) Candidates must know how to index and paginate court files.</p>		<p>Explain a “Special Plea”, when it is used and how it is drafted.</p> <p>Use case studies and get the candidates to draft on their own.</p> <p>Explain the purpose of founding, answering and replying affidavits.</p> <p>Online Drafting exercises and case studies will have to be completed.</p>			
<p>4 Ethics for legal Practitioners – Reg 4(1)(d)</p> <p>Content:</p> <p>A single contact session as well as Ethics for Legal Practitioners needs to be incorporated into the introduction to each module recommended in this programme.</p> <p>Candidates must be aware of the ethical requirements for all types of practitioner.</p>	<p><u>Expected Outcomes</u></p> <p>a) Candidates will know the seven universal ethical principles that apply to all professions.</p> <p>b) Candidates will know any specific rule in the Code of Conduct that applies to any module.</p>	<p><u>Note to Trainer</u></p> <p>The content of the course must be uniform for all candidate legal practitioners.</p> <p>Currently the regulations and the Code of Conduct provide for three types of legal practitioner. So, the candidate must be aware of the ethical requirements for all three.</p>	6	0	6

<p>Details of course content The seven universal ethical principles</p> <p>The current Code of Conduct of 29 March 2019:</p> <p>Section 3 of the general provisions in the Code of Conduct requires attention.</p> <p>Section 56 The scope and limits of legitimate cross-emanation are particularly important.</p>	<p>c) Candidates will be able to apply the Code of Conduct applicable to all branches of the legal profession, be it attorney, advocate or advocate with a trust account.</p> <p>d) All candidates will understand and know the provisions of section 3.</p> <p>e) All candidates will be able to apply section 56 of the Code when doing the Trial Advocacy programme and in the summative assessment of the open book exam.</p>	<p>The summative assessment must be an open book exam. Candidates must have open book access to the Code of Conduct and relevant regulations during the assessment.</p> <p>Candidates will answer questions based on applying the Code.</p>			
<p>Universal ethical principles honesty trustworthiness loyalty respect for others adherence to the law doing good and avoiding harm to others accountability</p>	<p>The universal ethical principles text is from https://www.iaa.govt.nz/for-advisers/adviser-tools/ethics-toolkit/professional-ethics-and-codes-of-conduct/</p>	<p>Only the seven ethical principles set out in the first column must be memorised by rote.</p>			
<p><u>5 Civil Procedure and Trial Advocacy – Reg 4(1)(e)</u> <u>Content:</u> There is a substantial overlap in the Uniform Rules of Court and Magistrates’ Courts Rules. Candidates must have knowledge of the rules in both courts. The differences must be highlighted. In particular the difference in powers and functions</p>	<p><u>Expected Outcomes</u></p> <p>Candidates must understand the process and procedures in taking a matter to trial from pleadings to hearing.</p> <p>The purpose is to ensure that candidates</p>	<p><u>We provide for six days of training</u> <u>Note to Trainers</u> What follows is part of the Trial Advocacy programme. For purposes of this PVT programme we expect the various disciplines to be dealt with in a programme which can be included within the high court and magistrates court practice</p>	36	6	42

<p>regarding the Magistrate's Court. Candidates must be made familiar with Practice Directives in both the High Court and Magistrate's Court. Candidates must know where to find the directives and how they are applied.</p> <p>The following must be dealt with: <u>Contingency Litigation:</u> What is contingency litigation and how to decide whether to take a matter on contingency? What are the rules and how to charge contingency fees? What do courts say about contingency litigation?</p> <p><u>Case management:</u> What is Case Management, and how to apply it in your practice and in court proceedings. Candidates must learn that modern day litigation is less adversarial and more cooperative with the object being to resolve disputes quickly and at a reasonable cost. Candidates must know how to refer a matter to case management, the process and procedures in case management.</p> <p><u>Certification:</u> Candidates must understand how the trial certification process works. In particular that a judge will require the parties to agree and record the triable issue/s.</p>	<p>understand the practical steps required to be taken and how to prepare for a trial.</p> <p>Candidates will know how to set down a matter for trial.</p>	<p>and procedure. The minimum hours must be achieved. This course is not to be confused with the five-day advanced course that we recommend for those practitioners who want to appear in court trials and applications. That advanced course is dealt with separately, below. The instruction method is practical: this requires the use of case studies. Advocacy is a performance skill: so, trainers are expected to give demonstrations. This can also be included in a moot court programme.</p> <p><u>Note to Trainers</u> Since instruction is of a practical nature, trainers must use case studies so that candidates can actually carry out various tasks or see how they are done. The trainers for this module must have at least 7 to 10 years' experience or a comparable level of expertise in dispute resolution.</p> <p>Instruction must be given about the process and procedures in case management and certification process: this must include attending case conferences and certifications with a judge.</p>			
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<p><u>Trial Preparation:</u> Candidates must understand that there is a duty on a practitioner to settle a matter at any stage. The earlier the matter gets settled, the better.</p> <p>Candidates must acquire the following skills:</p> <ul style="list-style-type: none"> * How to analyse pleadings. * How to determine triable issues. * How to limit the issues for trial. * How to initiate case conferences for certification and for trial readiness. * How to do pre-trial conferences, and how to draft the agenda. * How to carry out a proof analysis. <p>Candidates must understand what is meant by “proof of a fact” and how to discharge the onus.</p> <ul style="list-style-type: none"> * How to carry out witness and documentation analysis. * How to prepare chronology documents. <p><u>Discovery:</u></p> <ul style="list-style-type: none"> * Candidates must understand latest Developments on how to obtain, preserve and present relevant documentation including Electronic Documents. * Candidates must understand the concept of narrow discovery and proportionality. 		<p><u>Note to Trainer</u> Explain what is meant by “door settlements” and why our courts are against them. Explain the consequences of making door settlements.</p> <p>Explain that the intended purpose of the pre-trial conference must be achieved; it is not merely a step requiring compliance.</p> <p>Explain that once the issues are settled, candidates have to consider how they will go about proving their client’s version.</p>			
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<p>* Candidates must know how to prepare trial bundles. This must include the importance of sequencing.</p> <p><u>How to Attend Pre-Trial Conferences and Case Conferences.</u></p> <p>* Candidates must understand the purpose of these conferences and how that purpose can be achieved.</p> <p><u>Trial Procedure</u> Requirement of practice notes for the court. When are these notes expected to be filed and what are the contents?</p> <p><u>The content</u> Before proceeding with this programme, candidates must be made aware of their Case Concept, how they intend to proceed with the hearing and discharge the onus.</p> <p>* Witness briefing. Candidates must know how to prepare a witness for court appearances.</p> <p>* Opening Statement.</p> <p>* Leading a witness in chief.</p> <p>* Cross examination.</p> <p>* Re-examination.</p> <p>* Presenting argument.</p> <p>Note: this is part of the trial advocacy programme. These skills will be split up as separate modules which will be incorporated into and presented as part of</p>		<p><u>Note to Trainer</u> This will include an explanation of case conferencing with judicial officers. Explain how to prepare for a case or pre-trial conference.</p> <p>Explain the purpose of practice notes.</p>			
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<p>the civil procedure programme. Different instructors can be used.</p> <p><u>Heads of Argument.</u></p> <ul style="list-style-type: none"> * When are heads required. * What is meant by “main heads of argument”. * What are Short heads and Comprehensive heads. <p>Note: candidates will not be expected to draft heads in this programme.</p>		<p>Explain how a typical set of heads is laid out.</p>			
<p>6 Criminal Court Practice and Trial Advocacy – Reg 4(1)(f)</p> <p><u>Content:</u></p> <p>Candidates must know the peculiar requirements in a criminal trial thus:</p> <p><u>Course Content</u></p> <ul style="list-style-type: none"> * How to obtain and analyse the charge sheet and docket. * How to take instructions and obtain your client’s version. * How to obtain witness statements and ensure witness presence in court. * How to do plea bargaining. * How to do bail applications. * How to plead effectively, including when to make a Plea explanation. * How to attend trial and pre-trial conferences. * How to cross-examine state witnesses. 	<p><u>Expected Outcomes</u></p> <p>Candidates will understand the process involved in conducting a criminal matter, from obtaining the charge sheet to final argument.</p>	<p><u>Note to Trainers</u></p> <p>This module contemplates training on a practical level. So, avoid repeating the university lectures on criminal procedure.</p> <p>Candidates are expected to attend criminal trials and bail applications in the Magistrate’s Court and High Court during the duration of the PVT contract. Use case studies and demonstrate what happens in court.</p> <p>The trial advocacy component can be incorporated into the trial advocacy training for the High Court.</p>	12	4	16

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PART 2 OF 4

<p>* How to present your client's version to a state witness.</p> <p>* How to lead evidence in chief including the decision to call your client.</p> <p>* How to present argument</p> <p>* How to present sentencing options and evidence in mitigation.</p> <p>Note: the court craft here will also be a module of Trial Advocacy.</p>					
<p>7 <u>Insolvency practice</u> – Reg 4(1)(g)</p> <p><u>Content:</u></p> <p>How to bring an: Application for sequestration both: - Voluntary and - Compulsory</p> <p>Liquidation and, Business rescue. Application for Rehabilitation.</p> <p>Discussion of the relevant provisions of the Insolvency Act and Companies Act. Candidates must understand the effect of a sequestration of a person's estate and the effect of the winding up of a juristic person. Candidates are not expected to run meetings of creditors. That experience is gained inhouse while in practice with senior lawyers.</p> <p>Blended learning: made up of contact sessions + online work.</p>	<p><u>Expected Outcomes</u></p> <p>The candidate will be able to:</p> <ol style="list-style-type: none"> a) Draft a notice of motion for each type of application, be it liquidation or sequestration. b) Draft the founding affidavit for each type of application so that the allegations contain all the basic compliance requirements. c) Understand the difference between friendly and voluntary applications for sequestration. d) Understand the effect of sequestration on the insolvent's property. e) Find the applicable law concerning the winding-up and liquidation of companies. f) Be able to apply the relevant practice directives. 	<p><u>Note to Trainer</u></p> <p>The course requires formative assessments while candidates get used to drafting the notices of motion and founding affidavits.</p> <p>Summative assessments need to be open book exams in the sense that candidates have access to the Insolvency Act 24 of 1936, the Companies Act 71 of 2008 and Chapter XIV of the Companies Act 61 of 1973.</p> <p>The summative assessment must establish whether the candidate can produce a valid application: it must not rehash the LLB degree.</p>	12	4	16

<p>8 Drafting of Contracts – Reg 4(1)(h) <u>Content:</u> * General techniques in drafting a commercial contract: Obtaining instructions: * The basic provisions for effective contracts: * The structure of a contract (international best practice): * How to use commercial precedents. * How to draft the standard boilerplate provisions. * How to draft transactional provisions. * Where relevant, questions of basic compliance must be addressed. * Introduction to due diligence.</p>	<p><u>Expected Outcomes</u></p> <p>Candidates must understand that drafting a contract involves much more than merely reaching for a precedent.</p> <p>Understanding the transaction is of vital importance followed by due diligence.</p>	<p><u>Note to Trainer</u></p> <p>The emphasis must be on how to understand the transaction, then to draft the provisions.</p> <p>There must be a critical method in using precedents. It is not a mere copy and paste exercise.</p> <p>We recommend the use of a case study which will become part of the formative assessment.</p>	12	3	15
<p>9 Matrimonial Matters and Divorce – Reg 4(1)(i) <u>Content:</u> Taking instructions in detail. Advice on marriage and its consequences Ante-nuptial contracts Advice on out of community of property with or without the accrual system and marriage in community of property Divorce and its consequences Drafting particulars of claim / defence. Drafting Rule 43 Applications. How to settle matrimonial disputes outside Court. ADR in Family Law.</p>	<p><u>Expected Outcomes</u></p> <p>Candidates must appreciate that all family law matters are dealt with differently. Our courts do not encourage adversarial litigation and expect the parties to cooperate towards a reasonable settlement.</p> <p>These matters must be dealt with in a sensitive and sensible manner. Candidates must be alive to this especially where minor children are involved.</p> <p>The candidate must understand the following:</p>	<p><u>Note to Trainers</u></p> <p>This module must be presented by a practitioner with 7 years or more experience or a comparable level of expertise in all aspects of family law.</p> <p>The course requires formative assessments while candidates get used to drafting pleadings for divorce and Rule 43 applications.</p> <p>Summative assessments need to be open book exams in the sense that</p>	10	6	16

<p>Advice on rights and duties concerning children in a marriage, including: Adoptive children: Step-children; and, Children in foster care.</p> <p>How to deal with custody of children. The best interests of the child principle. Maintenance of children and, if applicable, former spouses.</p> <p>A discussion on the judgement in <u>Brownlee v Brownlee</u>.</p> <p>The duty of a practitioner in all family matters to resolve disputes quickly and cheaply.</p> <p>Blended learning: made up of contact sessions + online work.</p>	<ol style="list-style-type: none"> a) How to carry out the first consultation to get all the facts. b) How to advise on marriage, antenuptial contracts with or without the accrual system, community of property and the consequences of marriage. c) How to advise on divorce and its consequences. d) How to settle matrimonial disputes outside Court and to introduce clients to the idea of settlement through ADR. e) How to draft divorce particulars of claim or defence. f) How to draft Rule 43 applications. g) How to give advice concerning the Children's Act 38 of 2005, especially the Hague Convention. h) How to work out maintenance for children, and where applicable, former spouses. i) How to enforce divorce settlement agreements. j) Able to identify the principle in the Brownlee case. 	<p>candidates have access to the Children's Act 38 of 2005, and legislation like the Marriage Act 25 of 1961, Recognition of Customary Marriages Act 120 of 1998, Civil Union Act 17 of 2006 and Divorce Act 70 of 1979, and all applicable practice directives and practice manuals. Emphasis must be on the application of the law, not rote learning of statutes. 50% is required to pass an assessment.</p> <p>One must assume that candidates dealt in their LLB with the law relating to engagement, the contract of marriage, the formalities required for a valid marriage into the Marriage Act, the Recognition of Customary Marriages Act and the Civil Union Act.</p> <p>Likewise, one assumes the LLB dealt with the Child Care Act 38 of 2005 and the Divorce Act 70 of 1979.</p>			
<p><u>10 Delictual Claims Including Personal Injury Claims – Reg 4(1)(j)</u> <u>Content:</u></p> <p>* How to gather & analyse the facts before deciding on a cause of action.</p>	<p><u>Expected Outcomes</u></p> <p>Delictual claims, including personal injury claims are an important part of any litigation practice.</p>	<p><u>Note to Trainer</u></p> <p>This module requires a trainer of more than 7 years of practical experience or a comparable level of</p>	6	6	12

<ul style="list-style-type: none"> * How to work out the cause of action. * How to draft the cause of action (particulars of claim). * How to assess quantum. * Candidates must be familiar with the Uniform Rules of Court and practice directives relating to these claims. * Case studies on RAF claims and medical negligence claims. * How and when to engage an expert and the case management of experts before the matter is allocated a trial date (case management process). 	<p>Candidates must know how to obtain the facts, contextualise the matter and formulate a cause of action with reference to the facts and the law.</p> <p>Candidates are expected to know that there is a process of “certification” in court which case manages these claims from issue to hearing.</p>	<p>expertise.</p> <p>It is important for trainers to point out that there are abuses that take place; such as the over-inflation of quantum.</p> <p>Candidates must avoid this and where possible, settle the claim as soon as possible.</p> <p>There should be no “door settlements”.</p> <p>In new directives, door settlements may require the legal practitioners to forego their fees or, worse, pay the fees of the parties.</p>			
<p>11 <u>Legal Practitioners Accounts Management</u> – Reg 4(1)(k)</p> <p>See Annexure “E”</p> <p>Old content:</p> <ul style="list-style-type: none"> * Cash book. * Ledgers. * Transfer Procedures. * VAT. * Section 86 (3) and Section 86 (4) <p>Trust Investments + Rules.</p> <ul style="list-style-type: none"> * Conveyancing Transactions. * Correspondents Transactions and Accounts. * Trust Banking Accounts. <p>Note that the above is a decades’ old programme, roundly criticised for not serving any useful purpose.</p>	<p>See Annexure “E”</p>	<p>See Annexure “E”</p> <p>Note 01: <u>The Legal Practice Management</u> course is currently provided by LEAD and may be undertaken at any time after completion of this course.</p> <p>Note 02: this programme coupled with the current book keeping exams requires urgent review.</p> <p>Note 03: if an alternative programme, such as the above recommendation, is approved; then this need not be an elective course and can be of uniform application, not only for attorneys and advocates with trust accounts.</p>	30	6	36

<p>It has become outdated and irrelevant.</p> <p>Suggested reviewed programme:</p> <p><u>First Module</u></p> <ul style="list-style-type: none"> * How to use accounting software. * Comprehensive training on the management of trust funds and trust accounts – the rules and obligations. * Thorough knowledge of Sections 86 to 91 of the Legal Practice Act. * The rules and requirements of the Fidelity Fund. * Applying for a Fidelity Fund Certificate. <p><u>Second Module</u></p> <ul style="list-style-type: none"> * How to manage the finances of one's practice. * How to manage personal finance. <p><u>Third Module</u></p> <ul style="list-style-type: none"> * Introduction to Legal Practice Management 					
<p><u>12 Labour Dispute Resolution – Reg 4(1)(l)</u></p> <p><u>Content:</u></p> <p>Industrial Relations Framework. Identification of an employee Permanent employees. Temporary employees.</p>	<p><u>Expected Outcomes</u></p> <p>The candidate will understand the following:</p> <ul style="list-style-type: none"> a) How to conduct consultations to get all the facts, especially to obtain a balanced understanding of any dispute between the parties. 	<p><u>Note to Trainer</u></p> <p>The course requires formative assessments while candidates draft statements of case, notices of motion and founding affidavits for the Labour Court, and appeals to the Labour Appeal Court.</p>	12	0	12

<p>Disciplinary Proceedings and Hearings. Dismissals. Bargaining Agents, Forums and Collective Bargaining. Dispute resolution. Labour Relations Act 66 of 1995. Basic Conditions of Employment Act. Employment Equity Act 75 of 1997. Rules for the Conduct of Proceedings in the Labour Court (GN 1665 of 1996: GG 17495 of 14 Oct 1996) Rules for the Conduct of Proceedings in the Labour Appeal Court (GN 1666 of 1996: GG 17495 of 14 Oct 1996)</p> <p>NB: The LSSA Manual on Labour Dispute 2019 is a mini textbook. This manual will have to be revised.</p>	<ul style="list-style-type: none"> b) How to identify an employee. c) How to identify temporary and permanent employees. d) How to identify the difference between temporary employees and independent contractors: Chapter IX of the LRA. e) How to draft a statement of claim into Form 2, Rule 6 Referrals of the Labour Court Rules. f) How to draft applications into Form 4, Rule 7 Applications of the Rules. g) Whether a dismissal complies with Chapter VIII and Schedule 8: Code of Good Practice: Dismissal of the LRA. 	<p>Summative assessments need to be open book exams in the sense that candidates have access to the Labour Relations Act, the Basic Conditions of Employment Act, and the Employment Equity Act.</p> <p>The summative assessment must establish whether the candidate can produce a valid pleading: it must not rehash the LLB degree.</p>			
<p>13 <u>Alternative Dispute Resolution</u> – Reg 4(1)(m) <u>Content:</u></p> <p>Defining and understanding: - what is a conflict. Negotiation. Mediation. Protection of Investment Act 22 of 2015, section 13. Arbitration. Arbitration Act 42 of 1965 and the International Arbitration Act 15 of 2017.</p>	<p><u>Expected Outcomes</u></p> <p>The candidate must understand the following:</p> <ul style="list-style-type: none"> a) How to identify a conflict. b) The differences between negotiation, mediation, arbitration and litigation. c) The pros and cons of negotiation, mediation, arbitration and litigation. d) When is mediation appropriate? e) When does mediation not work? f) How arbitration differs to litigation. g) Is arbitration appropriate for organs of state that are audited by the Auditor General? 	<p><u>Note to Trainer</u></p> <p>The course requires formative assessments while candidates engage in case studies.</p> <p>Summative assessments need to be open book exams. Candidates have access to the Arbitration Act, the International Arbitration Act and section 13 of the Protection of Investment Act 22 of 2015.</p>	6	0	6

<p>The role of ADR in litigation. The LSSA Manual on Alternative Dispute Resolution.</p>					
<p>14 <u>Wills and Estates</u> – Reg 4(1)(n) <u>Content:</u></p> <p>Wills. The Wills Act 7 of 1953 The Trust Property Control Act 57 of 1988. Drafting Wills. Taking instructions, what one needs to know to draft a will. Proper consultation. The role of sound literacy skills. Interpreting (archaic) Wills. Drafting Living Wills. Does the National Health Act 61 of 2003 make provision for a living will? Testate and Intestate Succession. Intestate Succession Act 81 of 1987. Maintenance of Surviving Spouses Act 27 of 1990 Recognition of Customary Marriages Act 120 of 1998 Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009. Administration of deceased estates. Administration of Estates Act 66 of 1965 Estate duty. Estate Duty Act 45 of 1955.</p>	<p><u>Expected Outcomes</u></p> <p>The candidate must understand the following:</p> <ol style="list-style-type: none"> a) How to conduct a comprehensive consultation with clients before advising on the law of succession and drafting a will. b) How to draft a will. c) How to draft a living will. d) How to apply the Trust Property Control Act to trusts established in a will. e) How to apply the Intestate Succession Act. f) How to apply the Administration of Estates Act from reporting the estate to the final liquidation and distribution account. g) How to apply the Estate Duty Act. h) Candidates must be familiar with the other legislation mentioned in the first column. 	<p><u>Note to Trainer</u></p> <p>The course requires formative assessments while candidates engage in drafting wills.</p> <p>Summative assessments need to be open book exams.</p> <p>Candidates must have access to the Wills Act, the Trust Property Control Act, the Intestate Succession Act and the Reform of Customary Law of Succession and Regulation of Related Matters Act.</p>	18	4	22

<p><u>15 Introduction to E- Commerce and application of the Electronic Communications and Transactions Act 25 of 2002, including the use of electronic signatures – Reg 4(1)(o)</u></p> <p><u>Content:</u> A discussion on the content of “ECTA”, the Electronic Communications and Transactions Act 25 of 2002. What is an electronic signature? How to deal with these signatures in practice. What is an advanced signature and where is it required in practice? The effect of ECTA on drafting contracts, in particular “non-variation clauses”. The effect on business and legal practice of the internet and cloud technology. An introduction to Block Chain technology and smart contracts.</p>	<p><u>Expected Outcomes</u></p> <p>This module is intended to introduce candidates to the ever-changing world of digital technologies and how this impacts on the work of practitioners, how clients access legal services and the impact on how contracts are drafted and concluded.</p> <p>It is important for candidates to understand what is meant by an electronic signature and how this impacts on commercial transactions.</p>	<p><u>Note to Trainers</u></p> <p>The trainer for this module must be an experienced practitioner who is routinely involved in digital commerce.</p> <p>This module will not be subject to any summative assessments.</p>	3	0	3
<p><u>Basic Business Transactions – Reg 4(1)(p)</u></p> <p><u>Content:</u> The seven main business transactions. * Sale of business * Sale of shares * Lease of immovable property * Employment of an independent contractor * Partnership agreement * Joint venture * Service level agreement</p>	<p><u>Expected Outcomes</u></p> <p>The candidate must understand the following: a) How to identify the seven main business transactions. b) How to understand the peculiar transaction client is engaged in. c) How to apply the general principles of contract from offer and acceptance to capacity and reciprocal obligations. d) How to negotiate, plan, draft and</p>	<p><u>Note to Trainer</u></p> <p>Summative assessments need to be open book exams. The instruction must focus on candidates drafting their own contracts without recourse to precedents insofar as it relates to the transaction. Ensure candidates can understand the difference between a sale and a</p>			

<p>Good faith, public policy and legal certainty in drafting contracts. Performance and administration of business contracts. Remedies for breach of contracts.</p> <p>NB. Responsible use of precedents is allowed.</p>	<p>administer a contract.</p> <p>e) How to weigh key elements of the contract like liabilities and debts, taxes, manageability and business growth with reciprocal obligations (rights and duties).</p> <p>f) When and whether good faith is an element of a contract: implied, tacit, express or required by law – like case law.</p>	<p>lease: and, a partnership and a joint venture.</p> <p>For a critical comparison of constitutionalism bringing potential uncertainty to contract law, see the article by Judge of Appeal Malcolm Wallis ‘<i>Commercial Certainty and Constitutionalism: Are They Compatible</i>’ (2016) 133 SALJ 545.</p>			
<p>Business Rescue – Reg 4(1)(q) Content:</p> <p>Definition & purpose of business rescue Definition of financially distressed How to accomplish business rescue Who may object to business rescue and the grounds of objection? How an affected person applies to court for an order placing a company under supervision and commencing business rescue proceedings. How a company may legally dispose of its property while under business rescue. The order of preference of creditors when a company lacks money to meet its debts.</p> <p>Effects of business rescue on contracts: employees, shareholders and directors. Rights of employees during business rescue. Participation by creditors and holders of</p>	<p><u>Expected Outcomes</u></p> <p>The candidate must understand the following:</p> <p>a) How business rescue in Chapter 6 of the Companies Act is applied.</p> <p>b) How to assess whether a company is financially distressed.</p> <p>c) The advantages and disadvantages of business rescue generally.</p> <p>d) How an affected person applies to court to place a company under business rescue.</p> <p>e) What is the effect of such an order?</p> <p>f) How to draft such founding affidavit.</p> <p>g) How to draft an answering affidavit against business rescue.</p> <p>h) Who has preference in claims against the company under rescue?</p> <p>i) The effect on contracts, employees, shareholders and directors.</p> <p>j) Who has a right to participation in the</p>	<p><u>Note to Trainer</u></p> <p>Summative assessments need to be open book exams.</p> <p>Trainers need to discuss the pros and cons of business rescue and ensure candidates know the extent and effect of the moratorium on legal proceedings and the protection of the company’s property interests.</p> <p>Candidates should know the general powers of business rescue practitioners.</p> <p>The rights and duties of the affected persons from employees, directors, shareholders to creditors needs to be understood generally.</p>			

<p>company securities. Requirements of a business rescue plan. Implementing a business plan. Consequences for failure to implement the plan.</p>	<p>business rescue proceedings? k) The requirements of a business rescue plan. l) How a plan is implemented and the consequences if it is not.</p>	<p>Finally, the implementation of a business plan must be understood as well as the consequences for default.</p>			
<p>16 <u>Constitutional law</u> – Reg 4(1)(r) <u>Content:</u></p> <p>Introduction to Constitutional law and Customary law. For Customary Law see the online course below at item 20.</p> <p>Constitutional Law: Jurisdiction of our courts to hear constitutional matters. The 2013 change to the jurisdiction of the Constitutional Court. Introduction to the Rules and Directives in the Constitutional Court. Eleven ways to get to the Constitutional Court.</p> <p>How to enforce Constitutional rights. How to advise clients about their Constitutional rights, duties and obligations.</p> <p>How to apply Chapter 2 of the Bill of Rights and the limitations clause. How to apply the rest of the Constitution in giving advice to clients.</p>	<p><u>Expected Outcomes</u></p> <p>The candidate must understand the following:</p> <p>a) How to conduct a comprehensive consultation with clients before advising on the Constitution. b) How to assess a constitutional issue. c) How to draft applications in terms of the Rules of the Constitutional Court. d) How to draft applications for leave to appeal to the Constitutional Court. e) How to explain and give clients advice about the remedies permitted to the Constitution.</p>	<p><u>Note to Trainer</u></p> <p>Summative assessments need to be open book exams.</p> <p>Candidates must have access to the Constitution, 1996 and the Constitutional Court Rules and the Uniform Rules of Court.</p>	6	3	9

<p>17 Legal Technology (Online) – Reg 4(1)(s) <u>Content:</u></p> <p>This module is intended to introduce candidates to the impact of technology on legal practice. Candidates must be aware of how a modern legal practice is set up and what technologies avail practitioners.</p> <p>Candidates must be made aware of how technology has changed the way clients, or consumers, access legal services. This must include how practitioners make use of technology to market their firms and remain relevant to their clients.</p>	<p><u>Expected Outcomes</u></p> <p>This module represents an introduction to the use of technology in a 21st century law practice.</p> <p>Candidates must understand how technology has changed how consumers access legal services.</p> <p>Candidates must be encouraged constantly to keep up with the changes that flow from the increasing use of technology in our practices.</p>	<p><u>Note to Trainers</u></p> <p>This module must be presented by a practitioner in a practice that makes use of the latest technologies. Trainers must impress on candidates that technology will constantly influence how we work and serve our clients.</p> <p>There will not be any summative assessments of this module.</p>	0	6	6
<p>18 Introduction to practice management (Online) – Reg 4(1)(t) <u>Content:</u></p> <p>The role of management Organisational behaviour Business plan Marketing Financial management Administration Risk management Personal management Starting a practice The attorney and insurance</p>	<p><u>Expected Outcomes</u></p> <p>This module is vital to candidates who seek eventually to open their own practices.</p>	<p><u>Note to Trainers</u></p> <p>This module must be presented by an experienced practitioner who started his or her own practice from scratch.</p> <p>There will not be any summative assessments of this module.</p>	0	6	6

<p>19 Introduction to Cyber law (Online) – Reg 4(1)(u) <u>Content:</u> Awareness of cyberattacks. Protective risk management strategy. Data response plan. Chapter 1: Technology Chapter 2: Organisational processes Chapter 3: Staff training Responsibility for personal/commercial information. Specific cyber security tips. The future of artificial intelligence as a boon and a threat to legal practitioners.</p>	<p><u>Expected Outcomes</u> Candidates will be able: a) to make adequate decisions about the technology required to sustain a reasonable measure of cybersecurity in the context of a law firm/practice, b) to have a good grasp of the organisational processes involved in a law practice to maintain adequate cybersecurity, and, c) to have an appreciation of what is required to keep all staff in a law practice, in particular – oneself – up-to-date with the essential elements of cybersecurity.</p>	<p><u>Note to Trainer</u> Currently the cybersecurity course is an online course. Summative assessments are done online during the course.</p>	0	6	6
<p>20 Customary Law (Online) – Reg 4(1)(v) <u>Content:</u> Customary law in the context of the Constitution, 1996 The anomaly of the <i>Bhe decision</i> (living versus official customary law) Marriages into customary law – section 15 of the Constitution Language and culture – section 30 of the Constitution Traditional leadership – ss 211 & 212 of the Constitution</p>	<p><u>Expected Outcomes</u> After having studied this study unit, candidates are able to: a) explain the concept customary law b) differentiate between living customary law and official customary law c) differentiate between customary law and common law d) Analyse the significance of customary law in relation to the Constitution e) Give advice about customary law marriages. f) Give advice about inheritance and succession under customary law.</p>	<p><u>Note to Trainer</u> Currently, the Customary Law course is an online course. Summative assessments are done online during the course.</p>	0	4	4

<p>Social structure of indigenous communities Succession and inheritance Land and property rights</p>	<p>g) Give advice about land and property rights.</p>				
<p>21 Numeracy skills training – Reg 4(1)(w) <u>Content:</u></p> <p>The numerical system Basic symbols and terminology in mathematics</p> <p>Using your calculator Basic calculations Order of calculations Rounding off Substitution into formulae</p> <p>Introduction to fractions Adding and subtracting fractions Multiplying and dividing Fractions, decimals and percentages Percentage increase and decrease</p> <p>Value Added Tax and averages Simple and compound interest Proportional allocation Introduction to ratios Comparing ratios Proportional allocation Apportionment of damages</p>	<p><u>Expected Outcomes</u></p> <p>After having studied this study unit, candidates will be able to:</p> <ol style="list-style-type: none"> understand Roman numerals and writing and reading numbers; The windows calculator, the ordinary calculator and the scientific calculator; Addition, subtraction, multiplication and division; Rounding off, fractions and the concept of the lowest common denominator; Adding, subtracting, multiplying and dividing fractions. Calculating interest and VAT; Understand proportions, ratios and proportional allocation; and Apportionment of damages. 	<p><u>Note to Trainer</u></p> <p>Be patient with candidates. There is no exam for numeracy skills.</p> <p>The trainer must be competent in teaching mathematics to adults.</p> <p>There will not be any summative assessments of this module.</p>	0	6	6

22 Legal Costs – Reg 4(1)(x)	<u>Expected Outcomes</u>	<u>Note to Trainer</u>	6	0	6
<p>Content: Section 35(4) of the Legal Practice Act provides that the SALRC must investigate legal costs and report to the Minister within two years. Until then the tariffs determined by the Rules Board for Courts of Law apply. In the interim the content of the module is as follows: The concept of “legal costs” non-litigious matters civil litigious matters Early advice to client and estimate of costs Estimate of fees and disbursements Mandate Taking a deposit Contingency fees Retainers Agreed fees Ethics in relation to costs overreaching undercharging recovery / attempted recovery of costs for work not strictly necessary Keeping proper accounting records Failure to render accounts Different cost orders party and party costs attorney and client costs attorney and own client costs</p>	<p>After having studied this module, candidates will be able to:</p> <ol style="list-style-type: none"> a) explain the concept of legal costs; b) differentiate non-litigious matters and litigious matters; c) give a client an accurate estimate of the costs of a matter concerning fees and disbursements to the sheriff, counsel and expert witnesses (if any); d) understand and apply the law about contingency fees; e) understand the need to keep proper accounting records; f) understand the need to account to client in terms of the mandate between client and attorney; g) understand the different costs orders and be able to explain the orders to a client; h) draw a bill of costs; i) attend at taxation and give a useful and meaningful response to the Taxing Master on items in the Bill of Costs. 	<p>Summative assessments may be done online during the course.</p>			

<p>costs <i>de bonis propriis</i> wasted costs reserved costs / costs to stand over costs in the cause costs of the day all costs/costs/taxed costs no order made / no order as to costs specific cost orders Settlement agreements Payments into court and tenders Cost consultants settling of bills of cost formal requirements for taxation notice of taxation taxability of costs appearance on taxation interest on a taxed allocatur consent to taxation Review of taxation</p>					
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OPTIONAL COURSES

The LPC will have to accredit institutions to provide the two options below. The LPC can anticipate applications for the options below. The structured course work and the norms and standards appear below. These courses will be attended by practitioners as well.

23 Optional courses:	<u>Expected Outcomes</u>	<u>Note to Trainer</u>
<p>a) Advanced Trial Advocacy – 5 days (40 hrs) This is a structured course as contemplated in Section 25 (3) (a) of the LPA and rule 19.2. The programme must satisfy the requirement of 40 hours, minimum.</p> <p>Advocacy is a performance skill. The course is divided into four parts: the first two parts comprise theory: the last two parts are performances in a mock trial situation under supervision as indicated in the third column, notice to trainers.</p> <p>Part one, how to assess facts. Fact analysis. Part two, how to adopt a strategy for trial, aka a trial theory: a candidate will learn the essential difference between a leading question (for use in cross-examination) and a valid question in leading a witness (the who, what, when, where, why, how and how much questions). Part three, performing in the mock trial as counsel for plaintiff and/or defendant: one day a candidate will be counsel for plaintiff, the next counsel for defendant <i>et cetera</i>. Part four, cross-examination in a mock criminal law trial: all candidates will practice this session.</p>	<p>The trial advocacy training will ensure that:</p> <ol style="list-style-type: none"> a) Candidates appreciate and understand how to conduct trials with confidence despite their natural nervousness when performing in court. b) Candidates will be able to assess facts that are in their client’s favour and against their client’s case. c) Equally, candidates will be able to assess facts that favour the other litigant in the case as well as facts that do not favour the other litigant. d) Candidates will have a good grasp of the Good fact – Bad fact assessment. The model assesses good and bad facts for each party independently, first for the plaintiff and then for the defendant. e) Candidates will be able to present an opening statement. f) Candidates will be able to conduct an examination-in-chief using, <i>inter alia</i>, the piggy-back or looping method. g) Candidates will be able to conduct cross-examination in civil cases. 	<p>The course requires formative assessments while candidates engage in mock trials. The trainer must identify the following six steps during the training and require the candidate to repeat the drill.</p> <ol style="list-style-type: none"> 1. Headnote – a catchy phrase to identify only one fault in the candidate’s performance. 2. Playback – repeat exactly the phrase the candidate used which requires improvement. 3. Rationale – explain the nature of the problem and why the performance needs improvement. 4. Prescription – a clear pithy statement of how the performance can be improved. 5. Demonstration – the trainer shows the candidate how to perform. 6. Replay – then candidates immediately repeat the critical part of their performance to show they have grasped the lesson. The replay must be short and to the point. <p>The method requires all candidates to be</p>

<p>The theory and mock trial performances deal with:</p> <ul style="list-style-type: none"> • Opening statement • Examination-in-chief • Cross-examination (civil & criminal) • Re-examination (to be avoided) • Final argument <p>NB: it is assumed that the candidates have an adequate knowledge of the rules of court, the rules of evidence, how to draft pleadings and heads of argument, and a good grasp of ethics.</p> <p>It is also assumed that candidates will read the trial exercises properly before attending the trial advocacy course.</p>	<ul style="list-style-type: none"> h) Candidates will understand that leading questions are permissible ONLY in cross-examination. i) Candidates will be able to conduct cross-examination in criminal cases. The core duty in criminal cases is to put the version of the accused to the witnesses for the State. Failure to do so renders the accused at risk of being found guilty as charged. j) Candidates will understand why re-examination is not advised. k) Finally, candidates will be able to present a coherent final argument at the end of the trial. 	<p>present for each performance. Learning is incremental and each candidate learns from other candidates' performances.</p> <p>Candidates must also be witnesses in the mock trials while they are not performing as counsel in the mock trial. Accordingly, candidates must read the trial exercises carefully and have a thorough recollection of the role each witness plays in the mock trial.</p> <p>NB the trainers will be responsible for both formative and summative assessments of the candidates. The standard of such assessment must be approved by the LPC.</p> <p><u>At the end of the training a candidate must receive a certificate of competence in terms of Rule 19.2.4.</u></p>
<p>b) Advanced drafting course – 5 days</p> <p><u>Content:</u></p> <p>Candidates must receive practical training in the following skills:</p> <p><u>Drafting Pleadings</u></p> <p>Candidates must receive training in the following disciplines:</p> <ul style="list-style-type: none"> a) How to obtain the facts and documents; b) How to sequence the facts and documents; c) How to contextualise the matter in law; d) Where to find the applicable law; e) How to apply the law to the facts of the case; f) How to work out the cause of action or defence. 	<p><u>The Expected Outcomes</u></p> <p>Candidates are expected to have a working knowledge of how to draft.</p> <p>An assessment must be made using an open book format of examination combined with the assignments completed during the course.</p> <p>This course must be done after the candidate completed the course on plain English writing. The candidate must also be part of the literacy programme which requires the candidate to read and complete one book per month.</p>	<p><u>Note to Trainers</u></p> <p>This module is an intensive course.</p> <p>Encourage candidates to write on their own from day one. We encourage the use of case studies. Give candidates a statement of fact and require them to draft particulars of claim on their own and without the assistance of precedents.</p> <p>Candidates are expected to draft particulars of claim in Contract and Delict. Each effort must be assessed by a trainer and candidates must be encouraged to repeat the draft until they</p>

<p><u>Drafting skills</u> With the use of case studies, candidates must draft the following:</p> <ol style="list-style-type: none"> a) Be able to write down the material facts of the case; b) Be able to recognise the material elements of the cause of action or defence; c) Be able to use this to prepare a rough draft of particulars of claim’; d) Draft particulars of claim with reference to the Uniform Rules and practice directives; e) Draft particulars of claim with reference to the peculiar facts of the case; f) Draft particulars of claim without reference to precedents. g) Be able to draft a plea with reference to the Uniform Rules and practice directives; h) Be able to draft a version setting out a defence to plaintiff’s claim. i) Candidates must be introduced into drafting statements of claim and statements of defence. 		<p>get it right. This is time consuming and trainers are to impress upon candidates that they are expected to work long hours and at home to complete case studies.</p> <p>The trainer for this module must have more than 10 years’ experience or a comparable level of expertise in drafting for litigation.</p>
<p><u>Motion Court</u> Candidates must learn the following skills:</p> <ol style="list-style-type: none"> a) To assess the facts and the law to decide whether a matter may be dealt with in an application rather than an action. When is a dispute of fact not capable of being adjudicated on the papers? b) To draft notices of motion; including long 		<p><u>Note to Trainers</u></p> <p>This module requires trainers with at least 10 years of experience or a comparable level of expertise in drafting motion papers.</p> <p>We recommend the use of case studies where candidates must draft on their own under supervision of a trainer.</p>

<p>and short form notices as well as two-part notices of motion. A notice of motion in search and seizure applications (Anton Piller).</p> <p>c) To draft a founding affidavit. This must include the recommended layout in the Uniform Rules and practice directives. Candidates must learn how to set out the cause of action and the supporting evidence and be able to provide justification for the order sought.</p> <p>d) To draft an answering affidavit. The most effective layout must be explained including how to set out a version that will answer an applicant's case.</p> <p>e) To draft a replying affidavit. It must be short and only drafted if strictly necessary.</p> <p>f) To know how to use annexures. Avoid bulky documents and ones not strictly necessary to support the deponent's case.</p> <p>g) Candidates must know how to apply the <i>Plascon-Evans</i> test.</p> <p><u>Heads of Argument</u> Candidates must be familiar with the layout and method of drafting the different types of heads of argument (concise heads; comprehensive heads; main heads of argument (SCA) and written argument (CC)).</p> <p>The following must be in this module:</p> <p>a) The typical layout of heads of argument; b) The method to be used in Applications;</p>		<p>We recommend that one of the case studies include drafting papers for an interdict.</p> <p>This is an intensive course and requires intensive application by trainers. We therefore recommend that no more than 20 candidates be accommodated per 5-day session.</p>
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<p>c) The method to be used in Trials; d) The method to be used in Appeals and Reviews. e) Candidates must know how to draft chronology documents to be filed with heads of argument.</p> <p>Candidates must know the relevant Rules and practice directives; in particular regarding page limitations and the prohibition of copying and pasting from authorities.</p>		
<p><u>Writing Opinions</u> Candidates must learn how to set out and write an opinion.</p> <p><u>Course content</u> The following must be in this module:</p> <p>a) The modern method of setting out an opinion. b) Understanding the question. c) The need to answer the question and provide recommendations. d) An efficient approach to legal research. e) How to write short opinions. f) How to justify your position with reference to the facts and the law.</p>		<p><u>Note to Trainers</u> It is recommended that candidates be given a simple opinion to write under supervision of the trainer.</p>

General notes for the Legal Practice Council

Candidate legal practitioners (candidates) must score a minimum of 50% to pass any assessment, formative or summative.

Some of the courses require experienced practitioners of at least seven to ten years' experience in practice. However, practitioners with a comparable level of expertise, despite having served fewer years in practice, are welcome to assist with the training.

Provision is made in the text above for trainers with comparable experience.

Annexure E

LEGAL PRACTITIONER'S ACCOUNTS MANAGEMENT

Current Curriculum content	Relevant Section in Legal Practice Act	Recommendations
Chapter 1 – Introduction		
Bookkeeping and Accounting	<p>Rule 54.6 – A Legal Practitioner shall have and keep Business and Trust Account transactions as are necessary to enable the firm to satisfy its obligations in terms of the Act, these rules and any other law with respect to the preparation of financial statements that present fairly and in accordance with Acceptable financial reporting framework in South Africa</p> <p>Rule 54.6.1. Records showing all assets and liabilities as required in terms of Section 87</p> <p>Rule 54.6.2 Records containing entries from day to day of all moneys received and paid by it on its own account</p>	In light of Rule 54 it seems as if the Legislature envisioned that an attorney's firm should go further than to do the mere bookkeeping of transactions (as described by Rule 54.6.2) they should further have accounting records which is in line with IFRS and IFRS for SME's (Rule 54.6) and Records showing all assets and liabilities (Rule 54.6.1). Practitioners need an understanding that there is a reporting standard; but are not expected to actually comply themselves. An accountant will prepare the books accordingly.
What is a Business?	Section 34(5)	This is still relevant and explains that a Legal Practitioner can act on their own account, as part of a juristic entity, Law Clinic, Legal Aid, State. It also gives the forms of business enterprise for the previously known "Advocates".
Difference between owner and Business		In this section we might take the opportunity to introduce the <u>Personal Finance Management</u> as suggested and perhaps include budgets, cash flow forecasts on a personal finance level. This will also reduce the risks associated with maintaining Trust Accounts.
The Bookkeeping Process		This is still very relevant and must be included in the curriculum as it explains the double entry bookkeeping system.
The Cash Book	<p>Rule 54.6.2 for recording Day to day transactions;</p> <p>Rule 54.8 Keeping Trust and Business accounts separate</p>	This is the starting point of all Cash transactions and must be explained to students

Annexure E

LEGAL PRACTITIONER'S ACCOUNTS MANAGEMENT

Balances Brought Down		This is the balancing of T-Accounts and will have to be explained to students to get an understanding of what is balance of an account at the end of the month. The current teaching of T-accounts is outdated and must be replaced with a more modern or relevant accounting system such as Excel using a debit and credit column.
Debit and Credits		This also needs to be explained as students will have to complete the double entry bookkeeping system which started with the Cash book.
Chapter 2 – Cash Book	Rule 54.6.2 ; Rule 54.14.13, Rule 54.14.14	
Basic cashbook principals, recording transactions		This is still very relevant as this is the first leg of the double entry bookkeeping system and the starting point of writing up transactions where movement of money is involved. We would however like to see that the notes make mention of the different types of deposits that we get, for example credit cards, perhaps discuss the do's and don'ts for cell phone banking, electronic payments and banking apps etc. Instead of cheques.
Balancing of cash books		Still relevant
Bank reconciliation statements and Supplementary Cash books		Still relevant for purposes of understanding why one needs to do this. But needs to be revised in the light of available software.
Extracting a list of Trust Creditors	Rule 54.15.1, Rule 54.14.8	This is very important to ensure that you always have enough money in your Trust Account to cover your liabilities towards clients. The current notes have to be revised to emphasise the importance of this.
Chapter 3 – Petty Cash		
How to record petty cash		This is still being used in practice and students should know how to implement internal controls to manage petty cash correctly. They require the theory.
Chapter 4 – Journals Chapter 6 – Transfer Journal and Transfer Procedures		

Annexure E

LEGAL PRACTITIONER'S ACCOUNTS MANAGEMENT

Transfer journals	Rule 54.14 Internal Controls- Rule 54.14.12	This is an important aspect of attorneys bookkeeping as the Trust moneys will now be transferred into your Business account and could create a Trust deficit if you are not careful.
Trust Journals		How to deal with Trust errors and with transactions where money should be transferred from one client to another within the practice
Fee Journals	Section 35	Fees will become even more important as we move forward under the LPA. Section 35 (which is not in effect yet) will prescribe tariffs for attorneys. Further we need to also include contingency fees and the practical working thereof under this heading. (Section 35(12)) We would also like to see a section on time management and the recording of time as a Legal Practitioner as well as how to deal with your time on Pro-Bono matters.
Chapter 5 - Ledgers		As these are the books of secondary entry, the practitioners need to understand this process to give effect to the double entry bookkeeping system and therefore this should also be kept in the curriculum.
Chapter 6 – Transfer Journals (as discussed under Chapter 4)		
Chapter 7 – Value Added Tax		This is still a very relevant topic and should be included in the curriculum as it also goes hand-in-hand with fees as well.
Chapter 8 - Investments	Section 86(3); section 86(4) and Section 55	Investments on behalf of the LPFF and for the client's benefit should still be discussed in detail and we would put a little more emphasis on the theory aspect thereof as well. Further with regards to Section 55 Investment Practices, I think we should discuss this in more detail in the notes and especially the FAIS requirements thereof.
Chapter 9 - Conveyancing		This is still a very relevant and important part of attorneys' practices and also the area where there is a lot of risk involved. The practical writing up of the accounts are still relevant as well

Annexure E

LEGAL PRACTITIONER'S ACCOUNTS MANAGEMENT

		as the theoretical aspect thereof. We intend to include due diligence for purposes of transferring funds and making payments to client. Avoids fraud.
Chapter 10 – Correspondent Transactions	Code of Conduct; Part III Conduct of Attorneys; Rule 12 Sharing of fees; Rule 14 Payment of commission; Rule 19	This will still need to be addressed in the notes however the notes have to be amended to reflect the current practice in appointing correspondents. In particular Practitioners need an understanding of how fees and disbursements are managed when a correspondent is engaged. Fee sharing and payment of commission as well as pro-bono work should be dealt with under this heading.
Chapter 11 - Theory		This chapter in the current curriculum discusses the theory surrounding all of the above, however we find that students hardly ever go through this chapter in preparation for the exam. We would prefer if the theory is included in the relevant sections before the practical writing up of the books are done for the specific topic.
Our Remarks		1. In our view the content of the curriculum is still very relevant to the Legal Practice act and complies with the Act and rules.
		2. It is our opinion that the current notes should be modernised and maybe be reorganised to some extent to get the students to buy into the fact that practitioner's accounts management is still relevant for purposes of conducting a practice.
We further propose the following be dealt with: a) Trust and Business concepts and the understanding thereof, which includes the identification of Trust and Business funds, transactions and ledger accounts.		3. It is further our opinion that the Assessment method should perhaps be changed. We would suggest that the written exam should place more emphasis on the theory part of the curriculum and then there should be an online assignment where students should

Annexure E

LEGAL PRACTITIONER'S ACCOUNTS MANAGEMENT

<ul style="list-style-type: none">b) The concepts of Value, (money, goods and services).c) Accounting for disbursements.d) Accounting to clients.e) The trust reconciliation statement.f) Compliance with the Act and Rules.g) Personal Injury and accident claims matters.h) Administration and collection matters.i) Litigation (high court and magistrates court) matters.		<p>write up a set of books in Excel by recording transactions as per case study which would be provided.</p> <p>This can be part of the formative assessment.</p>
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Annexure F**APPEAL****AGAINST THE DECISION BY THE LEGAL PRACTICE COUNCIL
NOT TO GRANT THE APPLICANT ACCREDITATION AS A TRAINING INSTITUTION**

Name of Appellant (Applicant):

Date of application for accreditation:

Date of decision by the Legal Practice Council:

Attach the reasons given by the Legal Practice Council:

Attach the grounds for the appeal:

Date and signature of receipt by the Appeals Committee:

Appeal case number allocated upon receipt:

The Appellant (Applicant) will receive the decision of the Appeals Committee within twenty business days of the receipt of the appeal by the Appeals Committee.



**NON-GOVERNMENTAL ORGANIZATION
NOTICE 228 OF 2020**



**MPUMALANGA
ECONOMIC REGULATOR**

ACCESS TO INFORMATION MANUAL

MPUMALANGA ECONOMIC REGULATOR MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000, AS AMENDED

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1. FOREWORD

The sole purpose of the Promotion of Access to Information Act (“PAIA”), 2000 (Act 2 of 2000), as amended, is to give “*effect to the public’s right of access to information from public and private bodies, as contemplated in s 32 of the Constitution*”.

The Mpumalanga Economic Regulator (“the MER”), as a provincial public entity in terms of Schedule 3, Part C of the Public Finance Management Act, 1999 (Act No. 1 of 1999), as amended (“PFMA”), and in terms of the above Act, has an obligation to draft this manual which will be a public document in terms of which the public can access our records.

2. INTRODUCTION

The MER is a juristic person serving as a provincial public entity, established in terms of section 2 of the Mpumalanga Economic Regulator Act, 2017 (Act No. 2 of 2017) (“the Act”).

The vision of the MER is “to be at the forefront of effective regulation of the gambling and liquor industries” and its mission is “to ensure the integrity of the gambling and liquor industries through efficient regulation within the Mpumalanga Province of South Africa.”

The MER was established to provide for the regulation of gambling and liquor industries in the Province and to provide for any other matters connected therewith.

The gambling regulatory functions of the MER are underpinned by the following three cardinal principles, namely, it is declared policy of the MER:

- ▲ That all establishments where liquor is sold, and where gambling games are conducted or operated are licensed and controlled, so as to improve public engagement in liquor, gambling, safety, morals and good order to preserve the policies of the Government of Mpumalanga;
- ▲ To render effective regulatory control which displays a high standard of professionalism and operates in clear recognition of the dictates of fairness, honesty and integrity in the best interest of the public, licensees and the Provincial Government; and
- ▲ To protect the public against any unfair, unjust, dishonest and/or unscrupulous practices in the gambling and liquor industries, therefore ensuring a sound, sustainable and equitable regulatory regime and processes that enhance responsibility in gambling, liquor trade and consumption, as well as public confidence in licensed gambling and liquor establishments within the Mpumalanga Province.

3. THE FUNCTIONS AND THE STRUCTURE OF THE MER

{Section 5(1)(a)-(j)}

3.1 THE STRUCTURE OF THE BOARD

Members of the Board are appointed in terms of section 5 to 10 of the Act, by the Responsible Member in consultation with the Executive Council of the Mpumalanga Province for periods not exceeding five (5) years and are eligible for reappointment as members of the Board at the expiry of their term of office for another term of five years. The composition of the Board in terms of the Act, shall not be less than nine (9) and not more than eleven (11) Board Members, all of whom shall be non-executive members and the Chief Executive Officer, as an *ex officio* Member.

The members of the Board are made up as follows:

- (a) a chairperson, designated by the responsible Member from amongst the members of the Board referred to in paragraphs (c), (d), (e), (f), and (j), who shall be a person with applicable knowledge or experience with regard to matters connected with the functions of the Board;
- (b) a deputy Chairperson, designated by the responsible Member from amongst the Members of the Board referred to in paragraphs (c), (d), (e), (f) and (j);
- (c) one member who is qualified to be admitted to practice as a legal practitioner in the Republic and has, for a cumulative period of at least five years after having so qualified, practised as a legal practitioner or performed services related to the application or administration of the law;
- (d) one member who is qualified as an accountant in the Republic and has, for a cumulative period of at least five years after having so qualified, practised as an accountant and who shall be registered as a member of a relevant professional body;
- (e) one member who shall have proven business acumen in, and knowledge of the gambling industry;
- (f) one member who shall have proven business acumen in, and knowledge of the liquor industry;
- (g) a person representing the Department entrusted with the responsibility for gambling and liquor regulation in the Province, designated by the responsible Member;
- (h) a person representing the Department responsible for financial affairs in the Province, designated by the responsible Member in consultation with the Member of the Executive Council responsible for financial affairs in the Province;
- (i) a person representing the Department responsible for community safety, security and liaison in the Province, designated by the responsible Member in consultation with the Member of the Executive Council responsible for community safety, security and liaison in the Province; and
- (j) with due regard to regional interests in the Province, not more than three members who shall have proven business acumen or applicable knowledge or experience in the field of local government, community and socio-economic development and who are fit and proper to represent the community in general.
- (k) The Chief Executive Officer of the Board shall be an *ex officio* member of the Board, but he or she shall have no voting rights at meetings of the Board.

3.2 ROLE, FUNCTIONS AND OBJECTIVES

3.2.1 THE MER BOARD

In accordance with the aforementioned parameters of corporate governance, the specific responsibilities discharged by the Board collectively, as well as the certain roles and responsibilities incumbent upon the Members, as individuals, include the following:

- ▲ Retaining full and effective control over the MER, and monitoring Management's implementation of the strategic plans and financial objectives, as approved by the Board;

- ▲ Defining levels of materiality, reserving specific powers to itself and delegating other matters, with the necessary written authority, to Management;
- ▲ Continually monitoring the exercise of delegated powers by Management;
- ▲ Ensuring that a comprehensive system of policies and procedures are in place and appropriate governance structures exist to ensure the smooth, efficient and prudent stewardship of the MER;
- ▲ Ensuring compliance by the MER with all relevant laws and regulations, audit and accounting principles, the MER Codes of Ethics and Conduct, the King IV report, and such other principles as may be established by the Board from time to time;
- ▲ Regularly reviewing and evaluating the risks to the business of the MER and ensuring the existence of comprehensive, appropriate internal controls to mitigate such risks;
- ▲ Exercising objective judgment on the affairs of the MER, independent from Management, but with sufficient management information to enable a proper and informed assessment;
- ▲ Identifying and monitoring non-financial aspects relevant to the business of the MER, and ensuring that the MER acts responsibly towards all relevant stakeholders having a legitimate interest in its affairs in order to ensure that the MER is seen to be a responsible corporate citizen; and
- ▲ Ensuring that regular independent assessments are conducted to assess the adequacy and effectiveness of the Regulator's ethics management process and structures.

The Board shall have the power to delegate to the Chief Executive Officer ("the CEO"), Committees of the Board or any other staff member of the Board, any of its powers and discretions, and to grant to such person or committee general or specific powers of sub-delegation.

The day-to-day management of the MER vests in the hands of the CEO and the executive management team, appointed by the Board. The Committees of the Board, appointed by the Board in terms of section 17 of the Act, include:

3.2.2 CORPORATE SERVICES COMMITTEE

Corporate Services Committee which also fulfils the functions of the Remuneration Committee and Social Committee:

The Corporate Services Committee provides the MER with the assurance regarding the quality and reliability of the management information of the MER. The responsibilities of the Corporate Services Committee include:

- Considering the proposals received relating to the annual budget and submitting, recommendations to the Board for consideration and approval;
- Further to the Board's approval of the final budget, reviewing performance against budget;
- Monitoring that complete and accurate levies are collected from operational gambling licensees;
- Fulfilling the function of a Remuneration Committee that meets at least once a year and is charged with the responsibility of assessing the remuneration strategy for the MER;
- Providing the Board with the assurance that management and employees are fairly rewarded for their individual contributions to the MER's performance;
- Approving procurement in excess of R500,000.00 up to R1,000,000.00;
- Approving amendments to the MER's internal control policies and procedures; and
- Monitoring MER's social responsibility performance, as well as MER's compliance with the Broad-Based Black Economic Empowerment Act, 2004 and Codes of Good Practice.

3.2.3 AUDIT AND RISK COMMITTEE

Audit and Risk Committee which also fulfils the functions of the Ethics Committee:

In terms of sections 51(1)(a)(ii), 76(4)(d) and 77 of the PFMA and regulation 27(1) of the Treasury Regulations, accounting authorities have to comply with the compulsory establishment of an Audit and Risk Committee and an effective internal audit function in the public entity. In terms of these provisions, the Audit and Risk Committee assists the Board in fulfilling its oversight responsibilities and reviews and monitors the scope and effectiveness of the internal and external audit function. The responsibilities of the Audit and Risk Committee include:

- Determining the adequacy and effectiveness of the internal control systems;
- Evaluating the effectiveness of risk management;
- Performing the functions required of it by law;
- Reviewing the significant accounting and reporting issues, including professional and regulatory pronouncements, and their impact on the financial statements with a view to ensure consistency with the appropriate accounting principles;
- Reviewing the effectiveness of the internal controls that is performed by external practitioners, whose major responsibilities include the examination and evaluation of the effectiveness of and performance operational activities and systems, together with the attendant business risks and financial control;
- Reviewing the scope, performance, significant findings and recommendations made by the internal and external auditors; and
- Reviewing any statement on ethical standards or requirements and the procedure to review compliance with the Code of Ethics.

3.2.4 COMPLIANCE COMMITTEE

The Compliance Committee provides assurance to the Board that proper investigation processes are being followed, that licensing of applicants and regulatory compliance by licensees take place in accordance with the requirements of the Mpumalanga Gambling Act, Regulations and Rules; and the Mpumalanga Liquor Licensing Act and Regulations; and that complete and accurate levies are collected from operational gambling licensees in terms of the Mpumalanga Gambling Levies Act and Regulations. The responsibilities assigned to the Compliance Committee include:

- Considering and making recommendations to the Board on licensing, regulatory compliance and audit matters;
- Conducting hearings, enquiries and evaluations, on any matter presented before it;
- Reviewing findings relating to, amongst others, investigations, inspections and audits;
- Imposing administrative penalties on holders of gambling and liquor licences on matters presented before it;
- Satisfy the Board that sufficient processes are implemented to address illegal gambling and liquor activities; and
- Review the analysis and status of the gambling and liquor industries in the Province and make recommendations to the Board.

4. MER DEPARTMENTS AND FUNCTIONS

The implementation of the operational policies is discharged through dedicated staff, which is organised as follows:

4.1 OFFICE OF THE CHIEF EXECUTIVE OFFICER

The function of the office of the Chief Executive office is:

- ▲ To provide strategic leadership and centralised administration as well as executive support to the organisation whilst ensuring that the entity's mandate is executed, achieved and reported correctly.

4.2 LICENSING DEPARTMENT

The function of the Licensing Department is:

- ▲ To investigate the suitability of applicants for licensing (including shareholders, premises and employees) and holders of licences (including licence amendments and renewals) as per the requirements of Gambling and Liquor Legislation.

4.3 COMPLIANCE DEPARTMENT

The function of the Compliance Department is:

- ▲ To ensure regulatory compliance of all gambling and liquor operations and gambling equipment whilst combating all forms of prohibited gambling, illegal liquor trade and supply within the entity's control.

4.4 AUDIT DEPARTMENT

The function of the Audit Department is:

- ▲ To provide assurance that gambling levies are complete, accurately calculated and paid timeously, as prescribed.

4.5 LEGAL SERVICES DEPARTMENT

The function of the Legal Services Department is:

- ▲ To ensure effective and efficient gambling and liquor legislation and further ensure that the entity complies with corporate governance practices.

4.6 CORPORATE SERVICES DEPARTMENT

The function of the Corporate Services Department is:

- ▲ To ensure efficient and effective human resources and financial management.

4.7 COMMUNICATIONS DEPARTMENT

The function of the Communications Department is:

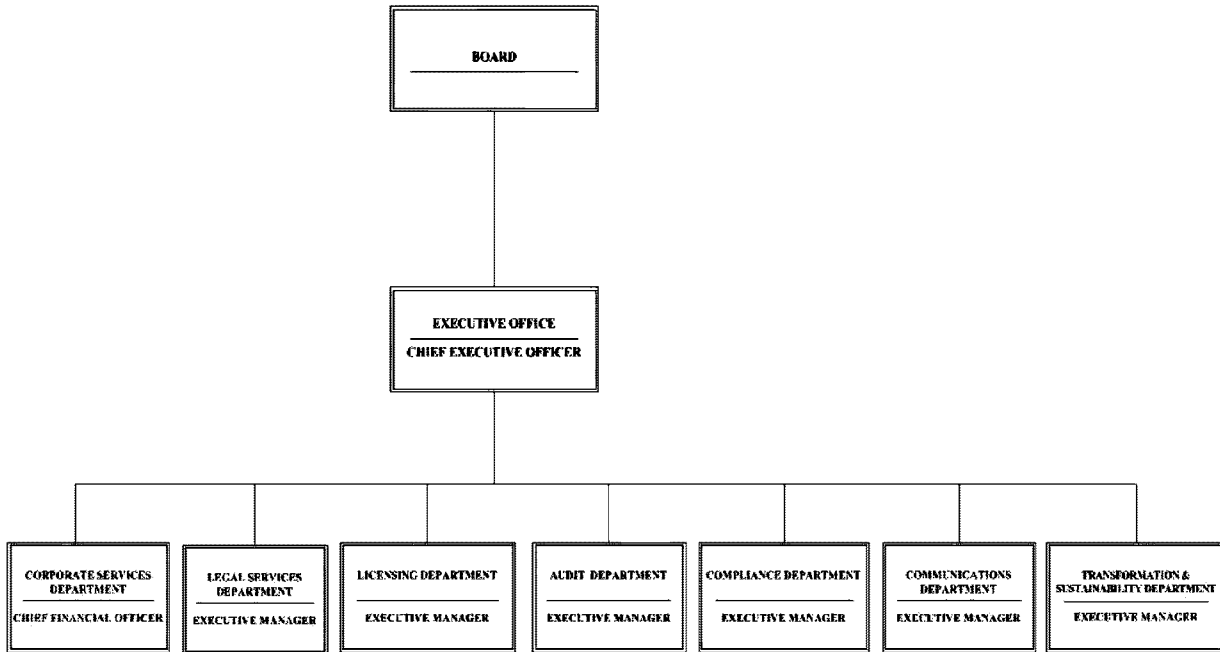
- ▲ To ensure public awareness of gambling and liquor regulation and ensure the effective management of information and communication technology.

4.8 TRANSFORMATION AND SUSTAINABILITY DEPARTMENT

The function of the Transformation and Sustainability Department is:

- ▲ To monitor transformation and sustainability of the gambling and liquor industries; and ensure research is conducted to inform policy and decision-making.

5. SCHEMATIC DIAGRAM OF THE STRUCTURE OF THE MPUMALANGA ECONOMIC REGULATOR



6. CONTACT DETAILS {Section 14(1) (b)}

Chief Executive Officer (Information Officer)
Mr. Bheki Mlambo ceo@mer.org.za

Executive Manager: Communications
Mr. Cedrick Chiloane info@mer.org.za

GENERAL INFORMATION**Office Address:**

First Avenue, White River, Mpumalanga Province, South Africa.

Postal Address:

Private Bag X9908, White River, 1240, Mpumalanga Province, South Africa.

Telephone:

+27 (0) 13 750 8000

Facsimile:

+27 (0) 13 750 8099

Business Hours:

08h00 to 16h30 Monday to Friday

Website: <http://www.mer.org.za>

**7. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE
{Section 14(1) (c)}**

In terms of section 10 of the Promotion of Access to Information Act “*The Human Rights Commission must, within 18 months after the commencement of this section, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.*”

This revised Manual will be made available in terms of Chapter 2, Section (4)(1) of the Act, as amended on 15 February 2002, by 31 March each year and queries are to be directed to:

The South African Human Rights Commission: PAIA Unit: Deputy Information Officer.

Postal address: Private Bag X2700, Houghton, 2041
Telephone: +27 (0) 11 877 3608
E-mail: mnyuswa@sahrc.org.za
For attention: Dr Shanelle van der Berg
Website: www.sahrc.org.za

8. ACCESS TO THE RECORDS HELD BY THE MER (INCLUDING CONFIDENTIAL RECORDS) {Section 14(1) (d) & (e)}

8.1 Records that may be requested

Function/Program	Record	Record category	Format in which record is available	Location	Accessibility	Status
Licensing	Public inspection copies of applications for licences, objections and responses thereto.	9	Electronic and/or hard copies.	Registry and Archives.	On request, as per sections 26 and 26A of the Mpumalanga Gambling Act.	Current.
Legal Services	Minutes, recordings and Resolutions of the Board, relating to public hearings.	3	Electronic and/or hard copies.	Registry and Archives.	On request, as per section 26B of the Mpumalanga Gambling Act.	Current.
Communications & Office of the CEO	Statutory Reports.	3	Electronic and/or hard copies.	Registry and Archives.	On request.	Current.
Licensing	Information on Gambling Licences and Certificates, with licence conditions.	9	Electronic and/or hard copies.	Registry and Archives.	On request.	Current.
Licensing	Information on Liquor Licences.	9	Electronic Access.	Online Provincial Register.	Electronic Access.	Current.
Legal Services	The Mpumalanga Economic Regulator legislation.	1	Electronic and/or hard copies.	Registry and Archives.	On request.	Current.
Corporate Services	List of MER tender applicants and awards.	6	Electronic and/or hard copies.	Registry and Archives	On request.	Current.

Function/Program	Record	Record category	Format in which record is available	Location	Accessibility	Status
Corporate Services	List of approved MER suppliers.	6	Electronic and/or hard copies.	Registry and Archives	On request.	Current.
Corporate Services	External advertisements for vacant MER positions.	4	Electronic and/or hard copies.	HR	On request.	Current.

8.2 Automatic Disclosures

8.2.1 For Inspection {Section 15(1) (a) (i)}

- ▲ Liquor Licences, Gambling Licences, Certificates of Approval and Certificates of Suitability with Conditions, if any.
- ▲ The Mpumalanga Liquor Licensing Act and **[Liquor]** Regulations, Mpumalanga Gambling Act, Regulations and Rules; and
- ▲ Mpumalanga Gambling Levies Act and Regulations.
Rules of Casino Table Games, Bookmaker Operational Rules, and Totalisator Operational Rules.
- ▲ Public Notices.

8.2.2 For purchase or copying {Section 15(1) (a) (ii)}

- ▲ The Mpumalanga Liquor Licensing Act and **[Liquor]** Regulations, the Mpumalanga Gambling Act, Regulations and Rules; and Mpumalanga Gambling Levies Act and Regulations.
- ▲ Public inspection documents of applications for gambling licences.

8.2.3 Free of Charge {Section 15(1) (a) (iii)}

- ▲ MER Annual Reports.
- ▲ MER Information Brochures and Material.
- ▲ Rules of Casino Table Games, Bookmaker Operational Rules and Totalisator Operational Rules.
- ▲ Requests for Applications for Licences.
- ▲ Gambling Application Forms – Licences, Certificates of Approval and Suitability, Procurement of Interest.
- ▲ Gambling Business and Personal History Disclosure Forms.
- ▲ Gambling Performance Statistics.
- ▲ Gambling Levies Remittance Form.
- ▲ Gambling Licensees' Internal Control Procedure Submission Form.
- ▲ Gambling Licensees' Jobs Compendium Submission Form.
- ▲ Liquor Forms as prescribed in the Mpumalanga Liquor Licensing Regulations.
- ▲ Application Form – Registration as MER Supplier.
- ▲ List of MER vacant posts.

- ▲ Public Notices.
- ▲ Press Releases.

8.2.4 Payment Method

All payments shall be made by bank deposits into the bank account of the MER. The banking details are as follows:

Bank Name:	First National Bank
Account Number:	54281160480
Branch Code:	250655
Swift Code:	FIRNZAJJ
Reference:	Surname and initials of Requester (Applicant)

NOTE: ALL DOCUMENTS LISTED UNDER 8.2.3 CAN BE VIEWED AND PRINTED FROM THE MER'S WEBSITE: www.mer.org.za HOWEVER, A FEE WILL BE PAYABLE IF COPIES ARE REQUIRED IN HARD COPY FROM THE MER.

9. PROCEDURE FOR REQUESTING A RECORD

- 9.1 A requester must use the form that is published in *Government Gazette* (Notice R187 of 15 February 2002), annexed to this manual as "*Annexure A*" for applicable fees and "*Annexure B*", Form A, for records requests.
- 9.2 The requester must also state whether he or she requires a copy of the record or only wants to view the record at the offices of the MER {Section 29(2)}.
- 9.3 A requester will receive the information in the manner he or she has asked for. However, making available the information will depend on whether the request will not unreasonably interfere with the daily running of business of the MER, or damage the record, or infringe a copyright not owned by the State {Section 29(3)} or whether there are grounds for refusal of access to records in terms of Chapter 4 of PAIA. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee will be calculated according to the way that the requester has opted for {Section 29(4)}.
- 9.4 If, in addition to a written reply to his/her request for the record, the requester wants to be told about the decision in any other way, e.g. by telephone, this must be specified {Section 18(2)(e)}.
- 9.5 If a requester is asking for the information on behalf of someone else, he or she must show in what capacity the request is being made {Section 18(2)(f)}.
- 9.6 If requesters are unable to read or write, or if they have a disability, then they can make the request for the record orally. The information officer must then fill in the form on their behalf and give them a copy of the completed form {Section 18(3)}.
- 9.7 The information officer will deal with the requests for information within 30 days after receipt of the request or as soon as is reasonable {Section 25}. In certain instances, the period of 30 days may be extended once for a further 30 days {Section 26}.
- 9.8 The requester will be notified of the prescribed fee payable prior to the request for information is further processed {Section 22}.

- 9.9 The requester may lodge an internal appeal against payment of the prescribed appeal fee {Sections 74 and 75} or bring an application to Court for the appropriate relief, after the aforesaid procedure has been exhausted {Section 78}.
- 9.10 The requester will be notified whether or not he or she will be granted access to the information requested {Section 25}

10. SERVICES AVAILABLE {Section 14(1) (f)}

The MER offers services particularly to the Mpumalanga Provincial Government, licensees of the MER and the gambling and liquor industries at large, as well as the public, by fulfilling the following functions:

- 10.1 Ensures the continued suitability of all persons (juristic and natural) who wish to enter or participate in the gambling and liquor industries within the Mpumalanga Province.
- 10.2 Ensures that gambling and liquor is conducted in compliance with Mpumalanga gambling and liquor legislation in an honest and fair manner.
- 10.3 Receives, investigates and adjudicates complaints received from the public arising from gambling, liquor disputes and/or other related activities.
- 10.4 Regulates that gambling equipment complies with national standards.
- 10.5 Grants approval for use of gambling equipment in the Province.
- 10.6 Provides the Board and Mpumalanga Provincial Government with the assurance that gambling and liquor revenue is accurately calculated and timeously paid; as well as assures that the computer monitoring systems and peripheral gambling systems used by the licensees are reliable and functioning according to the gambling legislative framework and specifications. Furthermore, ensures that licensees maintain a level of continual financial suitability and compliance with the Mpumalanga gambling legislation.
- 10.7 Combats prohibited gambling and illegal liquor trade within the Province to protect the public from unfair business practices, as illegal operators are not subject to regulatory control to ensure fair business practices.
- 10.8 Corporate Relations ensures that the needs of the various role players are met, by assisting the organisation by providing effective communication mechanisms for informing everybody who have an interest in the MER, of its activities.
- 10.9 Ensures that measures to promote responsible gambling and liquor trading, and minimisation of incidences of problem gambling and alcohol abuse are in place:

Problem gamblers are generally defined as persons who no longer have rational control of their gambling behaviour to the detriment of their personal well-being and that of their families and dependants. It is not possible to identify problem gamblers easily, as they will usually go out of their way to disguise or hide their problem.

The MER recognises that opportunities in the gambling and liquor industries may also entail certain risks for the public.

Therefore, the MER, together with the National Responsible Gambling Programme and the Industry Association for Responsible Alcohol Use, are working on ways to help people who fall prey to problem gambling and alcohol abuse.

The following assistance is available to any person who has a gambling or alcohol problem, or family members who are affected by people with a gambling or alcohol problem:

Professional Assistance

A general practitioner can assist by referring problem gamblers or sufferers of alcoholism to relevant clinics specialising in the treatment of addictions. There are various voluntary organisations, which may be approached for free counselling.

The National Responsible Gambling Programme has a helpline for treatment and counselling of problem gamblers. The Programme can be contacted on 0800 006 008 toll free or by sending a *please call me* to 076 675 0710.

The South African National Council on Alcoholism and Drug Dependence (“SANCA”) has a helpline for treatment and counselling of sufferers of alcoholism. The Programme can be contacted on 0861 472 622 or (011) 892 3829 or via WhatsApp number 076 535 1701.

Self-Exclusion

Licensed gambling operators in the Province operate a system of self-exclusion in terms whereof a punter can voluntarily request to be excluded from a licensed gambling establishment.

11. ARRANGEMENTS ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY, EXERCISE OF POWERS OR PERFORMANCE OF DUTIES {Section 14(1) (g)}

The Regulator involves the public in the process of considering and awarding licences as follows:

- 11.1 Applications for licences are published both in the *Provincial Gazette* and in newspapers circulating in the relevant district.
- 11.2 Interested parties are invited to lodge written objections to licence applications, indicating whether or not they wish to make oral representations at the public hearings in respect of licence applications.

In addition to the above, members of the public can, at any time make representations to the Regulator regarding matters on which they consider gambling and liquor legislation can be improved. These will be considered by the Regulator, who will then advise the responsible Member for purposes of legislative amendments.

Furthermore, in the process of amendments of Provincial gambling and liquor legislation, the Provincial Department of Economic Development and Tourism and/or Provincial Legislature invites comments from the general public on the proposed amendments to the Mpumalanga Gambling Act, Mpumalanga Liquor Licensing Act and respective Regulations, the Mpumalanga

Gambling Levies Act and Regulations. The Regulator invites comments from the general public on proposed amendments to the Mpumalanga Gambling Rules.

12. THE REMEDIES AVAILABLE IN THE EVENT OF NON-COMPLIANCE WITH THE PAIA {Section 14(1) (h)}

The remedies available to the requester in the event that provisions of the PAIA Act are not complied with are:

- 12.1 Lodge an appeal with the relevant authority, as per section 74(1) against the decision of the Information Officer.
- 12.2 If the requester is still aggrieved by the decision of the Regulator, he or she can apply to Court for the appropriate relief.

ANNEXURE A**GENERAL: VALUE-ADDED TAX**

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I**FEES IN RESPECT OF GUIDE**

1. The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II**FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(2) For purposes of section 22(2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

PART III
FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

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

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	

- | | | |
|------|---|-------|
| (i) | stiffy disc | 7,50 |
| (ii) | compact disc | 70,00 |
| (d) | (i) For a transcription of visual images,
for an A4-size page or part thereof | 40,00 |
| | (ii) For a copy of visual images | 60,00 |
| (e) | (i) For a transcription of an audio record,
for an A4-size page or part thereof | 20,00 |
| | (ii) For a copy of an audio record | 30,00 |
| (f) | To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation. | |
- (2) For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable;
and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

ANNEXURE B

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 6]

FOR DEPARTMENTAL USE	
	Reference number: _____
Request received by _____	
(state rank, name and surname of information officer/deputy information officer) on	
_____ (date) at _____ (place).	
Request fee (if any): R	
Deposit (if any): R	
Access fee: R	
_____ SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER	

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

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

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

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

C. Particulars of person on whose behalf request is made

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

Full names and surname: _____

Identity number: _____

D. Particulars of record

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

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

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. Fees

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

Reason for exemption from payment of fees: _____

F. Form of access to record

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

Disability: _____	Form in which record is required: _____
_____	_____
_____	_____

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images -

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
--------------------------	-----------------	--------------------------	---------------------	--------------------------	------------------------------

3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
--------------------------	---	--------------------------	--

4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
--------------------------	-------------------------	--------------------------	--	--------------------------	--

<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.</p>	<p>YES</p>	<p>NO</p>
<p><i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i></p>		
<p>In which language would you prefer the record? _____</p>		

G. Notice of decision regarding request for access

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

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

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

**NIE-REGERINGSORGANISASIE
KENNISGEWING 228 VAN 2020**



**MPUMALANGA
ECONOMIC REGULATOR**

**HANDLEIDING: BEVORDERING VAN
TOEGANG TOT INLIGTING**

**MPUMALANGA EKONOMIESE REGULEERDER SE HANDLEIDING
INGEVOLGE ARTIKEL 14 VAN DIE WET OP BEVORDERING VAN
TOEGANG TOT INLIGTING NR. 2 VAN 2000, SOOS GEWYSIG**

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1. VOORWOORD

Die alleendoel van die Wet op Bevordering van Toegang tot Inligting (“WBTI”), 2000 (Wet 2 van 2000), soos gewysig, is om “*uitvoering te gee aan die publiek se reg op toegang tot inligting van openbare en privaat liggame, soos beoog in art 32 van die Grondwet*”.

Die Mpumalanga Ekonomiese Reguleerder (“die MER”), as ’n provinsiale openbare entiteit ingevolge skedule 3, deel C van die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999), soos gewysig (“WOFB”), en ingevolge bogenoemde wet, het ’n verpligting om hierdie handleiding op te stel wat ’n openbare dokument sal wees waarvolgens die publiek toegang tot ons rekords kan verkry.

2. INLEIDING

Die MER is ’n regspersoon wat as ’n provinsiale openbare entiteit dien, gevestig ingevolge artikel 2 van die Wet op die Mpumalanga Ekonomiese Reguleerder, 2017 (Wet 2 van 2017) (“die Wet”).

Die visie van die MER is om aan die spits van doeltreffende regulering van die dobbel- en drankbedryf te wees en die missie is om die integriteit van die dobbel- en drankbedryf deur doeltreffende regulering in die Mpumalanga-provinsie van Suid-Afrika te verseker.

Die MER is gevestig om die dobbel en drankbedryf in die Provinsie te reguleer en om voorsiening te maak vir enige ander sake wat hiermee verband hou.

Die dobbelreguleringsfunksies van die MER word deur die volgende drie hoofbeginsels ondersteun, en is vernaamlik as beleid van die MER verklaar:

- ▲ Dat alle ondernemings waar drank verkoop word, en waar dobbelspeletjies uitgevoer of bedryf word, gelisensieer en beheer word ten einde die publiek se betrokkenheid by drank, dobbelary, veiligheid, sedes en goeie orde te verbeter om die beleide van die Regering van Mpumalanga in stand te hou;
- ▲ Om doeltreffende reguleringsbeheer te lewer wat ’n hoë standaard van professionalisme toon en in duidelike erkenning van die voorskrifte van regverdigheid, eerlikheid en integriteit in die beste belange van die publiek, lisensiehouers en die Provinsiale Regering werksaam is; en
- ▲ Om die publiek te beskerm teen onregverdige, onbillike, oneerlike en/of beginsellose praktyke in die dobbel en drankbedryf, waardeur ’n grondige, volhoubare en billike reguleringstelsel en prosesse verseker word wat verantwoordelikheid in dobbelary, drankhandel en verbruik asook die publiek se vertroue in gelisensieerde dobbel en drankondernemings in die Mpumalanga Provinsie bevorder.

3. DIE FUNKSIES EN DIE STRUKTUUR VAN DIE MER {artikel 5(1)(a-j)}

3.1 DIE STRUKTUUR VAN DIE RAAD

Raadslede word aangestel ingevolge artikel 5 tot 10 van die Wet deur die Verantwoordelike Lid in oorleg met die Uitvoerende Raad van die Mpumalanga Pprovinsie vir tydperke wat nie vyf (5) jaar oorskry nie en is verkiesbaar vir heraanstelling as Raadslede met die verstryking van hul ampstermyn vir ’n addisionele vyf (5) jaar. Die samestelling van die Raad ingevolge die Wet sal nie minder as nege (9) en nie meer as elf (11) Raadslede wees nie, waarvan almal nie-uitvoerende lede en die Hoof Uitvoerende Beampte (“HUB”) ’n *ex officio*-lid sal wees.

Die Raadslede bestaan uit die volgende:

- (a) 'n Voorsitter, aangewys deur die Verantwoordelike Lid uit die geledere van die Raadslede na verwys in paragraaf (c), (d), (e), (f) en (j), wat 'n persoon met toepaslike kennis of ervaring rakende sake verbonde aan die funksies van die Raad sal wees;
- (b) 'n Ondervoorsitter, aangewys deur die Verantwoordelike Lid uit die geledere van die Raadslede na verwys in paragraaf (c), (d), (e), (f) en (j);
- (c) Een lid wat gekwalifiseer is om toegelaat te word om as 'n regspraktisyn in die Republiek te praktiseer en vir 'n opeenvolgende tydperk van ten minste vyf jaar nadat sodanige kwalifikasie verkry is as 'n regspraktisyn gepraktiseer het of dienste uitgevoer het verbonde aan die toepassing van die wet of regspraak;
- (d) Een lid wat as 'n rekenmeester in die Republiek gekwalifiseer is en vir 'n opeenvolgende tydperk van ten minste vyf jaar nadat sodanige kwalifikasie verkry is as 'n rekenmeester gepraktiseer het en wat as 'n lid van 'n toepaslike professionele liggaam geregistreer sal wees;
- (e) Een lid wat bewese sakevernuif in en kennis van die dobbelbedryf het;
- (f) Een lid wat bewese sakevernuif in en kennis van die drankbedryf het;
- (g) 'n Persoon wat die Departement verteenwoordig wat toevertrou is met die verantwoordelikheid vir dobbel en drankregulering in die Provinsie, deur die Verantwoordelike Lid aangewys;
- (h) 'n Persoon wat die Departement verteenwoordig wat verantwoordelik is vir die finansiële sake in die Provinsie, deur die Verantwoordelike Lid aangewys in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir finansiële sake in die Provinsie;
- (i) 'n Persoon wat die Departement verteenwoordig wat verantwoordelik is vir gemeenskapsveiligheid, sekuriteit en skakeling in die Provinsie, deur die Verantwoordelike Lid aangewys in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir gemeenskapsveiligheid, sekuriteit en skakeling in die Provinsie; en
- (j) Met inagnome van streeksbelange in die Provinsie, nie meer as drie lede wat bewese sakevernuif of toepaslike kennis of ervaring op die gebied van plaaslike regering, gemeenskap en sosio-ekonomiese ontwikkeling het en wat geskik is om die gemeenskap in die algemeen te verteenwoordig.
- (k) Die HUB van die Raad sal 'n Raadslid wees, maar hy of sy sal geen stemreg by Raadsvergaderings hê nie.

3.2 ROL, FUNKSIES EN DOELSTELLINGS

3.2.1 DIE MER RAAD

In ooreenstemming met die voorafgenoemde parameters van korporatiewe beheer, sluit die spesifieke verantwoordelikhede wat die Raad gesamentlik nakom, asook die spesifieke rolle en verantwoordelikhede van die Lede as individue, die volgende in:

- ▲ Die behoud van volledige en doeltreffende beheer oor die MER, en monitering van die Bestuur se implementering van die strategiese planne en finansiële doelstellings, soos deur die Raad goedgekeur;
- ▲ Die omskrywing van wesenlikheidsvlakke, die behoud van sekere magte vir hulself en die delegering van ander sake, met die nodige skriftelike toestemming, na die Bestuur;
- ▲ Voortgesette monitering van die uitoefening van gedelegeerde magte deur die Bestuur;
- ▲ Versekering dat 'n omvattende stelsel van beleide en prosedures ingestel is en dat gepaste beheerstrukture bestaan om die gladde, doeltreffende en omsigtige rentmeesterskap van die MER te verseker;

- ▲ Versekering van nakoming deur die MER van alle toepaslike wette en regulasies, oudit- en rekeningkundige beginsels, die MER etiek en gedragkodes, die King IV verslag, en ander beginsels soos van tyd tot tyd deur die Raad ingestel kan word;
- ▲ Gereelde hersiening en evaluering van die risiko's vir die werksaamhede van die MER en versekering van die bestaan van omvattende, toepaslike interne beheer om sodanige risiko's te versag;
- ▲ Uitoefening van objektiewe oordeel rakende die sake van die MER, onafhanklik van die Bestuur, maar met voldoende bestuursinligting om behoorlike en ingeligte assessering in die hand te werk;
- ▲ Identifisering en monitering van nie-finansiële aspekte van toepassing op die sake van die MER, en versekering dat die MER verantwoordelik teenoor alle toepaslike belanghebbendes optree wat 'n geldige belang in sy sake het om te verseker dat die MER as 'n verantwoordelike korporatiewe burger beskou word; en
- ▲ Om te verseker dat gereelde, onafhanklike evaluerings uitgeoefen word om die toereikendheid en doeltreffendheid van die Reguleerder se etiek bestuur proses en strukture te assesser.

Die Raad sal die mag hê om enige van sy magte en oorleg aan die HUB, Raadskomitees of enige ander personeelle van die Raad te delegeer en om algemene of spesifieke magte van subdelegering aan sodanige persone of komitees toe te staan.

Die daaglikse bestuur van die MER berus by die HUB en die uitvoerende bestuurspan, deur die Raad aangestel.

Die Raadskomitees, aangestel deur die Raad ingevolge artikel 17 van die Wet, sluit die volgende in:

3.2.2 KORPORATIEWEDIENSTE KOMITEE

Die Korporatiewedienste komitee, wat ook die funksies van die Vergoedingskomitee en die Sosiale Komitee vervul:

Die Korporatiewedienste komitee bied die MER versekering rakende die gehalte en betroubaarheid van die bestuursinligting van die MER. Die verantwoordelikhede van die Korporatiewedienste-komitee sluit die volgende in:

- Oorweging van die voorleggings ontvang met betrekking tot die jaarlikse begroting en lewering van aanbevelings aan die Raad vir oorweging en goedkeuring;
- Evaluering van prestasie teen die begroting in aansluiting by die Raad se goedkeuring;
- Monitering dat volledige en akkurate heffings van bedryfsdobbellsensiehouers ingesamel word;
- Uitvoer van die funksie van 'n Vergoedingskomitee, wat ten minste een keer 'n jaar vergader en getaak is met die verantwoordelikheid om die vergoedingstrategie van die MER te assesser;
- Bied van versekering aan die Raad dat die bestuur en werknemers billik beloon word vir hul individuele bydraes tot die MER se prestasie;
- Goedkeuring van verkryging in oormaat van R500, 000.00 tot R1, 000,00, 000.00;
- Goedkeuring van wysigings aan die MER se interne beheerbeleide en prosedures; en
- Monitering van die MER se prestasie rakende sosiale verantwoordelikheid asook die MER se nakoming van die Wet op Breedgebaseerde Swart Ekonomiese Bemagtiging, 2004 en Goeiepraktykkodes.

3.2.3 OUDIT-EN-RISIKOKOMITEE

Die Oudit-en-Risikokomitee, wat ook die funksies van die Etiekkomitee vervul:

Ingevolge artikel 51(1)(a)(ii), 76(4)(d) en 77 van die WOFB en regulasie 27(1) van die Tesourieregulasies moet rekeningkundige owerhede voldoen aan die verpligte stigting van 'n Oudit-en-Risikokomitee en 'n doeltreffende interne ouditfunksie in die openbare entiteit. Ingevolge hierdie bepalings staan die Oudit-en-Risikokomitee die Raad by in die uitvoer van sy toesighoudende verantwoordelikhede en evalueer en monitor die omvang en doeltreffendheid van die interne en eksterne ouditfunksie. Die verantwoordelikhede van die Oudit-en-Risikokomitee sluit die volgende in:

- Bepaling van die geskiktheid en doeltreffendheid van die interne beheerstelsels;
- Evaluering van die doeltreffendheid van risikobestuur;
- Uitvoering van die funksies wat deur die wet vereis word;
- Evaluering van die belangrike rekeningkundige en rapporteringskwessies, insluitende professionele en reguleringsuitsprake, en die impak daarvan op die finansiële state met die oog op versekering van konsekwentheid met die toepaslike rekeningkundige beginsels;
- Evaluering van die doeltreffendheid van die interne beheer wat deur eksterne praktisyns uitgevoer word, wie se hoofverantwoordelikhede die ondersoek en evaluering van die doeltreffendheid en prestasie van bedryfsaktiwiteite en -stelsels tesame met die gepaardgaande sakerisiko's en finansiële beheer is;
- Evaluering van die omvang, prestasie, belangrike bevindinge en aanbevelings deur die interne en eksterne ouditeurs gemaak; en
- Evaluering van enige stelling oor etiese standaarde of vereistes en die prosedure om nakoming van die Etiekkode te evalueer.

3.2.4 NAKOMINGSKOMITEE

Die Nakomingskomitee bied versekering aan die Raad dat behoorlike ondersoekprosesse gevolg word, dat die lisensiëring van aansoekers en nakoming van regulasies deur lisensiehouers ingevolge die vereistes van die Mpumalanga Dobbeltwet, regulasies en reëls en die Mpumalanga Wet op Dranklisensiëring en regulasies plaasvind, en dat volledige en akkurate heffings van bedryfsdobbeltlisensiehouers ingevorder word ingevolge die Mpumalanga Wet op Dobbeltheffings en regulasies. Die verantwoordelikhede van die Nakomingskomitee sluit die volgende in:

- Oorweging en aanbevelings aan die Raad oor lisensiëring, nakoming van regulasies en ouditsake;
- Uitvoer van gehore, ondersoeke en evaluerings oor enige saak wat voor dit dien;
- Evaluering van bevindings verbonde aan, onder andere, ondersoeke, inspeksies en oudits;
- Oplê van administratiewe boetes aan dobbeltlisensiehouers oor sake wat voor dit dien;
- Gerusstelling van die Raad dat voldoende prosesse geïmplementeer word om onwettige dobbel en drankaktiwiteite hok te slaan; en
- Evaluering van die ontleding en status van die dobbel- en drankbedryf in die Provinsie en aanbevelings aan die Raad.

4. MER DEPARTEMENTE EN FUNKSIES

Die implementering van die bedryfsbeleide word deur toegewyde personeel behartig, wat as volg georganiseer word:

4.1 KANTOOR VAN DIE HOOF UITVOERENDE BEAMPTE

Die funksie van die Kantoor van die HUB is:

- Om strategiese leierskap en gesentraliseerde Administrasie, asook uitvoerende steun aan die organisasie te bied, om te verseker dat die entiteit se mandaat uitgevoer word en korrek gerapporteer word.

4.2 LISENSIEDEPARTEMENT

Die funksie van die Lisensiedepartement is:

- Om die geskiktheid van aansoekers vir lisensiëring (insluitende aandeelhouers, persele en werknemers) en houers van lisensies (insluitend lisensie wysigings en hernuwings) te ondersoek volgens die vereistes van die dobbel en drank wetgewing.

4.3 NAKOMINGSDEPARTEMENT

Die funksie van die Nakomingsdepartement is:

- Om die regulatoriese nakoming van alle dobbel, drank bedrywighede, dobbel toerusting en terselfde tyd die bekamping van alle vorms van verbode dobbel, onwettige drank handel en verskaffing binne die entiteit se beheer te verseker.

4.4 OUDITDEPARTEMENT

Die funksies van die Ouditdepartement is:

- Om te verseker dat dobbel heffings, volledig en akkuraat bereken is en betyds betaal word, soos voorgeskryf.

4.5 REGSDIENSTE DEPARTEMENT

Die funksie van die Regsdienste Departement is:

- Om effektiewe en doeltreffende dobbel en drank wetgewing te verseker en verder toesien dat die entiteit voldoen aan korporatiewe bestuur praktyke.

4.6 KORPORATIEWEDIENSTE DEPARTEMENT

Die funksie van die Korporatiewedienste Departement is:

- Versekering van doeltreffende en doelmatige menslike hulpbronne en finansiële bestuur.

4.7 KOMMUNIKASIEDEPARTEMENT

Die funksie van die Kommunikasiedepartement is:

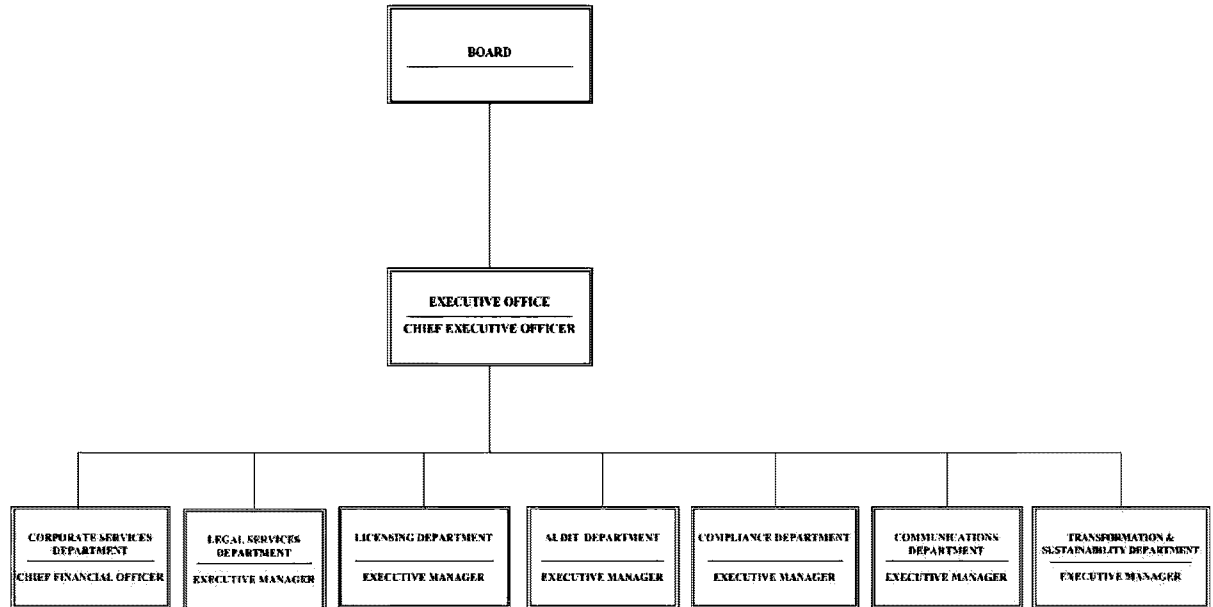
- Om die openbare bewustheid van dobbel en drank regulasie te verseker en die doeltreffende bestuur van inligting en kommunikasie tegnologie toesien.

4.8 TRANSFORMASIE EN VOLHOUBAARHEIDSDEPARTEMENT

Die funksie van die Transformasie en Volhoubaarheidsdepartement is:

- Om transformasie en volhoubaarheid van die dobbel en drank nywerhede te monitor; en te verseker dat navorsing gedoen word om kennis van beleid en besluitneming te verseker.

5. SKEMATIESE DIAGRAM VAN DIE STRUKTUUR VAN DIE MPUMALANGA EKONOMIESE REGULATOR



6. KONTAKBESONDERHEDE {artikel 14(1) (b)}

Hoof- Uitvoerende Beampte (Inligtingsbeampte)
Mnr Bheki Mlambo ceo@mer.org.za

Uitvoerende Bestuurder: Kommunikasie
Mnr Cedrick Chiloane info@mer.org.za

ALGEMENE INLIGTING**Kantooradres:**

Eerstelaan, Witrivier, Mpumalanga Provinsie, Suid-Afrika.

Posadres:

Privaat Sak X9908, Witrivier, 1240, Mpumalanga Provinsie, Suid-Afrika.

Telefoon:

+27 (0) 13 750 8000

Faks:

+27 (0) 13 750 8099

Sake-ure:

08:00 tot 16:30 Maandag tot Vrydag

Webtuiste: <http://www.mer.org.za>

7. DIE SUID-AFRIKAANSE MENSEREGTEKOMMISSIE HANDLEIDING {artikel 14(1) (c)}

Artikel 10 van die Wet op Bevordering van Toegang tot Inligting lui: “*Die Menseregtekommissie moet, binne 18 maande na die inwerkingtreding van hierdie artikel, in elke amptelike taal ’n gids publiseer wat in ’n maklik verstaanbare vorm en wyse die inligting bevat wat redelikerwys benodig word deur ’n persoon wat enige reg in hierdie Wet beoog, wil uitoefen*”.

Hierdie hersiene handleiding sal beskikbaar wees kragtens Hoofstuk 2, Artikel (4) (1) van die Wet, soos gewysig op 15 Februarie 2002 van die Suid-Afrikaanse Menseregtekommissie teen nie later nie as 31 Maart elke jaar en navrae moet gerig word aan:

Die Suid-Afrikaanse Menseregtekommissie: WBTI-eenheid: Adjunk-inligtingsbeampte

Posadres: Privaat Sak X2700, Houghton, 2041
Telefoon: +27 (0) 11 877 3608
E-pos: mnyuswa@sahrc.org.za
Vir aandag: Dr Shanelle van der Berg
Webtuiste: www.sahrc.org.za

8. TOEGANG TOT DIE REKORDS DEUR DIE MPUMALANGA EKONOMIESER REGULEERDER GEHOU (INSLUITENDE VERTROULIKE REKORDS) {artikel 14(1) (d) & (e)}

8.1 Rekords wat aangevra mag word

Funksie/ Program	Rekord	Rekord - kategorie	Formaat waarin rekord beskikbaar is	Ligging	Toeganklik- heid	Status
Lisensiëring	Openbare inspeksie van afskrifte van aansoeke om lisensies, besware en reaksies daarop.	9	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag, ingevolge artikel 26 en 26A van die Mpumalanga Dobbeltwet.	Lopend.
Regsdiens	Notules, opnames en besluite van die Raad verbonde aan openbare verhoor.	3	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag, ingevolge artikel 26B van die Mpumalanga Dobbeltwet.	Lopend.
Kommunikasie en Kantoor van die HUB	Statutêre verslae.	3	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag.	Lopend.
Lisensiëring	Inligting oor Lisensies en sertifikate, met lisensievoorwaardes.	9	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag.	Lopend.
Licensing	<u>Inligting oor</u> Drank Lisensies.	9	Elektroniese toegang.	Aanlyn Provinsiale Register.	Elektroniese toegang.	Lopend.
Regsdiens	Wetgewing rakende die Mpumalanga Ekonomiese Regulator.	1	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag.	Lopend.
Korporatiewe Dienste	Lys van MER tenderaanvaarders en toekennings.	6	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag.	Lopend.
Korporatiewe Dienste	Lys van goedgekeurde MER-verskaffers	6	Elektroniese en/of sigkopieë	Register en Argiewe	Op aanvraag	Lopend
Korporatiewe Dienste	Eksterne advertensies vir vakante MER-poste	4	Elektroniese en/of sigkopieë	Menslike hulpbronne	Op aanvraag	Lopend

8.2 Outomatiese bekendmaking

8.2.1 Vir inspeksie {artikel 15(1) (a) (i)}

- ▲ Dranklisensies, dobbellisensies, goedkeuringssertifikate en geskikheidsertifikate met voorwaardes, indien enige;
- ▲ Die Mpumalanga Wet op Dranklisensiering en -regulasies, die Mpumalanga Dobbeltwet, regulasies en reëls;
- ▲ Die Mpumalanga Wet op Dobbelleffings en regulasies, reëls van casinotafelspeletjies, boekmaker-bedryfsreëls en totalisator bedryfsreëls; en
- ▲ Openbare kennisgewings.

8.2.2 Vir aankope of kopiëring {artikel 15(1) (a) (ii)}

- ▲ Die Mpumalanga Wet op Dranklisensiering en -regulasies, die Mpumalanga Dobbeltwet, regulasies en reëls en die Mpumalanga Wet op Dobbelleffings en regulasies; en
- ▲ Openbare inspeksiedokumente van aansoeke om dobbel lisensies.

8.2.3 Gratis {artikel 15(1) (a) (iii)}

- ▲ MER jaarverslae
- ▲ MER inligtingsbrosjures en materiaal
- ▲ Reëls van casinotafelspeletjies, boekmaker bedryfsreëls en totalisator bedryfsreëls
- ▲ Versoeke om aansoeke om lisensies
- ▲ Dobbelt Aansoekvorms – lisensies, goedkeuring en geskikheidsertifikate, verkryging van belang
- ▲ Dobbelt bekendmakingsvorms van besigheids en persoonlike geskiedenis
- ▲ Dobbeltstatistiek
- ▲ Dobbelleffings betalingsvorm
- ▲ Dobbelt voorleggingsvorm vir lisensiehouers se interne beheerprosedure
- ▲ Dobbelt voorleggingsvorm vir lisensiehouers se werkkompendium
- ▲ Drankvorms soos voorgeskryf in die Mpumalanga Drank Lisensie regulasies
- ▲ Aansoekvorm – registrasie as MER-verskaffer
- ▲ Lys van MER - vakante poste
- ▲ Openbare kennisgewings
- ▲ Persverklarings

8.2.4 Betaal Metode

Alle betalings moet gemaak word deur bank deposito's in die bankrekening van die MER. Die bankbesonderhede is soos volg:

Bank Name:	Eerste Nasionale Bank
Rekening Nommer:	54281160480
Tak Kode:	250655
Swift Kode:	FIRNZAJJ

Verwysing: Van en voorletters van versoeker/ster (aansoeker).

LW: ALLE DOKUMENTE ONDER 8.2.3 GELYS, KAN OP DIE MER SE WEBTUISTE BESIGTIG EN AFGELAAI WORD: www.mer.org.za. 'n FOOI IS EGTER BETAALBAAR INDIEN 'n SIGKOPIEË VAN DIE MER VERSOEK WORD.

9. PROSEDURE VIR VERSOEK OM 'n REKORD

- 9.1 Die versoeker moet die vorm gebruik wat in die Staatskoerant gepubliseer is (kennisgewing R187 van 15 Februarie 2002), by hierdie handleiding aangeheg as "*Bylaag A*" vir toepaslike fooie en "*Bylaag B*", vorm A, vir rekords versoeke.
- 9.2 Die versoeker moet ook aantoon of hy/sy 'n afskrif van die rekord verlang of die rekord net by die kantore van die MER wil besigtig {artikel 29(2)}.
- 9.3 Die versoeker sal die inligting ontvang in die formaat waarvoor hy/sy gevra het. Die beskikbaarstelling van die inligting sal egter daarvan afhang dat die versoek nie onredelik inbreuk maak op die daaglikse bestuur van sake van die MER nie, of dat die rekord beskadig word of dat 'n kopiëreg in besit van die Staat geskend word nie {artikel 29(3)} of daar gronde is vir weiering van toegang tot rekords ingevolge Hoofstuk 4 van PAIA. Indien toegang om praktiese redes nie in die vereiste formaat gegee kan word nie, maar wel in 'n alternatiewe formaat, sal die fooi bereken word volgens die formaat van die versoeker se keuse {artikel 29(4)}.
- 9.4 Indien die versoeker, benewens 'n skriftelike antwoord op sy/haar versoek om die rekord, op enige ander manier van die besluit ingelig wil word, bv. telefonies, moet dit gespesifiseer word {artikel 18(2)(e)}.
- 9.5 Indien 'n versoeker namens iemand anders om die inligting vra, moet hy/sy toon in watter hoedanigheid die versoek gemaak word {artikel 18(2)(f)}.
- 9.6 Indien die versoeker nie kan lees of skryf nie, of 'n gestremdheid het, kan die versoek om die rekord mondelings gemaak word. Die inligtingsbeampte moet die vorm namens die persoon invul en 'n afskrif van die voltooide vorm aan die persoon gee {artikel 18(3)}.
- 9.7 Die inligtingsbeampte sal versoeke om inligting binne 30 dae ná onvangs van die versoek hanteer, of so gou as redelik verwag kan word {artikel 25}. In sekere gevalle kan die tydperk van 30 dae een keer vir 'n verdere 30 dae verleng word {artikel 26}.
- 9.8 Die versoeker sal van die voorgeskrewe betaalbare fooi ingelig word voordat die versoek om inligting verder verwerk word {artikel 22}.
- 9.9 Die versoeker mag 'n interne appèl teen betaling van die voorgeskrewe appèlfooie aanteken {artikel 74 en 75} of 'n aansoek voor die hof bring vir die toepaslike regsmittele nadat voorgenoemde prosedure uitgeput is {artikel 78}.
- 9.10 Die versoeker sal in kennis gestel word of toegang tot die inligting wat versoek is, toegestaan is al dan nie {artikel 25}

10. DIENSTE BESIKBAAR {artikel 14(1)(f)}

Die MER bied dienste spesifiek tot die Mpumalanga Provinsiale Regering, lisensiehouers van die MER en die dobbel- en drankbedryf in die geheel asook die publiek deur die volgende funksies te vervul:

- 10.1 Versekering van die voortgesette geskiktheid van alle persone (regs en natuurlik) wat toegang wil verkry tot of wil deelneem aan die dobbel- en drankbedryf in die Mpumalanga-provinsie;

- 10.2 Versekering dat dobbel- en drankaktiwiteit op 'n eerlike en regverdige manier in nakoming van Mpumalanga-dobbel- en -drankwetgewing uitgevoer word;
- 10.3 Ontvangs, ondersoek en beslissing oor klagtes van die publiek ontvang voortspuitend uit dobbelary, drankdispute en/of ander verwante aktiwiteit;
- 10.4 Versekering dat dobbeltoerusting aan nasionale standarde voldoen;
- 10.5 Goedkeuring van die gebruik van dobbeltoerusting in die Provinsie;
- 10.6 Versekering van die Raad en Mpumalanga Provinsiale Regering dat dobbel en drankinkomste akkuraat bereken en tydig betaal word, asook dat die rekenaarmoniteringstelsels en randdobbelsels wat deur lisensiehouers gebruik word betroubaar is en volgens die dobbel wetgewende raamwerk en spesifikasies werk. Verdere versekering dat lisensiehouers 'n vlak van voortgesette finansiële geskiktheid en nakoming van die Mpumalanga-dobbelwetgewing handhaaf.
- 10.7 Beveg verbode dobbelary en onwettige drankhandel in die Provinsie om die publiek te beskerm teen onbillike sakepraktyke, aangesien onwettige operateurs nie onderhewig is aan reguleringsbeheer om billike sakepraktyke te verseker nie.
- 10.8 Korporatiewe Betrekkinge verseker dat daar in die behoeftes van die onderskeie rolspelers voorsien word deur die organisasie by te staan met die verskaffing van doeltreffende kommunikasiemeganismes om almal wat 'n belang in die MER het van sy aktiwiteit in te lig.
- 10.9 Versekering dat maatreëls om verantwoordelike dobbelary en drankhandel te bevorder en voorvalle van probleemdobbelary en alkoholmisbruik te verminder, ingestel is:

Probleemdobbelaars word in die algemeen gedefinieer as persone wat nie meer rasionele beheer oor hul dobbelgedrag het nie tot nadeel van hul persoonlike welsyn en dié van hul gesinne en afhanklikes. Dit is nie maklik om probleemdobbelaars te identifiseer nie, aangesien hulle gewoonlik moeite sal doen om hul probleem te verbloem.

Die MER gee erkenning daaraan dat geleenthede in die dobbel- en drankbedryf ook sekere risiko's vir die publiek kan inhou. Die MER werk dus saam met die Nasionale Program vir Verantwoordelike Dobbelary en die Bedryfsvereniging vir Verantwoordelike Alkoholgebruik aan maniere om mense te help wat slagoffers is van probleemdobbelary en alkoholmisbruik.

Die volgende hulp is beskikbaar aan enige persoon wat 'n dobbel of drankprobleem het, of gesinslede wat geraak word deur mense met 'n dobbel of drankprobleem:

Professionele hulp

'n Algemene praktisyn kan hulp verleen deur probleemdobbelaars of alkoholiste na toepaslike klinieke te verwys wat in die behandeling van verslawings spesialiseer. Daar is verskeie vrywilligerorganisasies wat om gratis berading genader kan word.

Die Nasionale Program vir Verantwoordelike Dobbelary het 'n hulplyn vir behandeling van en berading vir probleemdobbelaars. Die program kan tolvry geskakel word by 0861 472 622 of (011) 892 3829 of via WhatsApp-nommer 076 535 1701.

Die Suid-Afrikaanse Nasionale Raad vir Alkoholisme en Dwelmafhanklikheid ("SANCA") het 'n hulplyn vir behandeling van en berading vir alkoholiste. Die program kan geskakel word by 0861 472 622 of (011) 892 3829.

Selfuitsluiting

Gelisensieerde dobbeloperateurs in die Provinsie bedryf 'n stelsel van selfuitsluiting ingevolge waarvan 'n beroepsdobbelaar vrywillig kan versoek om by 'n gelisensieerde dobbelonderneming uitgesluit te word.

11. REËLINGS VIR OPENBARE BETROKKENHEID BY DIE FORMULERING VAN BELEID, UITOEFENING VAN MAGTE OF UITVOERING VAN PLIGTE {artikel 14(1) (g)}

Die MER betrek die publiek as volg in die proses van oorweging en toekenning van lisensies:

- 11.1 Aansoeke om lisensies word in die Provinsiale Staatskoerant asook in koerante wat in die toepaslike distrik gesirkuleer word, gepubliseer.
- 11.2 Belangstellende partye word genooi om skriftelike besware teen lisensie-aansoeke aanhangig te maak, waarin hulle aantoon of hulle mondelinge verhoë by die openbare verhoë rakende lisensie-aansoeke wil rig of nie.

Benewens bogenoemde kan lede van die publiek ook enige tyd verhoë tot die MER rig rakende sake waar dobbel- en drankwetgewing na hul mening verbeter kan word. Dit sal deur die MER oorweeg word, wat dan die Verantwoordelike Lid sal adviseer vir doeleindes van wetswysigings.

In die proses van wysigings van Provinsiale dobbel- en drankwetgewing vra die Provinsiale Departement van Ekonomiese Ontwikkeling en Toerisme en/of Provinsiale Wetgewing om kommentaar van die publiek rakende die voorgename wysigings van die Mpumalanga Dobbelwet, die Mpumalanga Wet op Dranklisensiering en onderskeie Regulasies en die Mpumalanga Wet op Dobbelheffings en -regulasies. Die MER vra kommentaar van die publiek oor voorgename wysigings van die Mpumalanga Dobbelreëls.

12. DIE REGSMIDDELE BESKIKBAAR IN GEVAL VAN NIENAKOMING VAN DIE WBTI {artikel 14(1) (h)}

Die regsmiddele beskikbaar aan die versoeker in gevalle waar die bepalinge van die WBTI nie nagekom is nie, is:

- 12.1 Teken appèl aan by die toepaslike gesag, kragtens artikel 74 (1) teen die besluit van die Inligtingsbeampte.
- 12.2 Indien die versoeker steeds verontreg voel oor die besluit van die MER, kan hy/sy aansoek by die hof doen om toepaslike regsmiddele.

ANNEXURE A**GENERAL: VALUE-ADDED TAX**

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I**FEES IN RESPECT OF GUIDE**

1. The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II**FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffer disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(2) For purposes of section 22(2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

PART III
FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

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

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	

- | | | |
|------|---|-------|
| (i) | stiffy disc | 7,50 |
| (ii) | compact disc | 70,00 |
| (d) | (i) For a transcription of visual images,
for an A4-size page or part thereof | 40,00 |
| | (ii) For a copy of visual images | 60,00 |
| (e) | (i) For a transcription of an audio record,
for an A4-size page or part thereof | 20,00 |
| | (ii) For a copy of an audio record | 30,00 |
| (f) | To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation. | |
- (2) For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable;
and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

ANNEXURE B

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 6]

FOR DEPARTMENTAL USE	
	Reference number: _____
Request received by _____	
(state rank, name and surname of information officer/deputy information officer) on	
_____ (date) at _____	(place).
Request fee (if any): R	
Deposit (if any): R	
Access fee: R	
	SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

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

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

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

C. Particulars of person on whose behalf request is made

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

Full names and surname: _____

Identity number: _____

D. Particulars of record

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

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

2. Reference number, if available: _____
3. Any further particulars of record: _____

E. Fees

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

Reason for exemption from payment of fees: _____

F. Form of access to record

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

Disability: _____	Form in which record is required: _____
_____	_____
_____	_____

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
--	---

2. If record consists of visual images -
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/> view the images	<input type="checkbox"/> copy of the images*	<input type="checkbox"/> transcription of the images*
--	--	---

3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/> listen to the soundtrack (audio cassette)	<input type="checkbox"/> transcription of soundtrack* (written or printed document)
--	---

4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/> printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record*	<input type="checkbox"/> copy in computer readable form* (stiffy or compact disc)
--	---	---

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>		
In which language would you prefer the record? _____		

G. Notice of decision regarding request for access

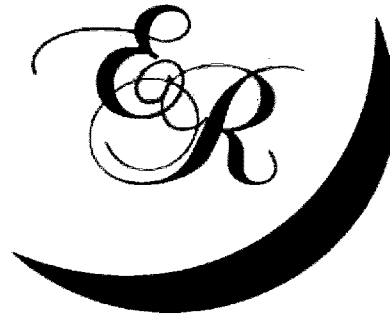
You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

SISWATI



**MPUMALANGA
ECONOMIC REGULATOR**

**LIBHUKU LEMININGWANE
NGOKUFINYELELEKA KWELWATI**

**IMANUAL YE-MER LEMAYELANA NE-PAIA SIGABA 14 SEMTSETFO
WEKUGCUGCUTELA KUNIKETA SIVE IMININGWANE, UMTESTFO NO 2 WA
200 NJENGOBE UCHIBIYELWE**

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1. SENDLALELO

Inhlosonchanti yaloMtsetfo weKugcugcutela Kuniketa Sive Imininingwane (“PAIA”), 2000 (Umtsetfo 2 wa 2000), njengobe ichibiyelwe, *“kuniketa sive lilungelo lekufola lwati kanye neminingwane etikhungweni tahulumende naleto letitimele njengobe kuchibiyelwe eSigabeni 32 seMtsetfosisekelo”*.

Umlawuli weteMnotfo eMpumalanga (MER), njengemlawuli wetemnotfo wesive eSifundzeni ngekweniyalo yeluhlelo lesitsatfu, encenyeni C weMtsetfo lowengamele Timali Tesive wa-1999 (Umtsetfo No. 1 wa 1999), njengobe uchibiyelwe (PFMA), ngekulandzela lomtsetfo longenhla, kuphocelelekile kutsi kuchicilelwe incwajana lechazako letawuba ngumculu wemango wonkhe lapho ummango utawukhona kufola lokubhaliwe.

2. SINGENISO

i-MER ngumtimba losemtsetfweni kantsi inkapani yaHulumende lesebentela sive eSifundzeni, yasungulwa ngekulandzela Sigaba 2 seMtsetfo weMlawuli weteMnotfo eMpumalanga, 2017 (Umtsetfo No.2 wa 2017) “Umtsetfo”

Umbono weMER kutsi “ifuna kutitfolo ihamba phambili nakubukwa tindzaba letihambisana nekulawula lekusezingeni kwetekugembula nekutsengiswa kwetjwala” kantsi Inhlosonchanti yayo, “kwenta sicinisekiso sekutsi tindzawo tekugembula letitsengisa tjwala tisebenta ngelizinga lelifanele ngekutsi tilandzele umtsetfo lobekiwe lapha eSifundzeni seMpumalanga, eNingizimu Afrika.

I-MER yasungulwa ngenhloso yekubukana nekulawula umkhakha wekugembula nekutsengisa tjwala nekutsi ibukane naletinye tintfo letitsintsa wona lomkhakha.

Imitsetfo lebukene netekugembula yeMER isekelwe ngunati tinsika letintsatfu letilandzelako, lecinisekiswe imigomo yeMER:

- Tonkhe tindzawo lapho kutsengiswa khona tjwala, nalapho kugembulwa khona akube tindzawo letinimalayaisensi futsi letisemtsetfweni, loku kutokwenta kutsi kulawuleke kutfolakala kwetjwala, kugembula kanye nekutfufukisa kumbandzakanyeka kwesive malungana netindzaba letiphatselene netjwala, kugembula, tekuphepha, nembeza kanye nekuvikela imigomo yaHulumende weSifundza seMpumalanga;
- Kuniketa imitsetfolulawulo lesebenta ngebuchwepheshe lobusezingeni leliphakeme, bucotfo futsi nekusebenta ngendlela lecondzile ekuveteni kwetsembeka, nekuveta buciniso ngenhloso yekuvikela ummango, nalabo labanemalayaisensi kanye naHulumende weSifundza seMpumalanga;
- Kuvikela ummango emikhubeni lengakatsembeki, lenebutulujane nebutsozi leyenteka kulomkhakha wekugembula nekutsengiswa kwetjwala, ngako-ke kwetfulwa tindlela letifanele letitawulandzela netinhlelo leticinisekisa kutsi kugenjulwa ngendlela lengiyo, tjwala butsensiswa ngendlela felanele futsi bunatfwa kahle kanye nekweletsa litsemba lempakatsi kuletindzawo letinimalayaisensi ekugembula nekutsengiswa kwetjwala eSifundzeni seMpumalanga.

3. UMSEBENTI NELUHLA LWE MER {Sigaba 5(1)(a-j)}

3.1 LUHLAKA LWEBHODI

Emalunga eBhodi acokwa ngekwesigaba-5 kuya ku-10 saloMtsetfo, Lilunga lekungumsebenti walo loko ngekubonisana neSigungu Lesiphakeme seSifundza kulandzelwa Umtsetfo kantsi baniketwa iminyaka lengendluli kulesihlanu kantsi bangasacokwa futsi nakuphela leso sikhatsi labaniketwe sona basebente leminyane iminyaka lesihlanu. Emalunga lakha iBhodi akufanele abe ngaphasi kwalayimfica kantsi futsi akumele endlule lishumi nakunye. Bonkhe babangemalunga eBhodi langakacashwa basebentisana nesikhulu lesikhulu seMER.

Emalunga ebhodi akhiwa ngalendlela lelandzelako:

- a) Sihlalo weBhodi, ukhetfwa lilunga lelifanele leBhodi njengobe kubekiwe esigabeni (c), (d), (e), (f) naku (j), kantsi kufanele kube ngumuntfu nolwelwati nalosewaba sesikhundleni sekuvusisa kusebenta kwemabhodi;
- b) Lisekela laSihlalo weBhodi, likhetfwa lilunga lelifanele leBhodi njengobe kubekiwe esigabeni (c), (d), (e), (f) naku (j), kantsi kufanele kube ngumuntfu nolwelwati nalosewaba sesikhundleni sekuvusisa kusebenta kwemabhodi;
- c) Lilunga linye lelineticu tebumeli letisemtsetfweni lapha eNingizimu futsi abe nelwati lwemsebenti lolungaba iminyaka lesihlanu emvakwe kutfala tiku takhe, loke wasebenta ngetemtsetfo nobe lokutsintsana netemtsetfo;
- d) Lilunga linye lelineticu tekuba ngumhloli-mabhukutimali lapha eNingizimu, futsi libe nelwati lwalomsebenti yendlule lesihlanu, lelike lasebenta njengemcwaningi mabhuku futsi lelibaliswe nemtimba lofanele wetebuhloli mabhuku;
- e) Lilunga linye lelinelikhono kutemabhizinisi, futsi kumele abe nelwati ngembhoni yetekugembula;
- f) Lilunga linye lelinelikhono kutemabhizinisi, futsi kumele abe nelwati loluphatselene nembhoni yekutsengisa tjwala;
- g) Umuntfu lomelele Litiko lelibukene nekugembula nakulawulwa kutsengiswa kwetjwala lapha eSifundzeni, locokwe nguMphatsiswa weLitiko;
- h) Umuntfu lomelele Litiko leTimali lapha eSifundzeni, locokwe nguMphatsiswa weLitiko leTimali;
- i) Umuntfu lobuya etikweni lelibukene neKuphepha, Kuvikeleka, neKuchumana Kwemmango lapha eSifundzeni, locokwe nguMphatsiswa welitiko leKuphepha, Kuvikeleka, neKuchumana Kwemmango lapha eSifundzeni,
- j) Ngekubuka tigodzi teSifundza, kufuneka emalunga lamatsatfu lanelikhono nelwati lolufanele kuhulumende wasemakhaya, kutfutukiswa kwemmango kanye nekutfutukisa umnotfo kantsi babe balungele ngekubuka umtsetfo nabo bafakwe.
- k) Umphatsi Lomkhulu we-MER naye kufanele abe lilunga leBhodi, kepha angabi nelilungelo lekuvota emihlanganweni yeBhodi.

3.2 INDZIMA, IMISEBENTI KANYE NETINHLOSO

3.2.1 IBHODI YE-MER

Ngekulandzela lemigomo lebalwe ngenhla leyengamele noma lephatselene nekuphatfwa kwemhlangano kukhona imisebenti lekufanele yentiwe yiBhodi yonkhe, kanye naleyo lekufanele yentiwe lilunga ngalinye, ifaka loku lokulandzelako:

- Kucinisekisa kusebenta ngalokuphelele kweMER kanye nekulandzela baphatsi kutsi bayatilandzela tincumo, emasunchanti kanye netinhloso tekusetjentiswa kwetimali njengekwetincumo teBhodi;
- Kwehlukani kwetintfo ngekwetigaba nangekubaluleka, kucina emandla lafanele eMER, nekuniketa letinye tikhungo letifanele nobe kwendlulisela tintsambo ematikweni lafanele.
- Kuchubeka nekubukisisa emandla laniketwe tiphatsimandla kutsi asetjentiswa ngendlela lefanele.
- Kucinisekisa kutsi tikhona tonkhe tinhlelo, imigomo netinchubomgomo letibekiwe kute iMER isebente futsi iphatfwe kahle;
- Kucinisekisa kutsi i-MER ilandzela yonkhe imitsetfo, imigomo, tindlelakusebenta kanye nemigomo yekuphatsa lefaka umgomo we-MER wekutiphatsa, Umbiko wa King IV kanye neliminye imigomo lefanako
- Kuhlatiya nekubuyeketwa kwetingcinamba teMER kute kucinisekiswa kusebenta lokusezingeni leliphakeme;
- Kutsatfwa kwetincumo letibhadlile ngalokutimele etindzabeni letitsintsa i-MER letincike kubaphatsi kepha kube nelwazi lolwanele lolutakwenta kutsi loluhlatiyo lube yimphumelelo;
- Kuhlatiya nekubukisisa tincenye letitsintsa leMER letingafaki imali, nekucinisekisa kutsi i-MER isebentisana ngendlela legculisako nebakisandla labaninshisakalo ekutsiteni i-MER ibukeke njengenhlango lenakekela bahlali; kanye
- Nekucinisekisa kutsi luhlolo lolutimele lwentiwa njalo ngetikhatsi letitsite ngenhloso yekutfo kutsi luhlolo lwelulawula indlelakutiphatsa luyalandzelwa kanye nekutFlola kutsi luhlaka lwesiSukhungo lume kahle.

IBhodi inemandla ekuniketa imisebenti kumphatsi losetulu weMER (“CEO”), noma nguliphi Likomiti leBhodi, Lilunga leBhodi noma basebenti bayo isebentisa emandla ayo ekwenta njalo.

Kusebenta kwemalanga onkhe kweMER kugcile kakhulu kumphatsi losetulu (CEO) Kanye nemamalunga laphetse lacashe iBhodi.

Likomiti lebhodi lelikhetfwe ibhodi ngekulandzela umtsetfomgomo wesigaba 17 seMtsetfo ufaka ekhatsi loku:

3.2.2 LIKOMITI LEKUSEBENTA KWENHLANGANO

Likomiti lelibuke kusebenta kwenhlangano ngilo kanye lelibuye licinisekise kusebenta kwelikomiti lelikhokhela imiholo nelikomiti lelibuke kuhlalisana kwebantfu:

Likomiti Lelibukene Kusebenta kwenhlangano liniketa i-MER sicinisekiso mayelana nelizinga leliphakeme lemsebenti kanye nekwetsembeka kwemningwane leletfwa baphatsi beMER. Imisebenti yeLikomiti Lelibukene nekusebenta kwenhlangani ifaka phakhatsi lena lelandzelako:

- Kubuka tetfulo letimayelana neluphaketotali lwemnyaka libuye linikete tincomo eBhodini kute iBhodi iwubuyekete bese iyawemukela;
- Ngemvakwekumukelwa luphaketotali iBhodi, ibese ibuyeketa kwentiwa kwemsebenti ngekuwucatsanisa neluphaketotali;

- Kwenta sicinisekiso kutsi yonkhe imali yentsela ikolekiwe kuwo onkhe emabhezini lanemalaysense ekugembula lasebentako;
- Kucinisekisa kutsi likomiti letemiholo liyahlangana lokungenani kanye ngemnyaka futsi linikwe lijokwe lokubuyeketa lisu lekuholela leMER;
- Kuniketa iBhodi sicinisekiso kutsi baphatsi netisebenti baholelwa ngendlela legculisako ngekwmisebenti yabo labayentela i-MER;
- Kugunyata kutsenga lokungetulu kwa-R5,000.00 kufika ku-R1,000,000,00;
- Kugunyata tingucuko letingentiwa ku-MER letitsintsa tinchubomgomo tangekhatsi nemigomo yakhona;
- Kubuka ngeliso lelijulile kusebenta kweluhlelo lweMER lolubukene nenhlalo yebantfu; lendlule libuke kutsi i-MER ilandzela Umtsetfo lonabile wekutfutukisa bantfu labamnyama kutemntfo(I-BBBEE) wa 2004 kanye nemakhosi ekusebenta ngendlela lefanele.

3.2.3 LIKOMITI LELICUBUNGULA EMABHUKU NEBUNGOTI

Likomiti Lekucubungula Emabhuku Nekubukisisa Bungoti ngilo leliphindze lente umsebenti weLikomiti Lelibukene nendlela-kutiphatsa;

Ngekulandzela tisingaba 51(1)(a)(ii), 76(4)(d) kanye na77 wePFMA nemgomo 27(1) wetekulawulwa kwetimali, labaphetse baphocelelekile kutsi basungule Likomiti Lekucubungula Emabhuku nekulawula Bungoti kanye nekusungula tindlela letisebentako nebulholimabhuku etikhanganweni tahlumende. Ngekulandzela kwalenamigomo Likomiti Lekucubungula Emabhuku nekulawula Bungoti kumele lelekelele iBhodi ekwenteni umsebenti wayo kwekubuka kwentiwa kwemsebenti, bungako bemsebenti kanye nekusebenta kahle kwentihlela neticubungula emabhuku tangekhatsi nangaphandle imisebenti Likomiti Lelicubungula Emabhuku nekulawula Bungoti ifaka lena lelandzelako;

- Kuhlale nekubuka kusebenta kwelulawulo lwangekhatsi;
- Kuhlolisisa tinhlelo tekulawula bungoti;
- Kwenta yonkhe imisebenti lelindzelekile ngekulandzela umtsetfo;
- Kubuyeketa indzaba lemcoka yekusebenta kwetimali kanye nekwetfulwa kwemanani etimali, lokufaka ekhatsi indlela yebuchwepheshe kanye naleyo yemgomo nekubuka kutsi loku kunemtselela longanani ekwetfuleni titatimende-timali ngenhloso yekugcina kulandzelana lokungiko ekulinganiseni emanani;
- Kubuyeketwa kusebenta kwekulawula kangekhatsi lokwentiwa basebenti bangaphandle, umsebenti wabo lobalulekile kutsi ahlale abuye avinye kusebenta kwetindlela lokwentiwa tintfo ngayo abuye abuke nekuphepha kwelibhizinisi nekutsi timali tiphethwe njani ebhizinisini.
- Kubuyeketa bubanti bemsebenti, kusebenta nekubaluleka kwaloku lokutfolwe bacubunguli mabhuku bangekhatsi nebangaphandle netiphakamiso labatentile;
- Kubuyeketa sitatimende sekwenta umsebenti ngendlela lelungile, loko lokulindzelekile kanye nemgomo lokungiwo wekubuyeketa kuhambisana nemtsetfo yenkambo lelungile.

3.2.4 LIKOMITI LELIBUKENE NEKUSEBENTA KAHLE

Likomiti lelibukene nekulandzela imibandzela lineketa iBhodi kutsi imigodvu yelucwaningo lolusemgangatfweni iyalandzelwa, kute kuniketwa kwamalaysensi kulabafake ticelo tawo kwenteke ngendlela lefanele nalehambisana nemtsetfo wetekuGembula eMpumalanga, Imtsetfo neMigomo, nemtsetfo lebukene nekutsengiswa kwetjwala eMpumalanga, nekubuka kutsi intsela ikhokhelwa ngalokuphelele etindzaweni letinemalaysensi ekugembula ngekulandzela umtsetfo wentsela yetekugembula. Leminye imisebenti leniketwe lelikomiti lelibukene neLikomiti Lekulandzela Imibandzela ngunayi:

- Kubuka nekwenza tiphakamiso eBhodini mayelana nekukhishwa kwemalaysensi, kulandzelwa kwentsetfo kanye netindzaba tekucubungulwa kwemabhuku;
- Kulalela tikhalo, kubuka sisindvo kanye nekuphendvula imibuto lefanele letfulwa kulo;
- Kubuyeketa loko lokutfolwe luphenyo, bunhloli kanye nebucubungulimabhuku;
- Kuniketa emabhizinisini lanelayisensi yekugembula sigwebo nangabe kukhona ludzaba loluletfwa kulelikomiti;
- Kucinisekisa iBhodi kutsi tinyatselo letifanele tiyatsatfwa kute kucondziswe tigwegwe letihambelana nekugembula nekutsengiswa kwetjwala ngalokungekhoh emtsetfweni;
- Kubuyeketa luhlatiyo nebunjalo bemkhakha wetjwala nekugembula lapha eSifudzeni kanye nekwenza tincomo eBhodini.

4. EMATIKO E-MER NEKUSEBENTA KWE-MER

Kufezekisa kwemigomo lehambisana nekwenziwa kwemsebenti yentiwa tisebenti letikhhetsekile, futsi kuhlelwe ngalendlela:

4.1 LIHHOVISI LEMPHATSI LOMKHULU

Umisebenti weLihhovisi leMphatsi Losetulu ngulona:

- Kuniketa buholi lobulukhali nalobucotfo kanye nekubangumgogodla webuphatsi, kusekela kusebenta kahle kwenhlangano kanye nekucinisekisa kutsi umsebenti wesikhungo wentiwa kahle futsi loko kuyabikwa.

4.2 LITIKO LETEMALAYISENSI

Umsebenti welitiko lelikhipa emalaysensi ngulona:

- Kwenta luphenyo ngekulungela kwalabo labafake ticelo temalaysensi, lokufaka phakatsi labo labanemasheya, indzawo lapho lelibhizinisi lime khona, basebenti, labo labaniketwe emalaysensi lokufaka phakatsi kuchibiyelwa kanye nekuvuselelwa kwemalaysensi ekugembula kanye nekutsengisa tjwala kulandzela Umtsetfo weKugembula nekutsengisa Tjwala.

4.3 LITIKO LEKULANDZELA UMTSETFO

Umsebenti welitiko lelibukene nekulandzelwa kwemitsetfo ngulona:

- Kucinisekisa kutsi kugembula, kutsengiswa kwetjwala kanye nemishini lesetjentiswa ekukugembuleni ilandzela imigomo lebekiwe futsi licinisekise kutsi kulwisana nekugembula lolungakavunyelwa, kutsengisa tfwala ngalokungekho emtsetfweni kanye nekutsengisa tjwala etindzaweni letingakagunyatwa ngaphansi kwetindzazba letilawulwa ngulenhlangano.

4.4 LITIKO LETEKUCUBUNGULA EMABHUKU

Umsebenti yelitiko lelibukene nekucubungulwa kwemabhuku ngulona:

- Kuniketa sicinisekiso kutsi intsela yekugembula ikhokhelwe ngalokuphelele, ngendlela lengiyo, futsi iyabalwa njalo ngesikhatsi lesibekiwe.

4.5 LITIKO LETEMEMITSETFO

Umsebenti welitiko letemitsetfo ngulona lolandzelako:

- Kucinisekisa kusebenta kahle nekulandzelwa kwemitsetfo wekugembula nekutsengisa tjwala, liphindze licinisekise kutsi i-MER ilandzela umtsetfo.

4.6 LITIKO LEMSEBENTI WENKAPANI

Umsebenti welitiko lelibukene nekusebenta kwenkapani ngulona:

- Kucinisekisa kutsi kucasha nekusebentakwetimali kwenteka ngalokufanele.

4.7 LITIKO LETEKUCHUMANA

Umsebenti lobukene nelitiko letekuchumana ngulona:

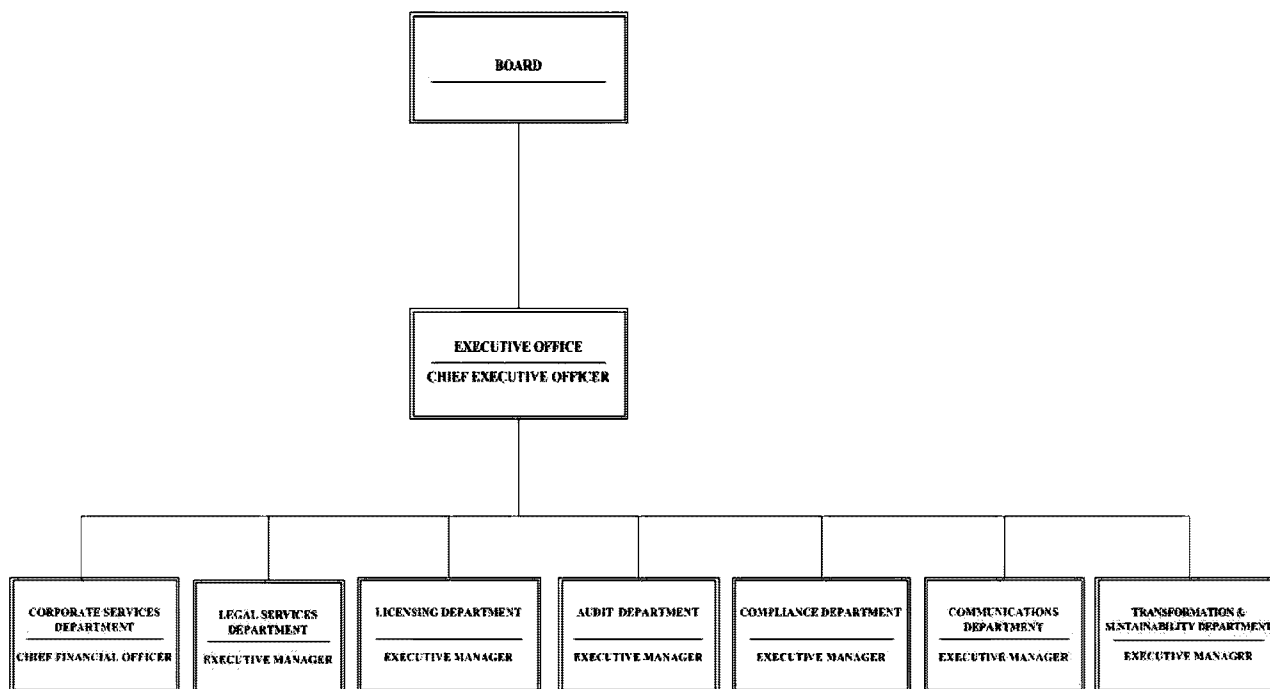
- Kucinisekisa kutsi sive siyayati imitsetfo lephatselene nekugembula kanye netjwala kanye nekucinisekisa kutsi kuphatfwa kahle loko lokuphatselene nebuciko bekuchumana.

4.8 LITIKO LETINHLELO-NGUCUKO NEKUSIMAMA

Umsebenti welitiko lelibukene netinhlelo-ngucuko nekusimama ngulona:

- Kulandzela kutsi lemikhakha iyagucuka ihambisane netikhatsi futsi isimeme kantsi licinisekise kutsi lucwaningo luyentiwa kute kwakhiwe imigomo lefanele kuphindze kutsatfwe tincumo letingito.

**5. UMDVWEO LOKHOMBISA LUHLAKA WEMLAWULI WEMNOTFO
EMPUMLANGA (MER)**



6. IMINININGWANE YETEKUCHUMANA {Sigaba 14(1) (b)}

Umphatsi Losetulu (Umphatsi welwati)
Mnu. Bheki Mlambo ceo@mer.org.za

Umphatsi Lomkhulu Wetekuchumana
Mnu. Cedrick Chiloane info@mer.org.za

UMNININGWANE LOVAMILE**Likheli lasehhovisi:**

First Avenue, White River, Mpumalanga Province, South Africa.

Likheli leliposi:

Private Bag X9908, White River, 1240, Mpumalanga Province, South Africa.

Inombolo yelucingo:

+27 (0) 13 750 8000

Facsimile:

+27 (0) 13 750 8099

Sikhatsi sekusebenta:

08h00 to 16h30 Umsombuluko kuya kuLwesihlanu

I-Webhusayidi: <http://www.mer.org.za>

7. LIKOMITI LETEMALUNGELO ELUNTFU ENINGIZIMU AFRIKA {Sigaba 14(1) (c)}

Ngekulandzela Sigaba 10 semtsetfo Wekugcugcutela Kuniketa sive Iminingwane “ *ngemuva kwe tinyanga letilishumi nesiphohlongo sekucale kusebenta lesi-sigaba Likhomishana Lemalungelo ebantfu kufanele kutsi libhale ngalelo nalelolwimi lolusemtsetfweni umhlahlandlela locuketse lona mniningwane kantsi kubhalwa kwalona mniningwane kufanele kwentiwe ngendlela lelula futsi naletawuvisiseka kalula ngulowo locelako kulandzelwa lonamtsetfo.*”

Lomculu lobuyeketiwe utawutfotfolakala ngekuhambisana neSahluko-2, Sigaba (4) (1) salomtsetfo njengobe ushicilelwe mhlaka-15 enyangeni yendlovana 2002, Mhla tingu-31 indlovu lenkulu umnyaka ngemnyaka futsi imibuto ingacondziswa ku:

Likomishana lemaLungelo eLuntfu lapha eNingizimu Afrika: Ligumbi lePAIA: Lisekela lesisebenti Setelwatiso.

Likheli leliposi: Private Bag X2700, Houghton, 2041
Lucingo: +27 (0) 11 877 3608
i-imeyili: mnyuswa@sahrc.org.za
Lokutfunyelwa kuye: Dr Shanelle van der Berg
Iwebhusayidi: www.sahrc.org.za

8. IMVUMO YEKUTFOLA UMNININGWANE WE-MER (KUFKA EKHATSI UMNININGWANE LOYIMFIHLO) {Sigaba 14(1) (d) & (e)}

8.1 Imininingwane lengacelwa

Kusebenta	Iminingwane legciniwe	Ikhatha goli yekufaka muniniganane	Indlela iminingwane levela ngangayo	Indzawo	Kutfolakala	Simo
Kukhishwa kwemalaysensi	Kuhlolwa kwemakhophi eticelo temalaysensi, kunganiketwa kwawo kanye netimphendvulo.	9	Nge-elektronikhi noma ngemakhophi emaphepha.	Lihhovisi lebhubhalane nekugcin alwati.	Kungatfolakala ngesicelo njengoba kubhalwe esigabeni 26 kanye na 26A weMtsetfo wetekuGembula eMpumalanga.	Sanyalo.
Temtsetfo	Emaminitsi, Lokucoshiwe netincumo letitsetfwe iBhodi letitsintana neluhlelo luvo lwemango.	3	Nge-elektronikhinoma ngemakhophi emaphepha.	Lihhovisi lebhubhalane nekugcin alwati.	Kungacelwa njengoba kushicilelwe esigabeni 26B seMtsetfo wetekuGembula eMpumalanga.	Sanyalo.
Tekuchumana ne-Lihhovisi le-CEO	Imibiko lephatselene nembuso.	3	Nge-elektronikhi noma ngemakhophi emaphepha.	Lihhovisi lebhubhalane nekugcin alwati.	Ngesicelo.	Sanyalo.
Kukhiswa kwemalaysensi	Lwati ngemalaysensi ekuGembula neTitifiketi, kanye nenemibandzela yemalaysensi .	9	Nge-elektronikhi nalawa latfolakala ngemakhophi emaphepha.	Lihhovisi lebhubhalane nekugcin alwati.	Ngesicelo.	Sanyalo.

Kusebenta	Iminingwane legciniwe	Ikhathagoli yekufakamuniniganane	Indlela iminingwane levelangangayo	Indzawo	Kutfolakala	Simo
Kukhiswa kwemalayisensi	Lwati ngemalayisensi etjwala	9	Nge-elektronikhi .	KuRejista yesiFundza leku-inthanethi	Nge-elektronikhi.	Sanyalo.
Temtsetfo	Lwati ngeMtsetfo wekulawumaTemnotfo eMpumalanga.	1	Nge-elektronikhi nalawa latfolakala ngemakhophi emaphepha.	Lihhovisi lebubhalane nekugcinalwati.	Ngesicelo.	Sanyalo.
Tekusebenta Kwenkapani	Luhlu lwamathenda e-MER neticelo kanye nekukhishwa kwemathenda.	6	Nge-elektronikhi nalawa latfolakala ngemakhophi emaphepha.	Lihhovisi lebubhalane nekugcinalwati	Ngesicelo	Sanyalo.
Tekusebenta Kwenkapani	Luhla lwebatfumeli mphahla beMER nalabatfole ematheenda	6	Nge-elektronikhi nalawa latfolakala ngemakhophi emaphepha.	Lihhovisi lebubhalane nekugcinalwati.	Ngesicelo.	Sanyalo.
Tekusebenta Kwenkapani	Kukhangiswa kwetikhala temsebenti ngaphandle	4	Nge-elektronikhi nalawa latfolakala ngemakhophi emaphepha.	Ka-HR.	Ngesicelo.	Sanyalo.

8.2 Kuvetwa kweminingwane

8.2.1 Kuhlolwa {Sigaba 15(1) (a) (i)}

- Layisensi yetjwala, layisensi yokugembula, sitifikati semvumo netifiketi sekufaneleka letinemiyo umatikhona.
- Umtsetfo lowengamele kunikwa kwemalayisensi ekutsengisatjwala eMpumalanga kanye neMgomo Wetjwala
- Umtsetfo lobukene nekulawula kugembula eMpumalanga,
- Umtsetfo lobuke kukhokhwa nekulawulwa kwentsela yetekugembula nemibandzela;
- Imisetfo yasematafuleni emidlalo emakhasino, umtsetfo lobukene netikhombiso, Imisetfo yokudlala ematafuleni emakhasino, Imisetfo yokusebetisa imishini yokugembula iBebookmaker kanye nemtsetfo welusebetisa umshini wekugembula lobitwa ngeTotalisator.
- Tatiso Tesive.

8.2.2 Kutsengwa nekweniwa kwemakhophi {Sigaba 15(1) (a) (ii)}

- Umtsetfo waseMpumalanga wekuniketa emalaysensi etjwala kanye nemibandzela, Umtsetfo lobukelene nekueGembula eMpumalanga, kanye neMtsetfo lobuke intsela yetekugembula nekulawulwa kwayo eMpumalanga.
- Imuculu lephatselene neticelo tesive temalaysensi ekugembula.

8.2.3 Lokutfolakala Mahhala {Sigaba 15(1) (a) (iii)}

- Imibiko yemnyaka yeMER.
- Emabhukwana e-MER laneminingwane.
- Imitsetfo yemidlalo yasematafuleni emakhasino, Imitsetfo yekusebenta kwebasiti bekugembula, Umtsetfo wemshini wekugembula lobitwa ngeTotalisator.
- Ticelo tekucela emalaysensi.
- Emafomu ekufaka sicelo sekuGembula – Emalaysensi, Titifiketi temvumo nekufaneleka, nalokunye lokuhlobene.
- Emafomu Ekuveta libhizinisi lekugembula Nemlandvo Ngemuntfu.
- Tibalobalo tekugembula.
- Lifomu lentsela yekugembula.
- Lifomu leligcwaliswa ngulabo labanemalaysensi ekugembula lelingulona likhombisa lokufanele kulandzelwe kute kusetjentwe kahle.
- Lifomu leligcwaliswa ngulabo labanemalaysensi ekugembula lelikhombisa umsebenti.
- Lifomu letjwala njengekubhalwe eMtsetfweni lowengamele Emalaysensi Etjwala eMpumalanga.
- Lifomu lekufaka sicelo sekuniketela tinsita ku-MER.
- Luhlu lwetikhala temsebenti weMER.
- Tatiso Tesive.
- Kukhiswa kwembiko webetindzaba.

8.2.4 Tindlela Tekukhokha

Konkhe lokufanele kukhokhelwe kutawukhokhelwa ngekufaka imali ku-Akawunti ye-MER. Nayi imininingwane yasebhange.

Ligama Lelibhange:	First National Bank
Inombolo ye-Akhawunti:	54281160480
iBranch khodi:	250655
iSwift khodi:	FIRNZAJJ

IReferensi:	Sibongo,Ligama kanye nema- inishali
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LOKUBALULEKILE: YONKHE IMICULU LEBHALWE NGEPHANSI KWA 8.2.3 ANGABUKWA APHINDZE ASISHICELWE KUYO IWEBUSAYITHI YE-MER NJENGOBA IVELA www.mer.org.za KANTSI NANGABE AWACELA UMBHUKUDVU LOSHICILELWE KUTAWULINDZELEKA KUTSI AWAKHOKHELE

9. MITSETFO LEBEKIWE YEKUCELA IMININGWANE

- 9.1 Umceli kumele asebantise lifomu lelitfolakala kugazeti yahulumende (Satiso R187 sa 15 Indlovana 2002), lesijubelelwe kulenamaniwali njenge “*Siceshana A*”. Kute utfole kabanti ngetimali letikhokhwako katsi ufundze “*Siceshana B*” mayelana neticelo talokubhaliwe.
- 9.2 Umfakisiselo kufanele asho kutsi ucela likhophi lelishicilelwe nobe ufuna kubona loku lokushicilelwe ehhovisi leMER {Sigaba 29(2)}.
- 9.3 Umfakisiselo utawutfole lolwati ngekulandzela ingendlela yesicelo sakhe lasentile. Nanobekunjalo kutfole lomningwane lawucelako kutawuncika ekutseni lesicelo sakhe asiphathamisi kusebenta kweMER, noma kungona emafayela, nobe angeke sithikamete emafayela langekhokho ngaphansi kwembuso {sigaba 29(3)} noma tikhona tizatfu letenta kutsi lowo lofake sicelo anganiketwa lemiculu kulandzela Sehluko 4 se PAIA. Uma kunguloko kusho kutsi leminingwane angeke ukhishwe ngendlela locelwe ngayo kepha ungakhishwa ngaleny indlela leyehlukile, tindleko titawubalwa ngendlela umfakisiselo afake ngayo sicelo sakhe {sigaba 29(4)}
- 9.4 Uma umfakisiselo afuna kutjelwa ngaleny indlela lekungaba kutsi kusetjentiswe lucingo loko kufanele kuvele esicelweni sakhe {Sigaba 18(2)(e)}
- 9.5 Uma umfakisiselo acela lomningwane awucelela lomunye umuntfu kufanele kuvetwe kutsi ungubani futsi uwucela kusiphi sigaba {Sigaba 18(2)(f)}
- 9.6 Uma umfakisiselo angakhoni kufundza nobe kubhala kumbe unekukhubateka lokutsite angafaka sicelo seminingwane ngemlomo kodvwa kufanele loko kuvele. Sikhulu Lesingamele iminingwane kutawufanele simgcwalisele lifomu bese simniketa ikhophi yalelifomu leligcwalisiwe {Sigaba 18(3)}.
- 9.7 Sikhulu Lesingamele iminingwane sitawubese siyasinaka lesicelo kungakadluli emalanga langemashumi lamatsatfu (30) ngemvakwekutfola lesicelo ingci nje nakusicelo lesivakalako {Sigaba 25}. Kulesinye sikhatsi lesikhatsi setinsuku letingemashumi lamatsatfu singangetwa ngalamanye emalanga futsi langemashumi lamatsatfu {Sigaba 26}.
- 9.8 Umfakisiselo utokwatiswa mayelana netindleko lekufanele atikhokhele kodvwa loko kutawenteka lesosicelo singakafiki emaphetselweni {Sigaba 22}.
- 9.9 Umfakisiselo angafaka sikhalo sekubuyeketa kwetindleko ngekhatshi nakangavumelani neletindleko laniketwe tona {Sigaba 74 na 75} nobe angasifaka enkantolo kute

akhululwe ngalokusemtsetfweni ngemuva kwekutsi yona imitam o yekuncedza yeghlulekile {Sigaba 78}.

- 9.10 Umfakisiselo utawatiswa kutsi utawunikwa imvumo yekutfole leminingwane layicelako nobe cha {Sigaba 25}.

10. UMSEBENTI WE-MER {Sigaba 14(1) (f)}

i-MER iniketa tinsita eSifundzeni seMpumalanga, kubaceli malayisensi be-MER kanye nekuwo wonkhe umkhakha wekugembula nekutsengisa tfwala kanye nasesiveni sonkhana ngekwenza loku lokulandzelako:

- 10.1 Kucinisekisa kutsi wonkhe muntfu lofuna kungena abeyincenye yetekugembula nobe kutsengisa tjwala lapha eMpumalanga ungulofanele.
- 10.2 Kucinisekisa kutsi tindzawo tekugembula netekutsengisa tjwala tiyawulandzela umtsetfo wekugembula nekutsengiswa kwetjwala waseMpumalanga
- 10.3 Kwemukela, nekucwaninga kanye nekutsatsa sincumo mayelana netikhalato letivela kumalunga emmango latitsintsa kugembula nekutsengiswa kwetjwala nobe letinye tehlakalo letihlobene naloku.
- 10.4 Kubeka imigomo letawucinisekisa kutsi lemishini yekugembula ihambelana nemigomo lebekiwe yemishini yekugembula velonkhe.
- 10.5 Kuniketa imvumo yekusetjentiswa kwemishini yekugembula lapha eSifundzeni
- 10.6 Kuniketa siciniseko iBhodi nakuhulumende waseMpumalanga kutsi imali letfolwa ekugembuleni nasekutsengiseni tjwala ibalwa kahle futsi ibhadalwa ngesikhatsi lesifanele, nekucinisekisa kutsi lulawulo lwabongcondvomshini labasetjentiswa etindzaweni tekugembula letinemalayisensi lutsembekile futsi lusebenta ngendlela lehambisana nemtsetfo lobekiwe wetekugembula. Iphindze yente siciniseko sekutsi labo labanemalayisensi bayakhona kugcina emabukutimali abo asesimeni lesihle ngasonkhe sikhatsi ngekuhambisana nemtsetfo waseMpumalanga wetekuGembula.
- 10.7 Kulwisana netindzawo tekugembula netekutsengisa tjwala letingekho emtsetfweni lapha eSifundzeni ngenhloso yekuvikela ummango ekutibandzakanyeni nemabhizinisi langeko emtsetfweni kwatise kutsi umtsetfo awufinyeleli ekucinisekiseni kutsi labo labanemabhizinisi lanjala bayalawuleka.
- 10.8 Corporate Relations ensures that the needs of the various role players are met, by assisting the organisation by providing effective communication mechanisms for informing everybody who have an interest in the MER, of its activities.

- 10.9 Kucinisekisa imitsetfo letawugcugcutela kugembula lokukahle nekutsengiswa kwetjwala lokukahle, kutama kunciphisa tehlakalo lapho muntfu asanenkinga yekugembula neyekunatsa tjwala ngendlela leyecile.

Bantfu labanenkingaya yekugembula bavame kubonakala ngekutsi bangasakhoni kutibamba nekulawula indlela labagembula ngayo bagcine balimata timphilo tabo netemindeneni yabo nalabo lababuke kubo empilweni. Akukho lula kubona umuntfu lonenkhinga yekugembula njengobe benta taba letinyenti kutsi bafihle tinkinga tabo tekugembula.

I-MER iyabona kutsi ematfuba ekutsi tindzawo tekugembula netekutsengisa tjwala tinaletinye tinkinga letitiletsako emmangweni. Ngaloko-ke i-MER isebentisana neluhlelo lwekugembula ngendlela lefanele kanye nenhlangano lengamele lomkhakha lebukene nekucinisekisa kunatjwa kahle kwetjwala, babuka emasu ekutfola tindlela tekusita labatitfolaba setinkhingeni tekugembula nobe tekunatsa tjwala ngalokwecile.

Lolosito lungatfolwa nanobe ngumuphi lonenkinga yekugembula nobe yekunatsa tjwala ngalokwecile, nobe ngemalunga emndeneni lahlukumetwa bantfu labanenkinga yekugembula nobe yekunatsa tjwala ngalokwecile.

Lusito Lwebuchwepheshe

Dokodela lolapha tonkhentintfo angasita ngekutfumela umuntfu lohlushwa kugembula noma lonatsa kakhulu lapho lusito lwalabanjalo lutfolakala khona. Tinyenti tinhlangano letisebentela sive mahala letingavakshelwa ngulabo labadzinga kwelulekwa mahhala.

I-National Responsible Gambling Programme inelucingo loluniketa ngelusito nekwelulekwa ngetikinga tekugembula. Ungabatsintsa kunayi inombolo yamahhala 0800 006 008 nobe ungatfumela umlayeto wekucela kutsi bakufonele kunayi inombolo 076 675 0710.

I-South African National Council on Alcoholism and Drug Dependence (“SANCA”) inenombolo yelucingo lokucela lusito nekwelulekwa uma unenkingaya yekunatsa tjwala ngalokwecile. Ungabatsintsa kunati tinombolo 0861 472 622 nobe (011) 892 3829 nobe ngeWhatsApp kunombolo-076 535 1701.

Kutikhokha ngekwakho

Emabhizinisi lanemalayisensi ekugembula lapha eSifundzeni aneluhlelo loluvumela kutsi umuntfu atikhokhe noma aticwase ngekwakhe nakangasakhoni kutibamba kantsi kwenteka kuphela nangabe lowomuntfu aticelela yena kutsi angasavunyelwa kugembula kulelobhizinisi.

11. TINHLELO LETIVUMELA KUMBANDZAKANYA ESIVE EKWAKHIWENI KWEMIGOMO, TINIKETE SIVE EMANDLA KANYE NEKUFAKASANDLA {Sigaba 14(1) (g)}

I-MER iniketa ummango litfuba lekuphefumulo lapho itawuniketa noma ikhokha ilayisensi nganati tindlela letilandzelako:

- 11.1 Ticelo temalaysentsi tifikawa kumaGazeti eSifundza naku maphephandzaba latfolakala etigidzini lehlukene .
- 11.2 Lamanenshisakalo bayamenywa kutsi bafake luvo ngekubhala kutsi bayavumelana nome cha neticelo temalaysensi, kufanele kutsi bachaze nekutsi bafuna kubakhona batotikhulumela uma kukhululunywa esidlangalaleni nakubukwa lesosicelo. Ngetulu kwaloko, sive sivumelekile kutsi nome nini singabhalela Umlawuli mayelana nekutsi umtsetfo lowengamele kugembula nekutsengiswa kwetjwala ungatfutukiswa kanjani. Leyomibono itawubukwa beseyendlisilelwa Elilungeni lesiGungu Lesphakeme leSifundza lesengamele i-MER kute libuke leto tingucuko kulomtsetfo.

Kusabuketwa loko kuchibiyelwa kwalomtsetfo lowengamele kugembula nekutsengiswa kwetjwala, Litiko leSifundza Lekutfutukiswa Kwemnotfo neTekuvakasha noma Sishayamtsetfo seSifundza singamema bantfu kutsi baphawule ngaloluchibiyelo kuloMtsetfo wekuGembula eMpumalanga, Umtsetfo wetjwala eMpumalanga kanye naleminyane imitsetfo lehlobene nalena, lokufaka Umtsetfo wentselo yekugembula. Umlawuli ummema sive kutsi siphawule kuloluchibiyelo lohlongotwako lolumayelana nemtsetfo wekuGembula eMpumalanga.

12. IMITSETFO LETIBEKELWE KULUNGISA UMA KUBAKHONA KUNGALANDZELWA KWEMTSETFO WE-PAIA {Sigaba 14(1) (h)}

Letinhlelo tekwelekelela tingasetjentiswa ngumfakisicelo nangabe uMtsetfo we-PAIA ungalandzelwa

- 12.1 Kufaka sicelo kuwo sekubuyeketwa kwesincumo seMphatsi Lomkhulu kutiphatsimandla letifanele, njengekusho kwesigaba-74(1).
- 12.2 Uma umfakisicelo asanesikhalo ngesincumo lesibuya kuMlawuli, angatsatsa tinyatselo tekumikisa sikhalo sakhe enkantolo yemtsetfo kute agculiseke.

ANNEXURE A**GENERAL: VALUE-ADDED TAX**

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I**FEES IN RESPECT OF GUIDE**

1. The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II**FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.

4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(2) For purposes of section 22(2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

PART III
FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

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

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	

-
- | | | | |
|-----|------|--|-------|
| | (i) | stiffy disc | 7,50 |
| | (ii) | compact disc | 70,00 |
| (d) | (i) | For a transcription of visual images,
for an A4-size page or part thereof | 40,00 |
| | (ii) | For a copy of visual images | 60,00 |
| (e) | (i) | For a transcription of an audio record,
for an A4-size page or part thereof | 20,00 |
| | (ii) | For a copy of an audio record | 30,00 |
| (f) | | To search for and prepare the record for disclosure, R30,00 for each hour
or part of an hour reasonably required for such search and preparation. | |
- (2) For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable;
and
 - (b) one third of the access fee is payable as a deposit by the
requester.
- (3) The actual postage is payable when a copy of a record must be posted
to a requester.

ANNEXURE B

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 6]

FOR DEPARTMENTAL USE	
	Reference number: _____
Request received by _____	
(state rank, name and surname of information officer/deputy information officer) on	
_____ (date) at _____	(place).
Request fee (if any): R	
Deposit (if any): R	
Access fee: R	
	_____ SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

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

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

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

C. Particulars of person on whose behalf request is made

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

Full names and surname: _____

Identity number: _____

D. Particulars of record

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

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

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. Fees

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

Reason for exemption from payment of fees: _____

F. Form of access to record

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

Disability: _____ _____ _____	Form in which record is required: _____ _____ _____
-------------------------------------	---

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:			
	copy of record*		inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
	view the images	copy of the images*	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack (audio cassette)	transcription of soundtrack* (written or printed document)	
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)

<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.</p>	<p>YES</p>	<p>NO</p>
<p><i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i></p>		
<p>In which language would you prefer the record? _____</p>		

G. Notice of decision regarding request for access

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

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

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

SOUTH AFRICAN RESERVE BANK**NOTICE 229 OF 2020****Notice and Order of Forfeiture**

Notice of Forfeiture to the State of money in terms of the provisions of Exchange Control Regulation 22B made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

Ms Jiping Schulte (ID number 5303290199184)

of:

2 Lily Avenue
Dunvegan
1609

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Regulation 22E delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to, *inter alia*, the Governor or Deputy Governors of the South African Reserve Bank.
2. By virtue of the functions, powers and/or duties vested in me, in my capacity as a Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:
 - 2.1 the amount of R855 882.92 being capital standing to the credit of the Respondent in account number 4089863235, held with ABSA Bank Limited, together with any interest thereon and/or other accrual thereto.
3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice and order of Forfeiture is published in this Gazette.
4. The money specified in 2 above shall be disposed of by depositing it into the National Revenue Fund.
5. This Notice also constitutes a written order, as contemplated in Exchange Control Regulation 22B, in terms of which the money specified in 2 above is hereby forfeited to the State.
6. Signed at Pretoria on this 19 day of MARCH 2020.



K Naidoo
Deputy Governor
South African Reserve Bank

SOUTH AFRICAN RESERVE BANK
NOTICE 230 OF 2020
Notice and Order of Forfeiture

Notice of Forfeiture to the State of money in terms of the provisions of Regulation 22B of the Regulations ("the Exchange Control Regulations") made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.11111 of 1961-12-01 in respect of the money of:

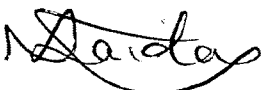
Perry Osagiede
(Identity number 6902206022080)

of:

28 Torquay Close
Parklands
Milnerton
7441

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Regulation 22E of the Exchange Control Regulations delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to, *inter alia*, the Governor or the Deputy Governor of the South African Reserve Bank.
2. By virtue of the functions, powers and/or duties vested in me, in my capacity as the Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:
 - 2.1 the amount of R45 348,21 being capital standing to the credit of the Respondent, in account number 263494001, held with the Bidvest Bank Limited, together with any interest thereon and/or other accrual thereto.
3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice of Forfeiture is published in this Gazette.
4. The money specified in 2 above shall be disposed of by deposit thereof to the National Revenue Fund.
5. This Notice also constitutes a written order, as contemplated in Regulation 22B of the Exchange Control Regulations, in terms of which the money specified in 2 above is hereby forfeited to the State.
6. Signed at Pretoria on this 19 day of MARCH 2020



K Naidoo
Deputy Governor
South African Reserve Bank

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 231 OF 2020

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 60204-11 Ed 2	<i>Safety of machinery - Electrical equipment of machines - Part 11: Requirements for equipment for voltages above 1 000 V AC or 1 500 V DC and not exceeding 36 kV.</i> Applies to the electrical and electronic equipment and systems of machines, including a group of machines working together in a coordinated manner, but excluding higher level system aspects (i.e. communications between systems).	2020-05-24
SANS 60034-14 Ed 4	<i>Rotating electrical machines Part 14: Mechanical vibration of certain machines with shaft heights 56 mm and higher - Measurement, evaluation and limits of vibration severity.</i> Specifies the factory acceptance vibration test procedures and vibration limits for certain electrical machines under specified conditions, when uncoupled from any load or prime mover.	2020-05-24
SATS 60034-30-2 Ed 1	<i>Rotating electrical machines - Part 30-2: Efficiency classes of variable speed AC motors (IE-code).</i> Specifies efficiency classes for variable speed rotating electric machines not covered in IEC 60034-30-1.	2020-05-24
SATS 2234 Ed 1	<i>Business Incubators and Accelerators – Requirements.</i> Specifies requirements for an incubator and accelerator when an organisation a) Provides the distinction between business incubators and accelerators and highlights their processes, models, services and measures; b) Needs to demonstrate its ability to consistently provide its services that meet applicable stakeholder standards and applicable requirements.	2020-05-24
SANS 17 Ed 2	<i>Glazing materials in furniture..</i> Specifies the general requirements, performance requirements and thickness requirements necessary to ensure a reasonable quality of safety glass or plastics used in the construction of furniture.	2020-04-17
SANS 16911-1 Ed 1	<i>Stationary source emissions - Manual and automatic determination of velocity and volume flow rate in ducts - Part 1: Manual reference method.</i> Specifies a method for periodic determination of the axial velocity and volume flow rate of gas within emissions ducts and stacks.	2020-05-12
SANS 16911-2 Ed 1	<i>Stationary source emissions - Manual and automatic determination of velocity and volume flow rate in ducts - Part 2: Automated measuring systems.</i> Describes specific requirements for automated measuring system (AMS) flow monitoring.	2020-05-12
SANS 60099-8 Ed 2	<i>Surge arresters Part 8: Metal-oxide surge arresters with external series gap (EGLA) for overhead transmission and distribution lines of a.c. systems above 1 kV.</i> Covers metal-oxide surge arresters with external series gap (externally gapped line arresters (EGLA)) that are applied on overhead transmission and distribution lines, only to protect insulator assemblies from lightning-caused flashovers.	2020-05-19
SATR 33015 Ed 1	<i>Information technology - Process assessment - Guidance for process risk determination.</i> Provides guidance on the application of the results of a process assessment for process risk determination.	2020-05-19

SANS 16063-1 Ed 1	<i>Methods for the calibration of vibration and shock transducers Part 1: Basic concepts.</i> Describes methods for the calibration of vibration and shock transducers. Includes methods for the measurement of characteristics in addition to the sensitivity.	2020-05-19
SANS 41011 Ed 1	<i>Facility management – Vocabulary.</i> Defines terms used in facilities management standards.	2020-05-21

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 1063 Ed 4.1	<i>Earth rods, couplers and connections</i>	Amended to delete the annex on notes to purchasers.	2020-05-24
SANS 1507-4 Ed 1.5	<i>Electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1 900/3 300 V) Part 4: XLPE Distribution cables</i>	Amended to change options for the phase core colours in table 2, to include the single core cables in the scope and to include the spark testing of the sheath.	2020-05-13
SANS 1507-5 Ed 1.6	<i>Electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1 900/3 300 V) Part 5: Halogen-free distribution cables.</i>	Amended to update referenced standards, and to include the publication dates of standards where reference has been made to specific items in those standards. Amdt 5 2018 Amended to update referenced standards	2020-05-13
SANS 164-0 Ed 1.7	<i>Plug and socket-outlet systems for household and similar purposes for use in South Africa - Part 0: General requirements.</i>	Amended to reduce the minimum clearance of 8,0 mm from the socket outlet surface. Update the sub-clause on dimensions.	2020-05-19

SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS**SCHEDULE B.1: NEW STANDARDS**

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 210001:2020 Ed 1	<i>Educational organizations - Management systems for educational organizations - Requirements with guidance for use.</i> Specifies requirements for a management system for educational organizations (EOMS) when such an organization: a) needs to demonstrate its ability to support the acquisition and development of competence through teaching, learning or research; b) aims to enhance satisfaction of learners, other beneficiaries and staff through the effective application of its EOMS, including processes for improvement of the system and assurance of conformity to the requirements of learners and other beneficiaries.
SANS 60598-2-4:2020 Ed 2	<i>Luminaires - Part 2-4: Particular requirements - Portable general purpose luminaires.</i> Specifies requirements for portable general purpose luminaires for indoor and/or outdoor use (e.g. garden use), other than handlamps, designed to be used with or incorporating electrical light sources on supply voltages not exceeding 250 V.
SANS 61058-2-4:2020 Ed 2	<i>Switches for appliances Part 2-4: Particular requirements for independently mounted switches.</i> Applies to independently mounted switches for appliances (mechanical or electronic) actuated by hand, by foot or by other human activity, to operate or control electrical appliances and other equipment for household or similar purposes with a rated voltage not exceeding 480 V and a rated current not exceeding 63 A.
SANS 1300:2020 Ed 2	<i>Quality management - Customer satisfaction - Guidelines for monitoring and measuring.</i> Gives guidelines for defining and implementing processes to monitor and measure customer satisfaction.
SANS 9004:2020 Ed 4	<i>Quality management - Quality of an organization - Guidance to achieve sustained success</i> Gives guidelines for enhancing an organization's ability to achieve sustained success.
SANS 10002:2020 Ed 3	<i>Quality management - Customer satisfaction - Guidelines for complaints handling in organizations.</i> Provides guidance for organizations to plan, design, develop, operate, maintain and improve an effective and efficient complaints-handling process for all types of commercial or noncommercial activities, including those related to electronic commerce.
SANS 10003:2020 Ed 2	<i>Quality management - Customer satisfaction - Guidelines for dispute resolution external to organizations.</i> Provides guidance for organizations to plan, design, develop, operate, maintain and improve an effective and efficient dispute-resolution process for product-related complaints.
SANS 10001:2020 Ed 2	<i>Quality management - Customer satisfaction - Guidelines for codes of conduct for organizations.</i> Gives guidelines for planning, designing, developing, implementing, maintaining and improving customer satisfaction codes of conduct.

SCHEDULE B.2: AMENDED STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 348 :2020 Ed 1.3	<i>Safety surgical scalpels, sterile packed for single-use Consolidated edition incorporating amendment No.3.</i> Amended to delete the subclauses on colour coding of blade sizes and profiles, on and colour coding.
SANS 1124-3 :2020 Ed 1.1	<i>Syringes and needles (sterile-packed for single use) Part 3: Syringes with a re-use prevention feature.Consolidated edition incorporating amendment No.1.</i> Amended to update referenced standards.

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
SANS 90005:2009 Ed 1	<i>Systems engineering - Guidelines for the application of ISO 9001 to system life cycle processes.</i>

SCHEDULE B.4: REINSTATEMENT OF WITHDRAWN STANDARD

In terms of section 4(2) (l) the South African Bureau of Standards has established the following technical committees:

Draft Standard No. and Edition	Title	Scope of amendment	Reason

SCHEDULE B.5: ESTABLISHMENT OF TECHNICAL COMMITTEES

In terms of section 4(2) (l) the South African Bureau of Standards has established the following technical committees:

Technical Committee No.:	Title	Scope

SCHEDULE B.6: DISBANDMENT OF TECHNICAL COMMITTEES

In terms of section 4(2) (l) the South African Bureau of Standards has disbanded the following technical committees:

Technical Committee No.:	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

**DEPARTMENT OF TRANSPORT
NOTICE 232 OF 2020**

**DRAFT MERCHANT SHIPPING (TRAINING CERTIFICATION AND MANNING)
REGULATIONS, 2020**

The Minister of Transport hereby in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), publishes for comments the draft Merchant Shipping (Training, Certification and Manning) Regulations, 2020 as indicated in the Schedule.

Interested persons are invited to submit written comments on this draft Regulations 2020, within 60 days from the date of publication of this notice in the Government Gazette.

All comments should be posted or emailed to the Director-General Department of Transport for attention of Ms Glory Semenya at:

Department of Transport
Private Bag x 193
Pretoria
0001

E-mail: semenyag@dot.gov.za or matlalatm@dot.gov.za

Tel: 012 309 3499 or 012 309 3799

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DRAFT MERCHANT SHIPPING (TRAINING CERTIFICATION AND MANNING) REGULATIONS, 2020

The Minister of Transport hereby in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), intends to make regulations on the Merchant Shipping (Training, Certification and Manning) Regulations, 2020 as indicated in the Schedule.

SCHEDULE

PART 1 - GENERAL

1. Definitions

(1) In these Regulations, any word or expression given a meaning in the Act shall have that meaning and, unless the context indicates otherwise-

' **Act**' means the Merchant Shipping Act, 1951 (Act No. 57 of 1951)

'**able seafarer deck**' means a rating certificated in accordance with Part 3, Division 8, and a 'certificate of proficiency able seafarer deck' shall be construed accordingly;

'**Able Seafarer (deck) coastwise shipping**' means a rating certificated in accordance with Part 3, Division 8, and limited to coastwise shipping only;

'**able seafarer engine**' means a rating qualified in accordance with the provisions of regulation III/5 of the Convention;

'**able seafarer deck (port operations)**' means a rating certificated in accordance with Part 3, Division 8, limited to port operations only, and a '**Certificate of proficiency able seafarer deck (port operations)**' shall be construed accordingly;

'**able seafarer engine (port operations)**' means a rating certificated in accordance with Part 3, Division 8, limited to port operations only, and a '**Certificate of proficiency able seafarer engine (port operations)**' shall be construed accordingly;

'**accelerated training**' means an approved programme in accordance with the Convention of intensive training that is designed to reduce the period of qualifying service; without compromising on the quality of training;

'accredited institution' means a training institution accredited in accordance with the Convention;

'accredited' means accredited by the Authority in accordance with the Convention;

'approved' means approved by the Authority in accordance with the Convention;

'appropriate certificate' means a certificate issued and endorsed in accordance with these Regulations entitling the lawful holder to serve in the capacity and perform the functions involved at the level of responsibility specified on a ship of the type, tonnage, power and means of propulsion concerned while engaged on the particular voyage;

'approved accelerated training programme', for certification of a particular kind, means an accelerated training programme approved for certification of that kind in accordance with the Convention;

' approved seagoing service' means service on board a ship relevant to the issue or revalidation of a certificate or other qualification;

'approved trade' means an Engineering Trade that incorporates a formal workshop training element which would lead to exemption from modules required by the Training Standards;

'approved training', for certification of a particular kind, means training programmes or courses approved for certification of that kind in accordance with the Convention;

'approved training record book', for certification of a particular kind, means a training record book approved for certification of that kind in accordance with the Convention;

'Assessor' means an examination moderator appointed by the Authority in accordance with the Convention;

'assistant engineer officer' means a person under training to become an engineer and designated as such by national law or regulations;

' audit' means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled;

' audit Scheme' means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization;*

'basic training' means the training as set out in Regulation 2(9) (1) (a)

'basic training for fishers on fishing vessels ≥24m' means the approved training for personnel serving on fishing vessels ≥ 24m, as set out in Regulation 2(9)(1)(b)(1)(a);

' basic training for fishers on fishing vessels <24m' means the approved training for personnel serving on fishing vessels < 24m, as set out in Regulation 2(9)(1)(c) ;

'candidate' means a person desiring certification in terms of these Regulations;

'Certificate' and **'Certification'** means a certificate of competency or proficiency and may include an endorsement issued in accordance with Section A-1/2 of the STCW Code;

'Certificate of competency' means-

- (a) a certificate issued and endorsed in accordance with Section A-1/2 of the STCW Code for masters, officers and GMDSS operators in accordance with the provisions of Chapter II, III, IV or VII of the Annex of the STCW Convention, Chapter II of the STCW-F Convention, port operation and coastwise shipping certificates not issued under a Convention, entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein; or
- (b) a certificate which is treated as equivalent to such certificate by virtue of regulation 8,
- (c) but does not include a certificate of competency issued by a foreign maritime administration;

'certificate of proficiency' means a certificate, other than a certificate of competency issued in accordance with Section A-1/2 of the STCW Code to a seafarer, stating that the relevant requirements of training, competencies or sea-going service provided for in the Convention have been met;

'certificate of proficiency in survival craft and rescue boats' means a certificate of proficiency in survival craft and rescue boats issued by the Authority under in accordance with Regulation VI/2 and Table A-II/1 of the Convention and STCW Code;

'certificated' means duly certificated under the Act or deemed under the Act to be so certificated;

' charge' has the same meaning as defined in the South African Maritime Safety Authority Act, 1998, as amended;

'chief engineer officer' means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship;

'Chief Assessor' means a person appointed in terms of Regulation 5;

'Chief mate' means the deck officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master;

'coastal skipper ≥9 m' means a certificate of competency allowing the holder to operate a small vessel of 9 m or more on seagoing voyages not exceeding 40 nautical miles offshore, issued in accordance with the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 as amended;

'colour vision test' means a test, required in accordance with the Convention by Part 5 of these Regulations, on a person's ability to identify and differentiate colours used as signals on ships and their equipment;

'Contravene', in relation to a provision of these Regulations, includes failing or refusing to comply with that provision;

'Coastwise ship' means a ship plying solely within the coastwise shipping;

'Coastwise traffic' means the conveyance of coastal cargo by a ship between the ports in the Republic and the transfer of bunker or oil cargo from a ship or tanker to any other ship or tanker, including a ship arriving from a place outside the Republic, bound for more than one port in the Republic and a ship clearing from any port in the Republic for a port outside the Republic, although bound for one or more intermediate ports in the Republic;

'deck officer' means a ship's officer qualifying in accordance with the provisions of chapter II of the Convention serving in the deck department on a ship, and includes the master;

'deck officer certificate' means the certification covered by Part 3, Division 1 & 2 of Part 3;

'Deputy Registrar of Seafarers' means a person appointed in terms of Regulation 4;

'documentary evidence' means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the STCW Convention or STCW-F Convention have been met;

'electro-technical officer' means an officer qualified in accordance with the provision of regulation III/6 of the Convention;

'electro-technical rating' means a rating qualified in accordance with the provisions of regulation III/7 of the Convention;

'endorsement' means a document that is appended to a certificate of competency and that modifies the terms of the certificate;

'engineer officer' means a ship's officer serving in the engine department on a ship;

'engineer officer certificate' means the certification covered by Part 3, Divisions 5, 6 & 7;

'engineer rating' means a rating certificated as a rating forming part of an engineering watch or an able seafarer engine in accordance with Part 3, Division 8;

'equivalent certification' has the meaning given by Regulation 3;

'eyesight test' means a test, required by Part 5 of these Regulations, inclusive of colour vision and visual acuity tests, performed by an approved medical practitioner to ensure that a seafarer is meet the eyesight test standards;

'fast rescue boat' means a rigid or semi-rigid inflatable boat used for rescue work and capable of manoeuvring, for at least 4 hours, at a speed of 20 knots in calm water with a crew of at least 3 persons and at a speed of at least 8 knots with a full complement;

'fishing vessel' means a vessel that is used wholly or principally for the taking, catching or capturing of fish or other living resources of the sea or seabed for financial gain or reward;

'foreign going ship' means any ship employed in trading or going between some places or places in the Republic and some places or places situated beyond the limits for coastwise shipping and ports operations area;

'gas carrier' means a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the IGC Code;

'general purpose rating (port operations)' means a rating (port operations) certificated as a general purpose rating (port operations) in accordance with Part 3, Division 8; and **'general purpose rating (port operations) certificate'** shall be construed accordingly;

'GMDSS' means the Global Maritime Distress and Safety System;

'GMDSS radio operator' means a person who is qualified in accordance with the provisions of Division 4, Part 3 of these Regulations;

'GT' means its gross tonnage of a ship calculated in accordance with the Tonnage Regulations, 1968;

'**HSC Code**' means the International Code of Safety for High Speed Craft adopted by the Maritime Safety Committee of the IMO by resolution MSC.36 (63) as may be amended by the IMO and accepted by the Government;

'**IBC Code**' means the latest edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the International Maritime Organisation, as amended;

'**IGC Code**' means the latest edition of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk published by the International Maritime Organisation, as amended;

'**IGF Code**' means the latest edition of the International Code of Safety for Ships using Gas or other low flashpoint fuels published by the International Maritime Organisation, as amended;

'**IMO**' means the International Maritime Organization;

'**ISPS Code**' means the International Ship and Port Facility Security (ISPS) Code adopted on 12 December 2002 by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as may be amended by the Organization;

'**Length**' refers to the registered length (length overall) as shown on the ship's Certificate of Registry, and contemplated in Regulation 4 of the Ship Registration Regulations, 2002;

'**limited waters**', in relation to a fishing vessel, has the same meaning as '**Near-coastal waters**';

'**limited waters voyage**' has the same meaning as '**Near-coastal voyage**';

'**liquefied gas tanker**' means a ship constructed or adopted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code as may be amended by the IMO and accepted by the Government;

'**Mate**' has the same meaning as '**chief mate**';

'**Management level**' means the level of responsibility associated with-

(a) Serving as master, chief mate, chief engineer officer or second engineer officer on a seagoing ship; and

(b) Ensuring that all functions within the designated area of responsibility are properly performed;

'**Master**' and '**Skipper**' means a person having command of a ship;

'**medical fitness certificate**' has the same meaning as in in the Maritime Labour Convention;

'**medical practitioner**' means a person approved in accordance with Part 2A of these Regulations;

'**merchant ship**', for the purpose of these Regulations, means any ship operated for commercial gain other than a fishing vessel;

'**mining operations**' means the exploitation by a ship at anchor or Dynamic Position (DP) mode, whether by mining, drilling or otherwise, of the mineral resources of the seabed or subsoil thereof;

'**MLC**' means the Maritime Labour Convention as defined in the Merchant Shipping Act;

'**near-coastal voyage**' means a voyage exclusively within the South African Exclusive Economic Zone, i.e. 200 nautical miles, as defined by the Maritime Zones Act, 1994, as amended;

'**near-coastal voyage limit agreement**' means an agreement in writing entered into between the Authority and an Administration of another party specifying the details of involved trading areas and other relevant conditions thereof;

'**non-trading vessels**' means pleasure vessels or vessels operated for commercial gain of less than 3 000 GT not carrying more than 12 passengers engaged on seagoing voyages during which no cargo operations are conducted;

'**officer**' means a ship's officer;

'**officer in charge of an engineering watch**' includes a designated duty engineer officer for a periodically unmanned engine-room or periodically unmanned engine room;

'**oil tanker**' means a ship constructed and used for the carriage in bulk of petroleum or petroleum products;

'**offshore**' means seaward measured from the low-water line (as defined in section 1 of the Maritime Zones Act, 1994 (Act 15 of 1994)) along the coast of the African continent;

'**on-board training**' is training that is-

(a) Conducted principally on board a vessel during qualifying service; and

(b) set out and assessed in an approved training record book;

'operational level' means the level of responsibility associated with-

(a) serving as officer in charge of a navigational or engineering watch or as designated duty engineer for periodically unmanned machinery spaces or as radio operator on a ship to which these Regulations apply; and

(b) Maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of an individual serving in the management level for that area of responsibility;

'ordinary seafarer deck' means a rating forming part of a navigational watch;

'ordinary seafarer deck (port operations)' means a rating forming part of a navigational watch on vessels engaged in Port Operations;

'ordinary seafarer deck (fishing)' means a rating forming part of a navigational watch vessels engaged in fishing operations;

'ordinary seafarer engine' means a rating forming part of an engineering watch;

'ordinary seafarer Engine (port operations)' means a rating forming part of an engineering watch on vessels engaged in Port Operations;

'Organisation' means the International Maritime Organisation;

'owner', in relation to a ship, includes any person such as the manager, operator, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner;

'Party', in relation to the STCW or STCW-F Convention, means a State or Administration which is a member of the Organisation and is a signatory to the Convention;

'passenger ship' means a ship which carries more than 12 passengers;

'pleasure vessel' means a vessel that is used solely for sport or recreation;

'polar code' means the latest edition of the International Code for Ships operating in polar waters published by the international maritime organization, as amended.

'polar waters' means Arctic waters or the Antarctic area as defined in SOLAS Regulations XIV/1.2 to XIV/1.4;

'port operations' means voyages restricted to a port operations area; and **'port operations service'** shall be construed accordingly;

'port operations area' means the sea area within a radius of 15 nautical miles measured-

(a) in the case of the port of Saldanha Bay, from the mid-point of an imaginary line joining the North Head and South Head lights; and

(b) In the case of any other port in the Republic, from the outermost breakwater light;

'port operations vessel' means a harbour tug, dredger, hopper, pilot boat, work boat, bunker barge, ferry, tender, self-propelled floating crane or any other type of ship restricted to a port operations area;

'propulsion power' means the total maximum continuous rated output power in kilowatts of a ship's main propulsion machinery appearing on the ship's certificate of registry or other official document;

'qualifying service', for certification of a particular kind, means the sea service or port operations service (and duties associated with and endorsement, if applicable), as the case may be required, for certification of that kind;

'radio duties' include, as appropriate, watch keeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the International Convention for the Safety of Life at Sea, 1974 (SOLAS) as amended, and at the discretion of the Authority, the relevant recommendations of the Organisation;

'radio operator' means a person holding an appropriate certificate issued or recognised by the Authority under the provisions of the Radio Regulations;

'radio Regulations' means the radio Regulations of the International Telecommunications Union Convention that is in force;

'rating' means a member of the ship's crew other than the master or a deck officer or a marine engineer officer;

'refresher training' means an approved abbreviated training course required for revalidation of Certificates of Competency or Certificates of Proficiency;

'registrar' means a person appointed in terms of Regulation 4;

'repealed Regulations' means the Regulations repealed by Regulation 121 of these regulations;

'ro-ro passenger ship' means a passenger ship with ro-ro cargo spaces or special category spaces as defined in the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended;

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'safe manning requirements' means a document carried on board the ship that describes the minimum manning considered necessary to ensure that a ship is sufficiently and efficiently manned in compliance with IMO resolution A.955 (23) and A.890 (23) and any amendment thereto that has come into force, and that is issued-

- (a) In the case of a South African ship, by the Authority; and
- (b) In the case of any other ship, by or under the Authority of the flag State;

' Safety Convention' means International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended;

'seagoing ship' means a ship other than one that is exclusively a coast wise ship or navigates in a ports operations area; or in a port operations area;

'sea service' has the same meaning as **"approved seagoing service"**;

'second engineer officer' means the engineer officer next in rank to the chief engineer officer and upon whom responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer;

'security duties' means include all security tasks and duties on board ships as defined by chapter XI-2 of the International Convention for the Safety of Life at Sea and the ISPS Code, as may be amended by the IMO and accepted by the Government;

'senior Assessor' means a qualified officer appointed as such Assessor in terms of Regulation 5;

'ship to which the Safety Convention applies' means any seagoing ship, except-

- (a) Warships, ships owned by the South African Navy or naval auxiliaries;
- (b) Ships of less than 500 GT, other than passenger ships;
- (c) Ships not propelled by mechanical means;
- (d) Wooden ships of primitive build;
- (e) Ships used solely for sport or recreation; and
- (f) Fishing vessels;

'ship to which the STCW Convention applies' means any seagoing ship, except-

- (a) Warships, naval auxiliaries or other vessels owned by the SA Navy;

- (b) Fishing vessels;
- (c) Ships used solely for sport or recreation; and
- (d) Wooden ships of primitive build;

'skipper offshore ≥9 m' means a certificate of competency allowing the holder to operate a small vessel of 9 m or more on extended seagoing voyages, issued in accordance with the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 as amended;

'small vessel' means a vessel to which the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, as amended, apply;

'SOLAS' means the International Convention on Safety of Life at Sea, 1974;

'South African ship' means a ship prescribed by the Ship Registration Act, 1998 and includes an unregistered ship having South African nationality;

'specified in the quality standard system' means specified in the South African Maritime Qualifications manual acceptable to the IMO published by the Authority, as amended;

'STCW-Code' means the Seafarers' Training, Certification and Watch-keeping Code adopted by the 1995 Conference of Parties to the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers, 1978 and any amendment thereto which has come into force and has been accepted by the Government;

'STCW Convention' means the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers, 1978, as amended;

'STCW-F Convention' means the International Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel, 1995;

'Support level' means the level of responsibility associated with performing assigned tasks, duties or responsibilities on a trading ship under the direction of an individual serving in the operational or management level;

'Tanker' means-

- (a) **'Oil Tanker'**, means a ship constructed or used for the carriage in bulk of petroleum and petroleum products in bulk;

(b) **'Chemical Tanker'**, means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code; and

(c) **'Liquefied Gas Tanker'** means a ship constructed or adapted and used for the carriage of any liquid product listed in Chapter 19 of the International Gas Carrier Code;

'the Quality Standard System' means the system acceptable by the IMO published by the Authority with all the training standards required by these Regulations forming part of the Quality Standards System;

'the Regulations' means the Merchant Shipping (Training, Certification and Manning) Regulations, 2020;

'trading ship' means any seagoing ship, including all government ships to which the Act applies, engaged on regular seagoing voyages, excluding-

- (a) Warships, naval auxiliaries;
- (b) Fishing vessels;
- (c) Coastwise ships
- (d) Ships used solely for sport or recreation; and
- (e) Sailing ships of traditional build;

'training ship' means a ship approved by the Administration for the purpose of accommodating and providing approved on-board training of more than 12 trainees candidates towards a Certificates of Competence or Certificates of Proficiency;

'unlimited voyage' means a voyage other than one contemplated in the definitions of near-coastal voyage and port operations;

'unlimited waters' when used in relation to certificates for fishers, means waters beyond limited waters;

'valid', in relation to a certificate or other document, means a certificate or document that is current and that has not been suspended or cancelled;

'visual acuity test' means an eye exam that checks how well a candidate can see the details of a letter or symbol from a specific distance;

'watch-keeping officer' means a ship's officer whose duties include-

- (a) If serving in the deck department, taking charge of a navigational watch on the ship; and

(b) If serving in the engineering department, taking charge of an engineering watch on a ship;

'watch-keeping personnel' means everyone forming part of a navigational or engineering watch on a ship;

'waters under South African jurisdiction' means waters comprising-

(a) The internal and territorial waters of the Republic; and

(b) The exclusive economic zone of the Republic.

(2) A reference in these Regulations to a particular level of assessment shall be read as a reference to assessment at that level in accordance with Regulation 15;

(3) All seafarers shall have completed Basic Training before being assigned safety or pollution prevention duties or before issue of any Certificate of Proficiency or Competency;

(4) All seafarers shall have completed on-board safety familiarisation training before being assigned shipboard duties; and

(5) These Regulations apply to all ships except;

(a) Ships engaged in sports and recreation only

(b) Warships, Naval Ships

(c) Ships owned by foreign governments engaged in non-commercial activities of that government whilst in the Republic.

2. Introduction and classes of certificates

(1) These Regulations prescribe the conditions to be met and the standards of competence required in accordance with Regulation 1/2 of the Convention or the issue of the certification specified in sub-Regulations (2) to (7);

(2) Subject to the provisions of the Convention sub regulation (7), the certificates of competency, with their limitations, endorsements and relative levels of responsibility (if any), applicable to deck officers are:

(a) Master (special grade);

(b) Master:

(i) Master of a ship of any tonnage on unlimited voyages (management level) [STCW Regulation II/2 - No limitation].

- (ii) Chief mate of a ship of any tonnage on unlimited voyages (management level) [STCW Regulation II/2 - No limitation].
 - (iii) Officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages (operation level) [STCW Regulation II/1 - No limitation].
- (c) Chief Mate-
 - (i) Chief mate of a ship of any tonnage on unlimited voyages (management level) [STCW Regulation II/2 - No limitation].
 - (ii) Officer in charge of navigational watch of a ship of any tonnage on unlimited voyages (operational level) [STCW Regulation II/1 - No limitation].
- (d) Master (<3 000 GT)-
 - (i) Master of a ship of less than 3 000 GT on unlimited voyages (management level) [STCW Regulation II/2 - Tonnage limitation].
 - (ii) chief mate of a ship of-
 - (aa) any tonnage if the candidate holds a certificate of competency as chief mate (management level) [STCW Regulation II/2 - No limitation]; or
 - (bb) Less than 3 000 GT on unlimited voyages if the candidate holds a certificate of competency as deck officer or chief mate (<3 000 GT) (management level) [STCW Regulation II/2 - Tonnage limitation].
 - (iii) Officer in charge of navigational watch of a ship of any tonnage on unlimited voyages (operational level) [STCW Regulation II/1- No limitation].
- (e) Chief mate (<3 000 GT)-
 - (i) Chief mate of a ship less than 3 000 GT (management level) [STCW Regulation II/2 - Tonnage limitation].
 - (ii) Officer in charge of navigational watch of a ship of any tonnage on unlimited voyages (operational level) [STCW Regulation II/1 - No limitation].
- (f) Officer in Charge of a Navigational Watch –

- (i) Officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages (operation level) [STCW Regulation II/1 - No limitation].
- (g) Master (<500 GT near-coastal)-
- (i) Master of a ship of less than 500 GT on near-coastal voyages (management level) [STCW Regulation II/3 - No limitation].
- (ii) Officer in charge of a navigational watch on a ship of less than 500 GT on near coastal voyages (operation level) [STCW Regulation II/1 - No limitation].
- (h) Officer in charge of navigational watch (<500 GT near-coastal) watch on ships of less than 500 GT on near-coastal voyages (operational level) [STCW Regulation II/3- No limitation].
- (i) Master (<200 GT near-coastal) Master of a ship of less than 200 GT on near-coastal voyages; (management level) [STCW Regulation II/3 - Tonnage limitation].
- (j) Master ($\geq 1\ 600$ GT port operations)-
- (i) Master of a ship of any tonnage operating within port operations area.
- (ii) Officer in charge of navigational watch of a ship of any tonnage operating within a port operations area.
- (k) Master (<1 600 GT port operations)-
- (i) Master of a ship of <1 600 GT operating within a port operations area; and
- (ii) Officer in charge of navigational watch of a ship of any tonnage operating within a port operations area.
- (l) Skipper (<200 GT port operations)-
- (i) Master of a ship of less than 200 GT operating within a port operations area; and
- (ii) Officer in charge of a navigational watch of a ship of less than 1 600 GT operating within a port operations area.
- (3) Subject to sub regulation (7), the certificates of competency, with their limitations, endorsements and relative levels of responsibility (if any), applicable to fishers are:

- (a) Skipper fishing (≥ 24 m) unlimited waters-
 - (i) Master of any fishing vessel of 24m in length and over operating in unlimited waters [STCW-F Regulation II/1 - no limitation]; and
 - (ii) Officer in charge of a navigational watch of any fishing vessel of 24m in length and over operating in unlimited waters [STCW-F Regulation II/2 - no limitation].
- (b) Skipper fishing (< 24 m) unlimited waters-
 - (i) Master of any fishing vessel of less than 24 m in length operating in unlimited waters [STCW-F Regulation II/1 - length limitation].
 - (ii) Officer in charge of a navigational watch of any fishing vessel less than 24 m in length operating in unlimited waters [STCW-F Regulation II/2- length limitation].
- (c) Skipper fishing (≥ 24 m) limited waters-
 - (i) Master of any fishing vessel 24m and over operating in limited waters [STCW-F Regulation II/3- no limitation]; and
 - (ii) Officer in charge of navigational watch of any fishing vessel 24m in length and over operating in limited waters [STCW-F Regulation II/2 – no length limitation].
- (d) Skipper fishing (< 24 m) limited waters-
 - (i) master of any fishing vessel less than 24 m in length operating in limited waters [STCW-F Regulation II/1 - length limitation]; and
 - (ii) Officer in charge of navigational watch of any fishing vessel less than 24 m in length operating in limited waters [STCW-F Regulation II/2 - length limitation].
- (e) officers in charge of a navigational watch on fishing vessels (< 24 m) unlimited waters –
 - (i) Officer in charge of navigational watch of a ship less than 24 m engaged in fishing on unlimited waters [STCW-F Regulation II/2 - length limitation].
- (f) officers in charge of a navigational watch on fishing vessels (< 24 m) limited waters –

- (i) Officer in charge of navigational watch of a ship less than 24 m engaged in fishing on limited waters [STCW-F Regulation II/2 - length limitation].
- (g) officers in charge of a navigational watch on fishing vessels (≥ 24 m) unlimited waters-
 - (i) Officer in charge of navigational watch of any ship engaged in fishing on unlimited waters [STCW-F Regulation II/2- no length limitation].
- (h) officers in charge of a navigational watch on fishing vessels (≥ 24 m) limited waters-
 - (i) Officer in charge of navigational watch of any ship engaged in fishing on limited waters [STCW-F Regulation II/2- no length limitation].
- (4) Radio-communication and Radio operators
 - (a) GMDSS first-class radio electronic certificate;
 - (b) GMDSS second-class radio electronic certificate;
 - (c) GMDSS general operator's certificate [STCW Regulation IV/2]; and
 - (d) Radio operators:
 - (i) Long range certificate;
 - (ii) Short range certificate.
- (5) Subject to sub regulation (6), the certificates of competency, with their limitations, endorsements and relative levels of responsibility (if any), applicable to engineer officers are:
 - (a) Chief Engineer officer (special grade);
 - (b) Chief Engineer officer-
 - (i) Chief engineer officer of a ship of unlimited propulsion power (management level); [STCW Regulation III/2 - No limitation];
 - (ii) Second engineer officer of a ship of unlimited propulsion power (management level); [STCW Regulation III/2 - No limitation]; and
 - (iii) Officer in charge of an engineering watch on a ship of unlimited kilowatt propulsion power (operational level); [STCW Regulation III/1 - No limitation].
 - (c) Second Engineer officer (Unlimited)-

- (i) Second engineer officer of a ship of unlimited propulsion power (management level); [STCW Regulation III/2 - No limitation];
 - (ii) Officer in charge of an engineering watch on a ship of unlimited propulsion power (operational level); [STCW Regulation III/1 - No limitation]; and
 - (iii) Endorsed chief engineer officer of a ship of less than 3 000 kW propulsion power (management level); [STCW Regulation III/3 - Power limitation].
- (d) Chief Engineer Officer (<3 000 kW)-
- (i) Chief engineer of a ship of less than 3 000 kW propulsion power (management level); [STCW Regulation III/3 - Power limitation].
 - (ii) second engineer of a ship:
 - (aa) of unlimited propulsion power if the candidate holds a certificate of competency as second engineer officer of a vessel of unlimited propulsion power (management level); [STCW Regulation III/2 - No limitation]; or
 - (bb) Of less than 3 000 kW propulsion power if the candidate holds a certificate of competency as second engineer less than 3 000 kW (management level); [STCW Regulation III/3 - Power limitation].
 - (iii) Engineer officer in charge of an engineering watch on a ship of unlimited propulsion power (operational level). [STCW Regulation III/1 - No limitation].
- (e) Second Engineer Officer (<3 000 kW)-
- (i) Second engineer officer of a ship of less than 3 000 kW propulsion power (management level); [STCW Regulation III/3 - Power limitation].
 - (ii) Officer in charge of an engineering watch on a ship of unlimited propulsion power (operational level); [STCW Regulation III/1 - No limitation].
- (f) Officer in Charge of an Engineering Watch in a manned engine-room or designated duty engineers in a periodically unmanned engine room -
- (i) Engineer officer in charge of an engineering watch on a ship of unlimited propulsion power (operational level); [STCW Regulation III/1 - No limitation].

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- (g) Electro-Technical Officer-
- (i) Officer in charge of electronic equipment on board a ship of 1 000 Volts or more (operational level); [STCW Regulation III/6 - No limitation].
- (h) Chief Engineer Officer (port operations)-
- (i) Chief Engineer of a ship of any propulsion power operating within port operations area.
 - (ii) Chief Engineer of a ship of less than 1500 kW propulsion power operating within port operations.
 - (iii) Endorsed Chief Engineering on a ship of less than 750kW propulsion power on unlimited voyages
 - (iv) Engineering Officer of the Watch of a ship of less than 750kW propulsion power on unlimited vessels
- (i) Chief Engineer Officer (<1 500 kW Port Operations)
- (i) Chief engineer officer of a ship of less than 1 500 kW propulsion power operating within in a port operations area.
 - (ii) Second Engineer on a ship of any kilowatt propulsion power operating in a port operations area.
 - (iii) Endorsed Engineering Officer of the Watch of a ship less than 750kW propulsion power operating in unlimited voyages
- (j) Chief Engineer (<750 kW Port Operations)
- (i) chief engineering officer of a ship of less than 750 kW propulsion power operating in a port operations area; and
 - (ii) second engineering officer of a ship of any kilowatt propulsion power in port operations area
- (k) Engineer Officer (Port Operations)
- (i) Second Engineer of a ship of any kilowatt propulsion power operating in a port operations area
 - (ii) Endorsed Chief Engineer of a ship less than 350kW propulsion power operating in a port operations area
- (l) Chief Engineer (<750 kW)

- (i) Chief Engineer of a ship of less than 750kW propulsion power
- (ii) Chief Engineer on a ship less than 1500kW power operating in a port operations area
- (iii) Second Engineer on a ship of any kilowatt power operating in a port operations area
- (m) Officer in Charge of an Engineering Watch in a manned engine-room or designated duty engineers in a periodically unmanned engine room (750 kW)-
 - (i) Engineering Officer of the Watch on a ship of less than 750kW
 - (ii) Chief Engineer of a ship less than 350kW

(6) Subject to sub regulation (7), the certificates of competency, with their limitations, endorsements and relative levels of responsibility (if any), applicable to engineer officers on fishing vessels are:

- (a) Chief Engineer (Fishing)
 - (i) Chief Engineer of a fishing vessels of unlimited propulsion power [STCW-F Regulation II/5 - no Power limitation]
 - (ii) Second Engineer (Fishing) of a fishing vessel on unlimited propulsion power [STCW-F Regulation II/5 - no Power limitation]
- (b) Second Engineer (Fishing)
 - (i) Second Engineer (Fishing) on a fishing vessel on unlimited power [STCW-F Regulation II/5 - no Power limitation]
- (c) Chief Engineer (<2000kW Fishing)
 - (i) Chief Engineer of a fishing vessels of less than 2000kW power [STCW-F Regulation II/5 - Power limitation]
 - (ii) Second Engineer (Fishing) of a fishing vessel on unlimited propulsion power [STCW-F Regulation II/5 - no Power limitation]
- (d) Second Engineer (<2000kW Fishing)
 - (i) Second engineer of a fishing vessel of <2000 kW propulsion power [STCW-F Regulation II/5 - power limitation].

(7) Subject to sub regulation (9) the certificates of qualification, with their relative levels of responsibility (if any), proficiency, applicable to ratings are:

- (a) Ordinary seafarer deck (support level) [STCW Regulation II/4].
- (b) Able seafarer deck (support level) [STCW Regulation II/5].
- (c) Ordinary seafarer deck (fishing) (support level) [STCW-F Resolution II/4].
- (d) Able seafarer (fishing) (support level) [STCW-F Resolution 4].
- (e) Ordinary seafarer engine (support level) [STCW Regulation III/4].
- (f) Able seafarer engine (support level) [STCW Regulation III/5].
- (g) Electro-technical rating (support level) [STCW Regulation III/7].
- (h) Able seafarer deck (port operations).
- (i) Able seafarer engine (port operations).
- (j) Ordinary seafarer (port operations)
- (k) General purpose rating (port operations).
- (l) Efficient cook. [MLC Reg 3.2, para 3]

(8) The following certificates of proficiency which may be issued to qualifying candidates as stand-alone certificates and/or endorsements to their Certificate of Competency or Proficiency as applicable, as set out in Division 6 of Part of these Regulations;

- (a) Specialised training for personnel serving on Oil & Chemical Tankers
 - (i) Basic training for oil and chemical tankers [STCW Regulation V/1-1 (STCW Code section A-V/1-1-1)].
 - (ii) Advanced training in oil tankers [STCW Regulation V/1-1 (STCW Code section A-V/1-1-2)].
 - (iii) Advanced training in chemical tankers [STCW Regulation [V/1-2] V/1-1 (STCW Code section A-V/1-1-3)].
- (b) Specialised training for personnel serving on Liquefied Gas Tankers
 - (i) Basic training for liquefied gas tankers [STCW Regulation V/1-2 (STCW Code section A-V/1-2-1)].
 - (ii) Advanced training in liquefied gas tankers [STCW Regulation V/1-2 (STCW Code section A-V/1-2-2)].

- (c) Specialised training for personnel serving on Ships Subject to the IGF Code
 - (i) Basic training for ships subject to the IGF Code [STCW Regulation V/3 (STCW Code section A-V/3-1)].
 - (ii) Advanced training for ships subject to the IGF Code [STCW Regulation V/3 (STCW Code section A-V/3-1)].
 - (d) Specialised training for personnel serving on ships operating in polar waters:
 - (i) Basic training for ships operating in polar waters [STCW Regulation V/4 (STCW Code Section A-V/4-1); and
 - (ii) Advanced training for ships operating in polar waters [STCW Regulation V/4 (STCW Code Section A-V/4-2)
 - (e) Specialised training for personnel serving on passenger ships
 - (i) Passenger ship crowd management training [STCW Regulation V/2 (STCW Code A-V/2, para 3)]
 - (ii) Crisis management and human behaviour training [STCW Regulation V/2 (STCW Code A-V/2, para 4)]
 - (iii) Passenger safety, cargo safety and hull integrity training [STCW Regulation V/2 (STCW Code A-V/2, para 4)]
- (9) The Authority may issue the following certificates of proficiency as set out in the Quality Standard System to candidates who meet those requirements:
- (a) Basic training, which comprises of the following components [STCW Regulation VI/1].
 - (i) Personal survival techniques [STCW Regulation VI/1 (STCW Code section A-VI/1-1)]
 - (ii) Firefighting and fire prevention [STCW Regulation VI/1 (STCW Code section A-VI/1-2)].
 - (iii) Elementary first aid [STCW Regulation VI/1 (STCW Code Section A-VI/1-3)]
 - (iv) Personal survival and social responsibilities [STCW Regulation VI/1 (STCW Code section A-VI/1-4)].

- (b) Basic Safety Training for personnel working on-board ships \geq 24m engaged in fishing operations are required to complete the training in sub regulation (7)(a) above. [STCW-F Regulation III/1.1].
 - (c) Basic Safety Training for personnel working on-board ships $<$ 24m engaged in fishing operations are required to complete the training in sub regulation (7)(a)(i - iii) above. [STCW-F Regulation III/1.2].
 - (d) Survival craft and rescue boats [STCW Regulation VI/2 (STCW Code section A-VI/2-1)].
 - (e) Fast rescue boats [STCW Regulation VI/2 (STCW Code section A-VI/2-2)].
 - (f) Advanced firefighting [STCW Regulation VI/3 (STCW Code section A-VI/3)].
 - (g) Medical first aid [STCW Regulation VI/4 (STCW Code section A-VI/4-1)].
 - (h) Medical care [STCW Regulation VI/4 (STCW code section A-VI/4-2)].
 - (i) Ship security officer [STCW Regulation VI/5].
 - (j) Security awareness [STCW Regulation VI/6 STCW Code section A-VI/6-1]
 - (k) Designated security duties [STCW Regulation VI/6, STCW Code A-VI/6-2]
- (10) The ranking of voyage, tonnage & propulsion power limitations, for certification in sub-regulations (2), (3), (4) and (5) is such that the holder of:
- (a) Voyage Limitations:
 - (i) A certificate unlimited as to voyages may serve in the certificated capacity on ships engaged on unlimited voyages or voyages of any limitation;
 - (ii) A certificate limited to near-coastal voyages may serve in the certificated capacity on ships engaged on near-coastal voyages and in port operations but not on unlimited voyages;
 - (iii) A certificate limited to port operations may serve in the certificated capacity only on ships engaged in port operations;and

(iv) A certificate limited to mining operations or non-trading vessels operations may serve in the certificated capacity only on ships employed in those operations.

(b) A holder of a certificate may not serve in a capacity on-board a ship with a tonnage or length higher than that set as a limit on their certificate

(c) A holder of a certificate may not serve in a capacity on-board a ship with a propulsion power higher than that set as a limit on his/her certificate

(d) A holder of a certificate for merchant vessels may not serve on-board fishing vessels unless such holder has been issued a certificate for service on fishing vessels in accordance with these Regulations

(e) A holder of a certificate for fishing may not serve on-board merchant vessels unless such holder has been issued a certificate for service on merchant vessels in accordance with these Regulations

(11) The certificates mentioned in sub-regulations (2), (3), (4), (5), (6) and (7) shall be issued and endorsed in accordance with the STCW Convention or STCW-F Convention as applicable, except:

- (a) all certificates of competency (special grade);
- (b) all port operations certification;
- (c) the certificate of proficiency as efficient cook; and
- (d) Long and short range radio operator's certification.

3. Validity and revalidation of certificates

(1) A certificate of competency and proficiency issued in terms of these Regulations, and any equivalent certification, is not valid for sea service or port operations service unless revalidated at intervals not exceeding five years to establish continued professional competence in accordance with sub regulation (3).

(2) Continued professional competence is established by:

- (a) completing, during the preceding five years, at least 12 months sea service or port operations' service, as appropriate to the certification held;
- (b) having completed 3 months approved sea service in the rank specified for the certificate held during the preceding 6 months immediately prior to revalidating;

- (c) performing functions considered by the Authority to be equivalent to the service mentioned in subparagraph (1); or
 - (d) where candidates have not completed the appropriate sea service for their certificate of competency held, they shall complete:
 - (i) in a supernumerary capacity, at least 3 months sea service, or port operations service as appropriate to the certification held; or
 - (ii) having served for a period of not less than 3 months in an officer rank lower than that for which the certificate of competency held for a period of at least 3 months, such candidates shall be issued shall hold a valid certificate, and an assessment at level 3 to meet the standard of competence specified in the Quality Standard System; and
 - (e) By completing applicable approved (refresher) training and meeting the standards of competence specified in the Quality Standard System.
- (3) The certificates listed in Regulations 2 shall be revalidated as follows
- (a) Certificates of Competency listed in subregulations 2 to 6 shall be revalidated every 5 years, except for the certificates listed in Sub-paragraphs 2(a), 4(d) and 5(a);
 - (b) Certificates of proficiency issued to ratings as set out in subregulation 7 shall be revalidated every 5 years
 - (c) Certificates of proficiency as set out in subregulations 8 and 9, shall be revalidated every 5 years as set out in the relevant training standard, except for the certificates in sub-paragraphs 8(d), 9(a)(iii), 9(a)(iv), 9(b), 9(c), 9(i), 9(j) and 9(k).
- (4) Candidates holding certificates other than certificates for officers, radio operators or ratings are required to revalidate their certificates as follows:
- (a) certificates as listed in Regulation 2(6) are required to be revalidated in accordance with the provisions of the relevant Regulations in division 9 of part 3;
 - (b) certificates as listed in Regulation 2(7) are required to revalidate by providing appropriate sea service or refresher training where required to be revalidated as set out in the Quality Standard System.
- (5) Application for revalidation shall be made in the form and manner, include the information and be accompanied by the documents specified by the Authority.

(6) The Authority shall, if it is satisfied that the applicant meets the requirements of sub regulation (2) or (3), issue to the applicant an endorsement extending the validity of his or her certificate.

(7) Application for revalidation of certificates may be made within a period of 6 months before the fifth anniversary of the certificate held and shall be revalidated for a further period of five years from the date of initial expiry.

4. Qualification and Designation of Registrar and Deputy Registrar of Seafarers

(1) The Authority shall designate qualified officers under the employ of the Authority to be the Registrar and Deputy Registrar of Seafarers.

(2) In addition to functions bestowed by the provisions of Section A-1/2 of the STCW Code and any other law, the functions of the Registrar shall be:

(a) to issue certificates of competency and proficiency in accordance with the Act;

(b) to issue endorsements to certificates in accordance with the Act;

(c) to maintain an electronic register of all certificates of competency and of proficiency issued or recognised under the Act, and of all matters affecting them;

(d) to make available information on the status of certificates of competency and of proficiency, including the matters affecting them, to other competent authorities or shipping firms requesting verification of the authenticity or validity of certificates produced to them;

(e) Maintain a database for certificate registration in accordance with Section A-1/1 of the STCW Code

(f) to support the chief Assessor in his or her duties in relation to Regulation 6; and

(g) To perform the functions incidental to those referred to in paragraphs (a) to (d).

(3) The Registrar shall perform his or her functions in accordance with the applicable quality standards system implemented pursuant to Regulation 7.

5. Chief Assessor and Senior Assessor

(1) The Authority shall-

- (a) In accordance with regulation 1/8 and A-16, appoint highly qualified officers and in accordance with the Convention and established procedures Assessor in accordance with established procedures; and
 - (b) following interviews designate in writing, from among them Assessor, a senior Assessor (deck), a senior Assessor (engine), a senior Assessor (deck fishing), senior Assessor (engine fishing), a senior Assessor (small vessels), a senior Assessor (radio) and a chief Assessor.
- (2) In addition to the functions specified in these Regulations, a chief and a senior Assessor have the other functions specified in his or her instrument of designation.
- (3) In accordance with the approved quality standards system the chief Assessor and senior Assessor' must have the duties for:
- (a) implementing policies on assessment, evaluation and examinations in accordance with the Convention;
 - (b) maintaining in accordance with the Convention the quality standards system for the matters relating to applicable examinations and standards;
 - (c) designating examination centres;
 - (d) keeping abreast with the developments at the Organisation;
 - (e) communicating information required by regulation 1/7 of the Convention, paragraph 1 shall be communicated to the secretary general in the following format ;relating to steps undertaken to give the Convention full and complete effect and matters under part 2, part 3 and part 4 of the STCW Code as appropriate.;
 - (f) implementing and maintain in accordance with the Convention standards of accreditation and auditing compliance of training institutions ; and
 - (g) auditing parties to the conventions for the purpose of recognition of foreign certificates and qualifications.
 - (h) Maintaining a training and assessment system in accordance with regulation A-16
 - (i) assessing the provision of training and assessment of seafarers for certification under the Convention that is structured in accordance with written programmes, including such methods and media of delivering, procedures, and course materials as are necessary to achieve the prescribed standards of competence

6. Quality Standard System

(1) The Authority shall subject to the approval by the Department of Transport in accordance with the Convention and the Code establish, implement and maintain a Quality Standards System covering the effective implementation of these Regulations for which the objectives are:

- (a) to ensure that the training, assessment and certification of seafarers is implemented following a set of processes, procedures and Quality Standards;
- (b) to ensure that medical assessment of seafarers is effected through a set of processes, procedures and Quality Standards;
- (c) to ensure that the defined objectives are being achieved through a well-documented, systematic monitoring arrangements, including internal quality assurance evaluations and periodic independent external evaluations;
- (d) ensure that the administration of the certification system, all training courses and programs, examinations and assessments carried out by or under the Authority and the qualifications and experience required of instructors;
- (e) to ensure that instructors, and supervisors are appropriately qualified for the particular types and levels of training or assessment of competence of seafarers either on board or ashore as required under the Convention, in accordance with the provisions of this regulation as follows:
 - (i) any person conducting in service training of a seafarer which is intended to be used in qualifying for certification under the Convention shall have an appreciation of the training programme and an understanding of the specific training objectives for the particular type of training been conducted: be qualified in the task for which training is been conducted and if conducting training using a simulator have received appropriate guidance in instructional techniques involving the use of simulators: and have gained practical operational experience on the particular type of simulators been used;
 - (ii) any person responsible for the supervision of in-service training under (i) above shall have a full understanding of training programme and the specific objectives for each type of training been conducted;and
 - (iii) any person conducting in service assessment of competence of seafarers in (i) above shall have an appropriate level of knowledge and understanding of the competence to be assessed : be qualified in the task for which the assessment id been made: have received appropriate guidance in assessments method and practice : have gained practical assessment and experience: and if conducting assessments referred to in (ii) have gained practical assessment experience on the particular type of simulator under the supervision and to the satisfaction of an experienced.

- (2) In implementing the Quality Standards System, the Authority must-
- (a) ensure that an independent evaluation of the knowledge, understanding, skills and competence acquisition and assessment activities and of the administration of the certification system is conducted at intervals of not more than five (5) years in order to:
- (i) verify that all internal management control and monitoring and follow-up actions comply with planned arrangement and documented procedures and are effective in ensuring achievement of defined objective;
- (ii) the results of each independent evaluation are documented and brought to the attention of those responsible for the area evaluated; and
- (iii) timely action is taken to correct deficiencies.
- (b) the report of the independent evaluation required by part (a) above shall include the terms of reference for the evaluation and the qualifications and experience of the evaluators, and
- (c) define the roles, responsibilities and the powers of the officers.

7. Powers of Officers appointed under the Act or these Regulations

- (1) The Principal Officers, or the Proper Officers, as appropriately qualified and experienced, have the power over -
- (a) The application of Part 6 of these Regulations, including issuing exemptions as required. Provided that when an exemption is issued to a group of Ships, it shall;
- (i) be issued subject to the approval of the Chief Assessor and be published in the government gazette; and
- (ii) observe the impact of such exemption on the safety of life and property at sea as well as the prevention and combating of marine pollution.
- (b) to suspend, cancel or revoke the accreditation or approval issued under these Regulations
- (2) The Senior Assessor have the power to:
- (a) to assess and make a determination any with regard to any sea service to be qualifying to be an equivalent sea service for purposes of revalidation of a certificate of competence claimed to be 'equivalent' service for revalidation of a certificate;

- (b) to assess and make a determination with regard to any service qualifying to be 'equivalent' service for revalidation of a certificate of competence;
- (c) To assess application of accreditation in accordance with national scheme for education and training accreditation provided for in this Regulations;
- (d) To consider suspension, cancellation, revocation or extension of the accreditation granted under this Regulations;
- (e) to assess the qualifications and experience of lecturers, facilitators and s as may be required from time to time in line with the quality standards;
- (f) to assess the suitability of a candidate to be assessed at Level 3 for the issuance of a dispensation; and
- (g) to review the appropriate sea service penalty, or equivalent penalty, imposed by the from the Level 3 Assessment as well as for the misconduct of the candidate as set out in Regulation 19 below, provided that in doing so;
 - (i) he or she may not review the outcome of the level 3 assessment;
 - (ii) such a review may not result in an increase in the penalty; or
 - (iii) where the Assessor is requested to impose an alternative penalty, such penalty shall be appropriate to ensure that the candidate attains such skills and knowledge found to be lacking during the level 3 assessment.

(3) The Chief Assessor has powers as set out for the Senior Assessors above and make the final determination on matters related thereto.

(4) For anything not contemplated in this Regulation, the Chief Assessor, or a, has the power to make a determination.

(5) The Authority shall ensure that there are procedures, within its Quality Standards System, to provide for such actions as may be required above and to ensure a fair and just application of the Regulations

8. Appeals of the decisions taken by Assessors

(1) Any person who has applied for certification in accordance with the Part 3 or revalidation of any certificate under the Regulations may appeal a decision by the Assessor and seek a review of such decision.

(2) An appeal described above may be made provided that, if such appeal is against an assessment outcome, the appeal must be based on:

- (a) the decision was based on incorrect or incomplete information

(b) the decision was inconsistent with the procedures and guidance published by the Authority

(c) there is a basis for bias against the candidate by the Assessor

(3) An appeal against a Level 3 Assessment shall be assessed by the appropriate Senior Assessor, if satisfied that there are merits to the appeal, the Senior Assessor may order a re-assessment.

9. Quality Standards System Committee

(1) The Authority shall establish a syllabus quality standard system committee the functions of which shall be :

(a) to keep the seafarer training certification quality Standards system under Review;

(b) to advise the Authority on matters related to training, assessment and certification of seafarers; and

(c) the quality standards Committee shall be consultative.

(2) The quality standard committee will consist of:

(a) the Chairperson, who shall be the chief Assessor;

(b) the senior Assessors;

(c) the Registrar of seafarers Qualifications;

(d) Other experts, invited by the Authority, who shall be persons appropriately qualified and internationally experienced in matters relating to the education, quality standards management and training of seafarers; and

(e) South African International Maritime Institute (SAIMI);

(3) In addition to the functions stated in paragraph (1) above, the Authority may, in relation to training, assessment, certification and watch-keeping for seafarers;

(a) use the Quality Standard System Committee as a consultative committee whereupon changes to the STCW Convention, STCW-F Convention and any other relevant instruments are tabled before being implemented in the Quality Standard System or proposing amendments to these Regulations;

(b) Present on a regular basis, reports to the syllabus committee regarding the latest activities and information on assessment and certification of seafarers.

- (4) The committee shall meet twice a year. The agenda of the committee shall include, but not limited to:
- (a) status of compliance by South Africa;
 - (b) the Review and amendment of the Quality Standard System;
 - (c) Reports of the Registrar of Seafarers and the Chief Assessor; and
 - (d) any other matter, relating to training, assessment and certification of seafarers, raised by training providers and other stakeholders including members of the public.
- (5) The Quality Standards System Committee shall keep minutes of its meetings and records of decisions taken.
- (6) The decision of the Quality Standard System Committee shall be final on any resolutions taken by the quality standard system Committee.

PART 2 - ASSESSMENT

10. Application for assessment

- (1) Every application for assessment and issue of certificate or endorsement shall be made in accordance with the Authority's Quality Standards System.
- (2) Application for assessment shall be accompanied by the appropriate fee as set out in the Determination of Charges
- (3) Where proof of identity is required, such proof shall be in the form of a valid South African identity document or passport or, in the case of a foreign citizen or resident, a valid passport.
- (4) A candidate who has successfully applied for issue of a certificate or endorsement in which he or she does not need to be assessed at Level 3 may be issued with a certificate by the Assessor who has assessed such an application. Such a certificate shall be in the format defined by the Authority's Quality Standards System.
- (5) An application which requires an assessment at Level 3 shall be made 14 days before the examination dates. Special arrangements for examination may be made with the proper officer of a port in which the examination is to take place.
- (6) In the case of doubt about the appropriateness or sufficiency of a candidate's qualifying service, the candidate may submit his or her case, accompanied by the relevant certificates of discharge, testimonials, training

records, watch-keeping certificates and such other documents as may be required, for determination by the relevant senior Assessor.

(7) Qualifying service shall be calculated from the date of engagement on a ship to the date of discharge from the ship, and is calculated by taking the actual days between the days of engagement and discharge, both inclusive, and reckoning 30 days to a month, 12 months to a year.

(8) Qualifying service performed on vessels restricted to port operations shall be calculated as follows:

(a) a shift of at least eight hours performed during a 24-hour period is equivalent to one day's qualifying service; and

(b) if more than eight hours were served in a single day, this shall not count as more than one day's qualifying service.

11. Declaration and proof of qualifying service

(1) Certificates of discharge or a duly completed Seafarer's Record Book shall be accepted as sufficient proof of the sea service recorded therein, provided such sea service is verifiable.

(2) Service in Port Operations or other ships engaged in short voyages shall be in the form and manner as set out in the Quality Standards System of the Authority.

(3) Each candidate shall be required to make a declaration of qualifying service, and shall be required to explain, in writing, to the satisfaction of the Assessor concerned, any period of discontinuity in such service.

(4) Qualifying sea service towards a certificate shall have been performed not earlier than 10 years before the date of application for the certification concerned.

(5) A candidate for a deck officer certificate, where service in charge of a watch is required, shall:

(a) produce certificates of watch-keeping service signed by the respective Masters of the ships on which he or she has served, stating that he or she has acted in a watch-keeping capacity for at least eight hours out of every 24 hours' service claimed; and

(b) for a first deck officer certificate shall produce testimonials signed by the Masters of the ships on which they have served.

(6) A candidate for an Engineering Officer certificate, where service in charge of a watch or as a designated duty engineer is required, shall:

(a) produce certificates of watch-keeping service signed by the respective Chief Engineers of the ships on which he or she has served, stating that he or she has acted in a watch-keeping capacity for at least eight hours out of every 24 hours' service claimed or have been on duty for at least 24 hours in every 72 hours' service claimed on ships having a periodically unmanned engine room; and

(b) for a first engineer officer certificate shall:

(i) produce testimonials signed by the respective Chief Engineers of the ships on which he or she has served; and

(ii) submit proof of having completed the approved workshop training course at an accredited training institution. However, a candidate who has completed an approved trade training may apply to be exempted from parts of the workshop training which he or she has already completed

(7) Sea service performed in foreign territories within the limits of Near Coastal voyages of that country shall only count as sea service towards Near Coastal certification, provided that all voyages of less than 150 NM is considered to be a near-coastal voyage.

(8) Sea service performed on a ship not registered in The Republic shall count as qualifying service unless the service cannot be verified by the Authority.

12. Sea service performed on ships not regularly proceeding to sea, or employed in mining operations

(1) Service performed on ships not regularly proceeding to sea shall count in full towards qualifying service for a deck officer certificate if the time actually spent at sea equals or exceeds two-thirds of the total period of the candidate's service on the ship. If the time actually spent at sea is less than two thirds, then one and a half times the time actually spent at sea shall count towards qualifying service.

(2) The time spent by a candidate standing by a ship under construction or refit shall count in full towards a qualifying service, but may not exceed one-third of that qualifying service. For seafarers on accelerated training, such service may not exceed one-quarter of the required service.

(3) Notwithstanding anything to the contrary in these Regulations, sea service performed on ships employed in mining operations counts towards the qualifying service for a deck officer certificate, as follows:

(a) in the case of a certificate limited to mining operations, the sea service counts in full towards the qualifying service; and

(b) in all other cases-

(i) if mining operations were conducted during the period of sea service, the qualifying sea service on board that ship shall be equal to one-third of the time spent on-board, or

(ii) if mining operations were conducted for less than two-thirds of the time, the sea service shall be equal to the number of days whilst the ship was navigating multiplied by 1.5 times.

(4) A candidate claiming qualifying service in accordance with sub regulation (1) or (3) shall produce a statement from the master or owner of each ship on which the service was performed, giving particulars of the dates when the ship was at sea on passage and at anchor and of the work that the ship was engaged in and of the area of operation.

13. Removal of mining operations limitation

(1) The holder of certification who desires the removal of a mining operations limitation shall-

(a) have completed at least half the qualifying service for the desired certificate; and

(b) meet the standards of competence specified in the Quality Standard System for this Certificate.

14. Bribery, Forgery, Fraudulent Acts, and Misrepresentation of information

(1) The Authority shall investigate all allegations of bribery, forgery, fraud and misrepresentation of documents, sea service and other documents required towards certifications of seafarers.

(2) A seafarer who is found to have paid a bribe to obtain documents required towards certification shall be prohibited from any assessment towards certification for a period of 1 year.

(3) A seafarer who is found to have committed a forgery or fraud, or knowingly using documents that are obtained through forgery or fraudulent act, shall be prohibited from any assessment under the Act for a period of 1 year.

(4) A seafarer who misrepresent sea service and documents related thereto, is liable for a further sea service equivalent to the sea service required for the certificate for which he or she had applied to.

(5) The penalties above must be imposed by the relevant Assessor on the basis of evidence available to him. The seafarer has a right to apply, in appeal, to the relevant Senior Assessor with mitigating factors and the Senior Assessor shall review the case and may:

- (a) uphold the decision of the Assessor;
- (b) reduce the penalty imposed by the Assessor; or
- (c) Repeal the decision of the Assessor.

(6) The Authority shall extend all co-operation possible to any party to the STCW or STCW-F Conventions which advises of its intention to initiate proceedings under its jurisdiction for contravention of the Conventions against a company or a person located within the Jurisdiction of the Authority

15. Mislaid, lost or destroyed certificates

The Registrar may issue replacement certificates on application made by the holder in accordance with section 82 of the Act.

16. Misrepresenting qualifying service

(1) A candidate who wilfully misrepresents his or her qualifying service shall be disqualified from certification in terms of these Regulations until he or she has made up any deficiency in qualifying service plus an additional 12 months of the appropriate service.

(2) Additional service performed because of sub regulation (1) shall not count towards the qualifying service of any other certification (whether in terms of these Regulations or otherwise under the Act).

17. Assessing competence

(1) Candidates required to meet an applicable standard of competence specified in the Quality Standard System shall be assessed to meet that standard at one or more of the following levels as the case requires:

- (a) Level 1: candidates required to complete on-board training shall be assessed on board a ship by appropriately qualified officers, this training shall be recorded in an approved training record book;
 - (b) Level 2: candidates required to complete approved training shall be assessed at this level at the accredited maritime training institution providing the training; and
 - (c) Level 3: candidates for a certificate of competency, any endorsement to a certificate of competency (except in terms of Division 4 of Part 3), or the removal of any limitation to a certificate of competency shall be assessed at this level by way of oral examination to assess a candidate's competence in the aspects of a seafarer's duties and responsibilities.
- (2) A candidate meets the standards of competence specified in the Quality Standard System when:
- (a) for a certificate of competency as an officer, the candidate has been assessed and found competent at levels 1, 2 and 3;
 - (b) for a certificate of proficiency, the candidate has been assessed and found competent at levels 1 and 2; and
 - (c) for a certificate of proficiency as an ordinary seafarer, the candidate has been assessed and found competent at level 1.
- (3) A candidate required to be assessed at level 3 shall have been found competent at lower levels, before being assessed at Level 3.

18. Moderation of Written Examination Papers

- (1) This Regulation applies to written examinations that form part of assessment at level 2 for certificates of competency covered by these Regulations.
- (2) The moderation of written examination papers shall be in accordance with the Authority's Quality Standards System.
- (3) For academic subjects that covers the functions of Navigation, Marine Engineering and Controlling the operations and care for persons on-board (only elements of Ship Stability & Construction) the final pass mark shall not be less than 60%, for all other subjects, the final pass mark shall not be less than 50%.
- (4) In the case of doubt about a candidate's final mark, the decision of the relevant senior Assessor shall be final.

19. Level 3 assessment

- (1) All certificates issued under Part 3 Divisions 1, 2, 3, 5, 6 and 7 of these Regulations shall be assessed at level 3.
- (2) The assessment shall be conducted by an Assessor in the presence of and in accordance with the Authority's Quality Standards System.
- (3) A candidate being assessed for Dispensation shall be assessed in accordance with the certificate for which a dispensation is being issued.
- (4) A candidate who has been assessed as competent and complies with all requirements for the issue of the certificate concerned shall be issued, by the Assessor, with a certificate as set out by the Authority's Quality Standards System.
- (5) If a candidate is assessed as not yet competent, the Assessor shall issue the candidate with a written result as set out in the Authority's Quality Standards System.
- (6) If a candidate is assessed and found to be not yet competent because of a significant deficiency in the candidate's knowledge, the Assessor may require that the candidate complete a further period of appropriate qualifying service, not exceeding 6 months, before reapplying for the certification concerned.
- (7) If a candidate, without reasonable excuse, fails to appear for the assessment at the appointed time and place, the Assessor shall assess the candidate as not yet competent by default.

20. Proficiency in English

- (1) For certification as master or ship's officer, a candidate shall have a command of English that is appropriate to the efficient discharge of routine and emergency duties and responsibilities associated with the certificate concerned.
- (2) An Assessor may require that a candidate demonstrate proficiency consistent with sub regulation (1).
- (3) A requirement under sub regulation (2) shall take account of:
 - (a) the obligation of the Authority under the STCW Convention and STCW-F Convention; and
 - (b) any related resolutions adopted by the Organisation.

PART 3 - CERTIFICATION REQUIREMENTS

Division 1 - Deck officer certificates (Merchant Ships)

21. Mining operations and non-trading vessel operational limitations

(1) If more than half of a candidate's qualifying service for certification referred to in this division is made up of sea service performed on ships employed in mining operations contemplated in Regulation 13 the certification concerned shall be limited to mining operations.

(2) If more than half of a candidate's qualifying service for certification referred to in this division is made up of sea service performed on vessels engaged in non-trading vessel operations, the certification concerned shall be limited to voyages on non-trading vessels.

(3) For this Regulation, references in Regulations this division to sea service shall be taken to include sea service performed on ships employed in mining operations or non-trading vessels as appropriate.

22. Master (Special Grade)

For the certificate of competency as master (special grade), a candidate shall have completed approved training and meet the standards of competence specified in the Quality Standard System for this Certificate

23. Master mariner

For the certificate of competency as master, a candidate shall-

Alternative A: Candidates holding certificate of competency as chief mate

(1) have completed a minimum of 24 months sea service, of which 12 months is served in the capacity of chief mate on trading ships of 1600 GT or more on unlimited voyages; and

(2) have completed approved training and meet the standards of competence specified in the Quality Standard System for this Certificate.

Alternative B: Candidates holding certificate of competency as officer in charge of a navigational watch, or chief mate

- (1) have completed 36 months sea service as officer in charge of navigational watch on trading ships of 1600 GT or more on unlimited voyages; and
- (2) have completed approved training and meet the standards of competence specified in the Quality Standard System for this Certificate.

24. Chief mate

For the certificate of competency as chief mate, a candidate shall Candidates holding certificate of competency as deck officer

- (1) have completed at least 12 months sea service as officer in charge of a navigational watch on trading ships of 1 600 GT or more on unlimited voyages; and
- (2) have completed approved training and meet the standards of competence specified in the Quality Standard System for this Certificate.

25. Master (<3 000 GT)

For the certificate of competency as master (<3 000 GT), a candidate shall-

Alternative A: Candidates holding certificate as chief mate or chief mate (<3 000 GT)

- (1) have completed a minimum of 24 months sea service, of which 12 months is served in the capacity of chief mate on trading ships of 500 GT or more on unlimited voyages and have completed approved training and meet the standards of competence specified in the section A-II/2 of the STCW Code for Masters and Chief mate on ships of 3000 GT or more ; and
- (2) have completed approved training and meet the standards of competence specified in the section A-ii/2 of the STCW Code for Masters and Chief mate on ships of 3000 GT or more for this Certificate.

Alternative B: Candidates holding certificate as officer in charge of a navigational watch, chief mate or chief mate (<3000 GT)

- (1) have completed 36 months sea service as officer in charge of navigational watch on trading ships of 500 GT or more on unlimited voyages; and
- (2) have completed approved training and meet the standards of competence specified in the Quality Standard System for this Certificate.

26. Chief mate (<3 000 GT)

For the certificate of competency as chief mate of a ship of less than 3 000 GT on unlimited voyages, a candidate shall-

Candidates holding certificate of competency as deck officer

- (1) have completed at least 12 months sea service as officer in charge of a navigational watch on trading ships of 500 GT or more on unlimited voyages; and
- (2) have completed approved training and meet the standards of competence specified in A-II/2 of the STCW Code for this Certificate.

27. Officer in Charge of a Navigational Watch

For the certificate of competency as deck officer, a candidate shall-

Alternative A: Candidates making entry at this level without accelerated training

- (1) be at least 18 years of age;
- (2) have at least 36 months sea service in the deck department on trading ships of 500 GT or more on unlimited voyages;
- (3) have completed, during the required sea service, on-board training that is documented in an approved training record book;
- (4) have performed, during the required sea service, bridge watch-keeping duties under the supervision of a certificated deck officer for at least 6 months; and
- (5) have completed approved training and meet the standards of competence specified in Section A-II/3 of the STCWF Code for this Certificate.

Alternative B: Candidates making entry at this level following accelerated training

- (1) be at least 18 years of age;
- (2) have at least 12 months sea service in the deck department on trading ships of 500 GT or more on unlimited voyages as part of an approved accelerated training programme that includes on-board training documented in an approved training record book;
- (3) have performed, during the required sea service, bridge watch-keeping duties under the supervision of a certificated deck officer for at least 6 months; and
- (4) have completed approved training and meet the standards of competence specified in Section A-II/3 of the STCWF Code for this Certificate.

28. Master (<500 GT near coastal)

For the certificate of competency or endorsement as master (<500 GT near coastal), a candidate shall hold a certificate of competency as officer in charge of a navigational watch (<500 GT near-coastal or unlimited), and:

- (1) be at least 20 years of age;
- (2) have completed at least 12 months sea service as officer in charge of a navigational watch on trading ships of 100 GT or more on any seagoing voyages; and
- (3) have completed approved training and meet the standards of competence specified in Section A-II/3 of the STCW Code for this Certificate.

29. Officer in charge of a navigational watch (<500 GT near-coastal)

For the certificate of competency as mate (<500 GT near-coastal), a candidate shall-

Alternative A: Candidates making entry at this level without accelerated training

- (1) be at least 18 years of age;
- (2) have at least 36 month's sea service in the deck department on trading ships of 100 GT or more on any seagoing voyages;
- (3) have completed, during the required sea service, onboard training that is documented in an approved training record book;
- (4) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
- (5) have completed approved training and meet the standards of competence specified in Section A-II/3 of the STCW Code for this Certificate.

Alternative B: Candidates making entry at this level following accelerated training

- (1) be at least 18 years of age;
- (2) have at least 12 months sea service in the deck department on trading ships of 100 GT or more on any seagoing voyages;
- (3) have completed, during the required sea service, on-board training that is documented in an approved training record book;
- (4) have performed, during the required sea service, bridge watch-keeping duties under the supervision of a certificated deck officer for at least 6 months; and

(5) have completed approved training and meet the standards of competence specified in Section A-II/3 of the STCW Code for this Certificate.

30. Master (<200 GT near-coastal)

For the certificate of competency or endorsement as master (<500 GT near coastal), a candidate shall hold a certificate of competency as officer in charge of a navigational watch (<500 GT near-coastal or unlimited), and:

- (1) be at least 20 years of age;
- (2) have completed at least 12 months sea service as officer in charge of a navigational watch on trading ships of 25 GT or more on any seagoing voyages; and
- (3) have completed approved training and meet the standards of competence specified in Section A-II/3 of the STCW Code for this Certificate.

Division 2 - Deck Officer Certificates (Port Operations)

31. Master (port operations)

For the certificate of competency or endorsement as master (port operations), a candidate shall-

Alternative A: Candidates holding a certificate of competency as master (<1 600 GT port operations)

- (1) be at least 20 years of age;
- (2) have completed at least 6 months port operations service as the officer in charge of navigational watch or master on port operations vessels of 1 000 GT or more; and
- (3) have completed approved training and meet the standards of competence specified in Section A-II/3 of the STCW Code for this Certificate.

Alternative B: Candidates holding a certificate of competency as skipper (<200 GT port operations)

- (1) be at least 20 years of age;
- (2) have completed at least 12 months port operations service as the officer in charge of navigational watch on port operations vessels of 1600 GT or more; and
- (3) have completed approved training and meet the standards of competence specified in Section A-II/3 of the STCW Code for this Certificate.

Alternative C: Candidates holding naval bridge watch-keeping certificate with command endorsement

- (1) have proof of being a commander on-board as South African Navy ship of 24 m or more for a countable 6 months and 6 months bridge watch-keeping service on trading ships of 100 GT or more on unlimited seagoing voyages under the supervision of a watch-keeping officer; and
- (2) have completed approved training and meet the standards of competence specified in Section A-II/3 of the STCWF Code for this Certificate.

32. Master (<1 600 GT port operations)

For the certificate of competency as master (port operations), a candidate shall-

- (1) be at least 20 years of age;
- (2) have completed at least 12 months port operations service under the supervision of a master on port operations vessels of 100 GT or more; while holding as a minimum the certificate of competency as skipper (<200 GT port operations); and
- (3) have completed approved training and meet the standards of competence specified in Section A-II/3 of the STCWF Code Standards Systems for this Certificate.

33. Skipper (<200 GT port operations)

For the certificate of competency as skipper (port operations), a candidate shall-

Alternative A: Candidates making entry at this level

- (1) be at least 18 years of age; and
- (2) have at least 12 months sea service in the deck department on any of the following ships of 25 GT or more-
 - (a) seagoing ships;
 - (b) fishing vessels;
 - (c) port operation vessels; or
 - (d) naval ships of 14 m or more in length; and
- (3) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and

(4) have completed approved training and meet the standards of competence specified in the Quality Standard System for this Certificate.

Alternative B: Candidates with Coastal Skipper ≥ 9 m or Skipper Offshore ≥ 9 m

- (1) be at least 18 years of age; and
- (2) have at least nine months sea service in the deck department on any of the following ships of 25 GT or more-
 - (a) seagoing ships;
 - (b) fishing vessels;
 - (c) port operation vessels; or
 - (d) naval ships of 14 m or more in length; and
- (3) have performed, during the required sea service, bridge watch-keeping duties under the supervision of a certificated deck officer for at least 6 months; and
- (4) have completed approved training and meet the standards of competence specified in the Quality Standard System for this Certificate.

Division 3 - Deck Officer Certificates (Fishing)

34. Skipper fishing (≥ 24 m Unlimited Waters)

For the certificate of competency as skipper fishing (≥ 24 m unlimited waters), a candidate shall-

Alternative A: Candidates holding a certificate of competency as deck officer fishing (≥ 24 m Unlimited Waters)

- (1) have at least 12 months sea service as an officer in charge of navigational watch of a fishing vessel of 24 m or more in length on unlimited seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative B: Candidates holding a certificate of competency as skipper fishing (< 24 m unlimited waters) or skipper fishing (≥ 24 m limited waters)

- (1) have at least 6 months sea service as an officer in charge of navigational watch of a fishing vessel of 18 m or more in length on unlimited seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative C: Candidates holding a certificate of competency issued in terms of Division 1 of this Part

- (1) have, whilst holding, as a minimum, a certificate of competency as deck officer, at least 12 months sea service as an officer in charge of navigational watch, of which at least 6 months is spent on fishing vessels of 18 m or more in length on any seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

35. Skipper fishing (≥24 m Limited Waters)

For the certificate of competency as skipper fishing (≥24 m limited waters), a candidate shall-

Alternative A: Candidates holding a certificate of competency as officer in charge of a navigational watch fishing (≥24 m Limited Waters)

- (1) have at least 12 months sea service as an officer in charge of navigational watch of a fishing vessel of 18 m or more in length on any seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative B: Candidates holding a certificate of competency as skipper fishing (<24 m Unlimited waters)

- (1) have at least 6 months sea service as an officer in charge of navigational watch of a fishing vessel of 18 m or more in length on any seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative C: Candidates holding a certificate of competency issued in terms of Division 1 of this Part

- (1) have, whilst holding, as a minimum, a certificate of competency as deck officer, at least 12 months sea service as an officer in charge of navigational watch, of which at least 6 months is spent on fishing vessels of 18 m or more in length on any seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

36. Officer in Charge of a Navigational Watch Fishing (≥24 m Unlimited Waters)

For the certificate of competency as deck officer, a candidate shall-

Alternative A: Candidates making entry at this level without accelerated training

- (1) be at least 18 years of age;
- (2) have at least 24 months sea service in the deck department of a fishing vessel of 18 m or more in length on unlimited seagoing fishing voyages;
- (3) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months and obtained a steering certificate; and
- (4) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative B: Candidates making entry at this level on accelerated training

- (1) be at least 18 years of age;
- (2) have at least 12 months sea service in the deck department of a fishing vessel of 18 m or more in length on unlimited seagoing fishing voyages, as part of an accelerated training programme that is documented in an approved training record book;
- (3) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
- (4) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative C: Candidates holding a certificate of competency as deck officer in charge of a navigational watch fishing (<24 m Unlimited Waters)

- (1) have at least 6 months sea service as an officer in charge of a navigational watch on vessels of 18 m or more on unlimited seagoing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

37. Officer in Charge of a Navigational Watch Fishing (≥24 m Limited Waters)

For the certificate of competency as deck officer, a candidate shall-

Alternative A: Candidates making entry at this level without accelerated training

- (1) be at least 18 years of age;
- (2) have at least 24 months sea service in the deck department of a fishing vessel of 18 m or more in length on any seagoing fishing voyages;
- (3) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months and obtained a steering certificate; and
- (4) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative B: Candidates making entry at this level on accelerated training

- (1) be at least 18 years of age;
- (2) have at least 12 months sea service in the deck department of a fishing vessel of 18 m or more in length on any seagoing fishing voyages, as part of an accelerated training programme that is documented in an approved training record book;
- (3) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
- (4) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative C: Candidates holding a certificate of competency as deck officer fishing (<24 m)

- (1) have at least 6 months sea service as an officer in charge of a navigational watch on vessels of 18 m or more on any seagoing voyages; and

- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

38. Skipper Fishing (<24 m Unlimited Waters)

For the certificate of competency as skipper fishing (<24 m unlimited waters), a candidate shall-

Alternative A: Candidates holding a certificate of competency as deck officer fishing (<24 m unlimited waters)

- (1) have at least 12 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on unlimited seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative B: Candidates holding a certificate of competency as skipper fishing <24 m limited waters)

- (1) have at least 12 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on unlimited seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative C: Candidates holding a certificate of competency issued in terms of Division 1 of this Part

- (1) have, whilst holding, as a minimum, a certificate of competency as master (<200 GT near-coastal), at least 6 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on any seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

39. Skipper Fishing (<24 m Limited Waters)

For the certificate of competency as skipper fishing (<24 m limited waters), a candidate shall-

Alternative A: Candidates holding a certificate of competency as deck officer fishing (<24 m)

- (1) have, whilst holding, as a minimum, a certificate of competency as deck officer fishing (<24 m), at least 12 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on any seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative B: Candidates holding a certificate of competency issued in terms of Division 1 of this Part

- (1) have, whilst holding, as a minimum, a certificate of competency as master (<200 GT near-coastal), at least 6 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on any seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

40. Officer in Charge of a Navigational Watch Fishing (<24 m Unlimited Waters)

For the certificate of competency as deck officer, a candidate shall-

Alternative A: Candidates making entry at this level without accelerated training

- (1) be at least 18 years of age;
- (2) have at least 24 months sea service, in any capacity in the deck department of a fishing vessel of 12 m or more in length on unlimited seagoing fishing voyages, and has completed an approved onboard training record book;
- (3) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
- (4) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative B: Candidates making entry at this level following accelerated training

- (1) be at least 18 years of age;
- (2) have at least 12 months sea service in the deck department of a fishing vessel of 12 m or more in length on unlimited seagoing fishing voyages, has completed training as part of an accelerated training programme that is documented in an approved training record book;

(3) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and

(4) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative C: Candidates holding a certificate of competency as skipper offshore ≥ 9 m

(1) have at least 15 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on unlimited seagoing fishing voyages; and

(2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

41. Officer in Charge of a Navigational Watch Fishing (<24 m Limited Waters)

For the certificate of competency as deck officer, a candidate shall-

Alternative A: Candidates making entry at this level without accelerated training

(1) be at least 18 years of age;

(2) have at least 24 months sea service , in any capacity in the deck department of a fishing vessel of 12 m or more in length on any seagoing fishing voyages , and has completed an approved onboard training record book;

(3) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and

(4) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative B: Candidates making entry at this level following accelerated training

(1) be at least 18 years of age;

(2) have at least 12 months sea service in the deck department of a fishing vessel of 12 m or more in length on any seagoing fishing voyages, has completed training as part of an accelerated training programme that is documented in an approved training record book;

(3) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and

- (4) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Alternative C: Candidates holding a certificate of competency as coastal skipper ≥ 9 m

- (1) have at least 18 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on any seagoing fishing voyages; and
- (2) have completed approved training and meet the standard of competence specified in the Quality Standard System for this Certificate.

Division 4- Radio Operator Certificates

42. GMDSS radio operators

(1) Every person in charge of or performing radio duties on a ship required to participate in the GMDSS shall hold an appropriate certificate related to GMDSS, issued or recognised by the Authority under the provisions of the Radio Regulations.

(2) The requirements below are applicable to the following certificates, provided that appropriate education or training systems are completed for each certificate as set out in the Quality Standards System:

- (a) GMDSS first-class radio electronic certificate;
- (b) GMDSS second-class radio electronic certificate; and
- (c) GMDSS general operator's certificate.

(3) In addition, every candidate for a certificate of competency under this division for service on a ship, which is required by the International Convention for the Safety of Life at Sea, 1974 as amended to have a radio installation, shall:

- (a) be at least 18 years of age; and
- (b) have completed approved training and meet the standard of competence specified in the Quality Standard System in section A-III/2 of the STCW Code for this Certificate.

43. Radio operators

(1) Every person in charge of or performing radio duties on a ship not required to comply with the provisions of the GMDSS in Chapter IV of the

SOLAS Convention shall hold an appropriate certificate issued or recognised by the Authority under the provisions of the Radio Regulations.

(2) The requirements below are applicable to the following certificates, provided that appropriate education/training systems are completed for each certificate as set out in the Quality Standards System:

- (a) Long range certificate ; and
- (b) Short range certificate.

(3) In addition, every candidate for a certificate of competency under this division for service on a ship, required to have a radio installation, shall:

- (a) be at least 16 years of age;
- (b) have completed approved training and meet the standard of competence specified in the in section A-III/2 of the STCW Code for this Certificate; and
- (c) for this Certificate.

Division 5 – Engineer Officer (Merchant Ships)

44. Sea service requirements for steam and combined (steam and motor) certificates of competency

(1) The STCW Convention defines seagoing service as service on-board a ship relevant to the issue or revalidation of a certificate or other qualification.

(2) The period of sea service required for certification varies with the level of certification.

(3) A summary of qualifying sea service requirements for engineer certificates of competency is given in the table below:

Certificate	Endorsement	Qualifying service	Minimum sea service
Officer in Charge of an Engineering Watch		Minimum Watch-keeping on main propulsion machinery or UMS duties (on ships of 750 kW or more) under the supervision of an engineer officer.	
	Motor (M)	6 months on motor ships, plus 6 months approved service as cadet engineer.	12 months
	Steam (S)	6 months on steam ships, plus 6 months approved service as cadet engineer.	12 months

Certificate	Endorsement	Qualifying service	Minimum sea service
	Combined Steam and Motor (S&M)	14 months, 4 steam and 4 motor, plus 6 months approved service as cadet engineer.	14 months
Second Engineer Officer (<3 000 kW)	Minimum sea service while qualified to serve as engineer officer of the watch (on ships of 750 kW or more)		
	Motor (M)	12 months on motor ships	12 months
	Steam (S)	12 months on steam ships	12 months
	Combined Steam and Motor (S&M)	18 months (9 steam and 9 motor)	18 months
Second Engineer Officer	Minimum sea service while qualified to serve as EOW (on ships of 3 000 kW or more)		
	Motor (M)	12 months on motor ships	12 months
	Steam (S)	12 months on steam ships	12 months
	Combined Steam and Motor (S&M)	18 months (9 steam and 9 motor)	18 months
Chief engineer Officer (<3 000 kW)	Minimum sea service while qualified to serve as 2nd Engineer (on ships of 750 kW or more)		
	Motor (M)	12 months in charge of watch or UMS duties on motor ships of 750 kW or more	36 months (EOW + 2EO + 12 months)
	Steam (S)	12 months in charge of watch or UMS duties on steam ships of 750 kW or more	36 months (EOW + 2EO + 12 months)
	Combined Steam and Motor (S&M)	18 months (9 steam and 9 motor in charge of watch or UMS duties on ships of <3 000 kW)	48 months (EOW + 2EO + 18 months)
Chief engineer Officer	Minimum sea service while qualified to serve as 2nd engineer (on ships of 3 000 kW or more)		
	Motor (M)	12 months in charge of watch or UMS duties on motor ships of 3 000 kW or more	36 months (EOW + 2EO + 12 months)
	Steam (S)	12 months in charge of watch or UMS duties on steam ships of 3 000 kW or more	36 months (EOW + 2EO + 12 months)

Certificate	Endorsement	Qualifying service	Minimum sea service
	Combined Steam and Motor (S&M)	18 months (9 steam and 9 motor in charge of watch or UMS duties on ships of 3 000 kW or more)	48 months (EOW + 2EO combined + 18 months)

45. Chief engineer officer (special grade)

For the certificate of competency as chief engineer officer (special grade), a candidate shall have completed approved training and meet the standards of competence specified in the Quality Standard System for this Certificate

46. Chief engineer Officer

For the certificate of competency as chief engineer officer a candidate shall-

Alternative A: Candidates holding a certificate of competency as engineer officer

- (1) have at least 36 months sea service as an officer in charge of engineering watch on trading ships of at least 3 000 kW propulsion power; and
- (2) have completed approved training and meet the standards of competence specified in section A-32 of the STCW Code for this Certificate.

Alternative B: Candidates holding a certificate of competency as second engineer

- (1) have at least 12 months sea service whilst serving as second engineer on trading ships of at least 3 000 kW propulsion power; and
- (2) have completed approved training and meet the standards of competence specified in the in section A-32 of the STCW Code for this Certificate.

Alternative C: Candidates holding a certificate of competency as chief engineer (<3 000 kW)

- (1) have at least 12 months sea service whilst serving as second engineer on trading ships of at least 3 000 kW propulsion power; and
- (2) have completed approved training and meet the standards of competence specified in section A-III/2 of the STCW Code for this Certificate.

47. Second engineer Officer

For the certificate of competency as second engineer officer, a candidate shall-

Alternative A: Candidates holding a certificate of competency as engineer officer

- (1) have completed at least 12 months sea service as officer in charge of an engineering watch on trading ships of 3 000 kW propulsion power or more; and
- (2) have completed approved training and meet the standards of competence specified the section A-III/2 of the STCW Code for this Certificate.

Alternative B: Candidates holding a certificate of competency as second engineer officer (<3 000 kW)

- (1) have completed at least 6 months sea service as an officer in charge of engineering watch on trading ships of 3 000 kW propulsion power or more; and
- (2) have completed approved training and meet the standard of competence specified the section A-II/3 of the STCW Code for this Certificate.

48. Chief Engineer Officer (<3 000 kW)

For the certificate of competency as chief engineer officer of a ship of less than 3 000 kW propulsion power, a candidate shall-

Alternative A: Candidates holding a certificate of competency as engineer officer

- (1) have at least 36 months sea service as an officer in charge of engineering watch on trading ships of at least 750 kW but less than 3 000 kW propulsion power; and
- (2) have completed approved training and meet the standards of competence specified the section A-III/2 of the STCW Code for this Certificate.

Alternative B: Candidates holding a certificate of competency as second engineer officer 3 000 kW

- (1) have completed at least 12 months sea service as second engineer on trading ships of 750 kW but less than 3 000 kW propulsion power; and
- (2) have completed approved training and meet the standard of competence specified the section A-III /2 of the STCW Code for this Certificate.

49. Second Engineer Officer (<3 000 kW)

For the certificate of competency as second engineer officer of a ship of less than 3 000 kW propulsion power, a candidate shall-

Alternative A: Candidates holding a certificate of competency as engineer officer

- (1) have completed at least 12 months sea service as officer in charge of an engineering watch on trading ships of 750 kW but less than 3000 kW propulsion power; and
- (2) have completed approved training and meet the standards of competence specified section A-III/2 of the STCW Code for this Certificate and level 3 assessment.

50. Officer in Charge of an Engineering Watch

For the certificate of competency as (57) Officer in Charge of an Engineering Watch in a manned engine room or designated duty engineer in a periodically unmanned engine-room, a candidate shall-

Alternative A: Candidates making entry without an accelerated training programme

- (1) be at least 18 years of age;
- (2) have completed at least 36 months sea service in the engine department on trading ships of 750 kW propulsion power or more;
- (3) have completed performed engineering watchkeeping duties for at least 6 months in the period above under the supervision of a qualified engineer officer;
- (4) have completed, during the required sea service, onboard training that is documented in an approved training record book; and
- (5) have completed approved training and meet the standards of competence specified section A-III/2 of the STCW Code for this Certificate.

Alternative B: Candidates making entry with an accelerated training programme.

- (1) be at least 18 years of age;
- (2) have completed at least 12 months approved sea service in the engine department on trading ships of 750 kW propulsion power or more;
- (3) have completed performed engineering watchkeeping duties for at least 6 months in the period above under the supervision of a qualified engineer officer;
- (4) have completed an approved accelerated training programme that includes onboard training documented in an approved training record book; and

(5) meet the standards of competence specified the section A-III/2 of the STCW Code for this Certificate.

51. Electro-technical Officer

A candidate for the certificate of competency as electro technical officer of a ship of 1 000 Volts and 750 kW propulsion power or more shall-

Alternative A: Candidates on accelerated training programme

- (1) be at least 18 years of age;
- (2) have completed at least 12 months approved sea service as part of an approved accelerated training programme that is documented in an approved training record book;
- (3) have successfully completed training and have passed a theoretical examination at an accredited institution;
- (4) have completed successfully completed workshop skills training; and
- (5) meet the standards of competence specified in section A-III/6 of the STCW Code for this Certificate.

Alternative B: Candidates without an accelerated training programme

- (1) be at least 18 years of age;
- (2) have completed at least 36 months approved sea service in the engine room of vessels over 750 kW propulsion power in excess of 1 000 Volts documented in an approved training record book;
- (3) have successfully completed training and have passed a theoretical examination at an accredited institution;
- (4) have completed successfully completed workshop skills training; and
- (5) Which meets the standards of competence specified in section A-III/ 6 of the STCW Code for this Certificate.

Division 6 – Engineer Officer Certificates (Local & Port Operations)

52. Chief Engineer Officer (Port Operations)

For the certificate of competency as chief engineer officer (port operations), a candidate shall-

Alternative A: Candidates holding a Certificate of Competence as Chief engineer (<1 500 kW port operations)

- (1) have completed at least 12 months port operations service or sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more of which at least 3 months shall have been on ships of 1 500 kW propulsion or more; and
- (2) have completed approved education and training and meet the standards of competence specified in section A-III/2 of the STCW Code for this Certificate

Alternative B: Candidates holding a certificate of competency as chief engineer (<750 kW port operations)

- (1) have completed at least 18 months port operations service or sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more of which at least 6 months is on vessels of 1 500 kW propulsion power or more; and
- (2) have completed approved training and meet the standards of competence specified in A-III/2 of the STCW Code for this Certificate.

Alternative C: Candidates holding a certificate of competency as second engineer (<3 000 kW) have completed approved training and meet the standards of competence specified in section A-III/2 of the STCW Code for this Certificate.

53. Chief Engineer Officer (<1 500 kW Port Operations)

For the certificate of competency as chief engineer officer of a ship of less than 1 500 kW propulsion power operating within a port operations area, a candidate shall-

Alternative A: Candidates making entry at this level

- (1) be at least 18 years of age;
- (2) have completed at least 18 months port operations service in the engineering department of a ship of 750 kW propulsion power or more under the supervision of a qualified engineer officer as part of an accelerated training programme documented in a training record book; and
- (3) have completed approved education and training and which meets the standards of competence specified in section A-III/2 of the STCW Code for this Certificate and a level 3 Assessment

Alternative B: Candidates holding a certificate of competency as chief engineer (<750 kW port operations)

- (1) have completed 12 months approved sea service as an engineer officer in charge of a watch on sea going or port operations vessels of 750 kW propulsion power or more;
- (2) have completed an approved accelerated training programme that includes onboard training documented in an approved training record book; and
- (3) meet the standards of competence specified in section A-III/2 of the STCW Code for this Certificate.

54. Chief Engineer Officer (<750 kW Port Operations)

For the certificate of competency as chief engineer officer of a ship of less than 750 kW propulsion power operating within a port operations area, a candidate shall-

Alternative A: Candidates holding a certificate of competency as Second Engineer (Port Operations)

- (1) have completed at least 12 months approved sea service on a ship of 100 kW or more propulsion power under the supervision of a qualified engineer officer; and
- (2) have completed approved education and training which and meets the standard of competence as specified in A-III/2 of the STCW Code for this Certificate, and pass an assessment at level 3.

Alternative B: Candidates making an entry at this level

- (1) have completed at least 18 months approved sea service on a ship of 100 kW or more propulsion power under the supervision of a qualified engineer officer; and
- (2) have completed approved education and training and which meets the standards of competence specified in section A-III/2 of the STCW Code for this Certificate, and pass an assessment at level 3.

Alternative C: Candidates holding an approved trade certificate

- (1) have completed at least 12 months approved sea service on a ship of 100 kW or more propulsion power under the supervision of a qualified engineer officer; and

(2) have completed approved education and training which meets the standard of competence specified in Section A-III/2 of the STCW Code for this Certificate and passed a level 3 assessment.

55. Engineer Officer (Port Operations)

For the certificate of competency as second engineer officer of a ship operating within port operations area, a candidate shall-

Alternative A: Candidates making an entry at this level

- (1) be at least 18 years of age;
- (2) have completed at least 18 months port operations service in the engineering department of a ship of 100 kW propulsion power or more under the supervision of a qualified engineer officer as part of an accelerated training programme documented in a training record book; and
- (3) have completed approved education and training ~~and~~ which meets the standards of competence specified in section A-III/2 of the STCW Code for this Certificate and a level 3 Assessment

56. Chief Engineer Officer (<750kW)

A candidate for the certificate of competency as Chief Engineer Officer <750kW shall;

Alternative A: Candidates holding certificate of proficiency as Engineering Officer of the Watch (<750kW)

- (1) have completed at least 12 months approved sea service on ships of 350 kW propulsion power or more; and
- (2) have completed approved education and training and which meets the standards of competence specified the Quality Standard System for this Certificate.

Alternative B: Candidates holding a certificate of competency as chief engineer (<750 kW Port Operations)

- (1) have completed at least 6 months approved sea service on ships of 350 kW propulsion power or more; and
- (2) have completed approved training and meet the standards of competence specified the Quality Standard System for this Certificate.

57. Officer in Charge of an Engineering Watch (<750kW)

A candidate for a certificate of competency as Engineer Officer of the Watch <750kW shall-

Alternative A: Candidates making entry with no prior engineering experience

- (1) be at least 18 years of age;
- (2) have completed at least 18 months approved sea service on ships of 100 kW propulsion power or more; and
- (3) have completed approved education and training ~~and~~ which meets the standards of competence specified the Quality Standard System for this Certificate and a level 3 assessment.

Alternative B: Candidates holding a certificate of competency Second Engineer (Port Operations)

- (1) be at least 18 years of age;
- (2) have completed at least 12 months approved sea service on ships of 100 kW propulsion power or more; and
- (3) have completed approved education and training which meets the standards of competence specified the Quality Standard System for this Certificate and level 3 assessment.

Alternative C: Candidates holding an approved trade certificate

- (1) be at least 18 years of age;
- (2) have completed at least 12 months approved sea service on ships of 100 kW propulsion power or more; and
- (3) have completed approved education and training which meets the standards of competence specified the Quality Standard System for this Certificate and level 3 assessment.

Division 7 – Engineer Officer Certificates (Fishing)

58. Chief Engineer Officer (Fishing)

A candidate for the certificate of competency as chief engineer (fishing) shall-

Alternative A: Candidates holding a certificate of competency as Chief Engineer (<2 000 kW Fishing).

- (1) have completed at least 6 (6) months sea service as second engineer on fishing vessels of 2 000 kW propulsion power or more, and

- (2) have completed approved education and training which meets the standards of competence specified in section A-III/2 of the STCW Code for this Certificate and level 3 assessment.

Alternative B: Candidates holding certificate of competency as Second Engineer (Fishing).

- (1) have at least 12 months sea service as officer in charge of engineering watch on fishing vessels of 2 000 kW propulsion power or more, of which at least 3 months shall be as a second engineer officer (fishing) and
- (2) have completed approved education and training which meets the standards of competence specified in section A-III/2 of the STCW Code for this Certificate and level 3 assessment.

59. Second Engineer Officer (Fishing)

A candidate for the certificate of competency as Second Engineer Officer of a fishing vessel of any kilowatt's propulsion power shall-

Alternative A: Candidates making entry on accelerated training programme.

- (1) be not less than 18 years of age;
- (2) have at least 12 months approved sea service in the engine department of a fishing vessel of 2000 kW propulsion power or more under the supervision of a qualified engineer officer; and
- (3) have completed approved education and training which meets the standards of competence specified in section A-III/2 of the STCW Code for this Certificate and level 3 assessment.

Alternative B: Candidates making entry without accelerated training programme.

- (1) be not less than 18 years of age;
- (2) have at least 18 months approved sea service in the engine department of a fishing vessel of 2000 kW propulsion power or more under the supervision of a qualified engineer officer; and
- (3) have completed approved education and training and meet the standards of competence specified the Quality Standard System for this Certificate and level 3 assessment.

Alternative C: Candidates holding a certificate of competency as Second Engineer (<2000 kW Fishing)

- (1) have at least 6 months approved sea service as an officer in charge of engineering watch on fishing vessels of 2000 kW propulsion power or more; and
- (2) have completed approved education and training and meet the standards of competence specified in section A-III/2 of the STCW Code level 3 assessment.

60. Chief Engineer Officer (<2000kW Fishing)

A candidate for the certificate of competency as Chief Engineer Officer of a ship of less than 2000kW propulsion power fishing shall-

Candidates holding, as a minimum, a certificate of competency as Second Engineer (<2000 kW).

- (1) have approved sea service of 12 months as an officer in charge of engineering watch on fishing vessels of at least 750 kW but less than 2 000 kW propulsion power; and
- (2) have completed approved education and training and meets the standards of competence specified in section A-III/2 of the STCW Code for this Certificate.

61. Second Engineer Officer (<2000kW Fishing)

A candidate for the certificate of competency as second engineer officer of a ship of less than 2000kW propulsion power fishing shall-

Alternative A: Candidates making entry on accelerated training programme.

- (1) be not less than 18 years of age;
- (2) have at least 12 months approved sea service in the engine department of a fishing vessel of 750 kW but less than 2000 kW propulsion power under the supervision of a qualified engineer officer; and
- (3) have completed approved education and training which meets the standards of competence specified in section A-III/2 of the STCW Code for this Certificate and level 3 assessment.

Alternative B: Candidates making entry without accelerated training programme.

- (1) be not less than 18 years of age;

- (2) have at least 18 months approved sea service in the engine department of a fishing vessel of 750 kW but less than 2000 kW propulsion power under the supervision of a qualified engineer officer; and
- (3) have completed approved education and training and meet the standards of competence specified in section A-III/2 of the STCW Code for this Certificate and level 3 assessment.

Division 8 – Rating Certificates of Proficiency

62. Able Seafarer Deck

For the certificate of proficiency as able seafarer deck, a candidate shall-

Alternative A: Candidates without accelerated training programme

- (1) be at least 18 years of age;
- (2) have completed, while holding as a minimum the certificate of proficiency as ordinary seafarer deck, including provisional certificate, at least 18 months sea service in the deck department on trading ships of 100 GT or more on unlimited or near-coastal voyages and have completed an approved training record book; and
- (3) have completed approved training and meet the standards of competence specified in Section A-II/4 of the STCW Code for this Certificate.

Alternative B: Candidates following an accelerated training programme

- (1) be at least 18 years of age;
- (2) have completed, while holding as a minimum the certificate of proficiency as ordinary seafarer deck, including provisional certificate, at least 12 months sea service in the deck department on trading ships of 100 GT or more on unlimited or near-coastal voyages as part of an approved accelerated training programme that includes onboard training documented in an approved training record book; and
- (3) have completed approved training and meet the standards of competence specified in Section A-II/4 of the STCW Code for this Certificate.

Alternative C: Candidates holding a certificate of proficiency as able seafarer (fishing)

- (1) be at least 18 years of age;
- (2) have at least 3 months sea service in the deck department on trading ships of 100 GT or more on unlimited or near-coastal voyages;

- (3) have completed, during the required sea service, onboard training that is documented in an approved training record book as is applicable; and
- (4) have completed approved training and meet the standards of competence specified in Section A-II/4 of the STCW Code for this Certificate.

Alternative D: Candidates holding a certificate of proficiency as able seafarer (port operations)

- (1) be at least 18 years of age;
- (2) have at least 12 months sea service in the deck department on trading ships of 100 GT or more on unlimited or near-coastal voyages;
- (3) have completed, during the required sea service, onboard training that is documented in an approved training record book as is applicable; and
- (4) have completed approved training and meet the standards of competence specified in Section A-II/4 of the STCW Code for this Certificate.

63. Able Seafarer Deck (Fishing)

For the certificate of proficiency as able seafarer deck (fishing), a candidate shall-

Alternative A: Candidates without accelerated training programme.

- (1) be at least 18 years of age;
- (2) have completed, whilst holding as a minimum the certificate of proficiency as ordinary seafarer, at least 18 months sea service in the deck department on fishing vessel of 25 GT or more on unlimited or near-coastal voyages and have completed an approved training record book; and
- (3) have completed approved training and meet the standards of competence specified in Section A-II/4 of the STCW Code for this Certificate.

Alternative B: Candidates with accelerated training programme.

- (1) be at least 18 years of age;
- (2) have completed, whilst holding as a minimum the certificate of proficiency as Ordinary Seafarer deck, at least 12 months sea service in the deck department on fishing vessel of 25 GT or more on unlimited or near-coastal voyages as part of an approved accelerated training programme that includes onboard training documented in an approved training record book; and
- (3) have completed approved training and meet the standards of competence specified in Section A-II/4 of the STCW Code for this Certificate.

Alternative C: Candidates holding a certificate of proficiency as able seafarer

- (1) be at least 18 years of age;
- (2) have at least 3 months sea service in the deck department on fishing vessels of 25 GT or more on unlimited or near-coastal voyages;
- (3) have completed, during the required sea service, onboard training that is documented in an approved training record book as is applicable; and
- (4) have completed approved training and meet the standards of competence specified in Section A-II/4 of the STCW Code for this Certificate.

Alternative D: Candidates holding a certificate of proficiency as able seafarer (port operations)

- (1) be at least 18 years of age;
- (2) have at least 6 months sea service in the deck department on fishing vessels of 25 GT or more on unlimited or near-coastal voyages;
- (3) have completed, during the required sea service, onboard training that is documented in an approved training record book as is applicable; and
- (4) have completed approved training and meet the standards of competence specified in Section A-II/4 of the STCW Code for this Certificate.

64. Able Seafarer Deck (Port Operations)

For the certificate of proficiency as able seafarer deck (port operations), a candidate shall-

Alternative A: Candidates without accelerated training programme

- (1) be at least 18 years of age;
- (2) have completed, whilst holding as a minimum the certificate of proficiency as ordinary seafarer deck at least 12 months port operations service on ships of 25 GT or more;
- (3) have completed, during the required port operations service, onboard training that is documented in an approved training record book; and
- (4) have completed approved training and meet the standards of competence specified in Section A-II/4 of the STCW Code for this Certificate.

Alternative B: Candidates following an accelerated training programme

- (1) be at least 18 years of age;
- (2) have completed, whilst holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer deck, at least 6 months port operations service on ships of 25 GT or more as part of an approved accelerated training programme that includes onboard training documented in an approved training record book; and
- (3) have completed approved training and meet the standards of competence specified in Section A-II/4 of the STCW Code for this Certificate.

65. Ordinary Seafarer Deck

- (1) For the purpose of this Regulation; a provisional certificate is valid for a period of 6 months from the date of issue and shall be exchanged for a certificate of proficiency as ordinary seafarer deck issued by the Authority within the period of validity.
- (2) For the certificate of proficiency as ordinary seafarer deck, a candidate shall-

Alternative A: Candidates without accelerated training programme

- (1) be at least 16 years of age;
- (2) have at least 6 months sea service in the deck department on vessels of 25 GT or more on any voyages;
- (3) have completed, during the required sea service, onboard training with a steering certificate, that is documented in an approved training record book and meet the standards of competence specified the Quality Standard System for this Certificate; and
- (4) Hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the onboard training was completed.

Alternative B: Candidates on accelerated training programme

- (1) be at least 16 years of age;
- (2) have completed at least two months sea service in the deck department on vessels of 25 GT or more on any voyages as part of an approved accelerated training programme that includes onboard training documented in an approved training record book and meet the standards of competence specified the Quality Standard System for this Certificate; and

(3) Hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the onboard training was completed.

66. Ordinary Seafarer Deck (Fishing)

(a) For the purpose of this Regulation, a provisional certificate is valid for a period of 6 months from the date of issue, and shall be exchanged for a certificate of proficiency as ordinary seafarer deck issued by the Authority within the period of validity.

(b) For the certificate of proficiency as ordinary seafarer deck, a candidate shall-

Alternative A: Candidates without accelerated training programme

- (1) be at least 16 years of age;
- (2) have at least 6 months sea service in the deck department on fishing vessels of 25 GT or more on any voyages;
- (3) have completed, during the required sea service, on-board training with a steering certificate and meet the standards of competence specified the Quality Standard System for this Certificate; and
- (4) Hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the on-board training was completed.

Alternative B: Candidates on accelerated training programme

- (1) be at least 16 years of age;
- (2) have completed at least two months sea service in the deck department on fishing vessels of 25 GT or more on any voyages as part of an approved accelerated training programme that includes onboard training documented in an approved training record book and meet the standards of competence specified the Quality Standard System for this Certificate; and
- (3) Hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the onboard training was completed.

67. Ordinary Seafarer Deck (Port Operations)

(a) For the purpose of this Regulation; a provisional certificate is valid for a period of 6 months from the date of issue and shall be exchanged for a certificate of proficiency as ordinary seafarer deck issued by the Authority within the period of validity.

- (b) For the certificate of proficiency as ordinary seafarer deck, a candidate shall-

Alternative A: Candidates without accelerated training programme

- (1) be at least 16 years of age;
- (2) have at least 6 months sea service in the deck department on vessels of 25 GT or more on vessels engaged in port operations;
- (3) have completed, during the required sea service, onboard training with a steering certificate and meet the standards of competence specified the Quality Standard System for this Certificate; and
- (4) Hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the onboard training was completed.

Alternative B: Candidates on accelerated training programme

- (1) be at least 16 years of age;
- (2) have completed at least two months sea service in the deck department on vessels of 25 GT or more engaged in port operations as part of an approved accelerated training programme that includes onboard training documented in an approved training record book and meet the standards of competence specified the Quality Standard System for this Certificate; and
- (3) Hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the onboard training was completed.

68. Efficient cook

For the certificate of proficiency as efficient cook, candidates shall-

- (1) be at least 18 years of age;
- (2) have completed approved training and meet the standards of competence specified the Quality Standard System for this Certificate; and
- (3) have at least 3 months sea service in the catering department on any of the following kinds of ships:
 - (a) trading ships of 100 GT or more engaged in mining operations or on unlimited or near-coastal voyages; or
 - (b) Fishing vessels requiring to have an efficient cook onboard.

69. Able seafarer engine

For the certificate of proficiency as able seafarer engine, a candidate shall-

Alternative A: Candidates without accelerated training

- (1) be at least 18 years of age;
- (2) have completed, while holding as a minimum the certificate of proficiency as ordinary seafarer engine, including provisional certificate, at least 12 months sea service in the engine department on trading ships of 750 kW or more; and
- (3) have completed, during the required sea service, onboard training that is documented in an approved training record book; and have completed approved training and meet the standards of competence specified in Quality Standard System Section A-III/4 of the STCW Code for this Certificate.

Alternative B: Candidates with accelerated training

- (1) be at least 18 years of age;
- (2) have completed, while holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer engine at least 6 months sea service in the engine department on trading ships of 750 kW or as part of an approved accelerated training programme that includes onboard training documented in an approved training record book; and
- (3) have completed approved training and meet the standards of competence specified the Quality Standard System Section A-III/4 of the STCW Code for this Certificate.

70. Able Seafarer engine (port operations)

For the certificate of qualification as proficiency as able seafarer engine (port operations), a candidate shall-

Alternative A: Candidates without accelerated training

- (1) be at least 18 years of age;
- (2) have completed, while holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer engine (port operations) or ordinary seafarer engine, at least 12 months port operations service on ships of 100 kW or more;
- (3) have completed, during the required port operations service, onboard training record book; and

- (4) have completed approved training and meet the standards of competence specified the Quality Standard System Section A-III/4 of the STCW Code for this Certificate.

Alternative B: Candidates with accelerated training

- (1) be at least 18 years of age;
- (2) have completed, while holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer engine (port operation) or ordinary seafarer engine, at least 6 months port operations service on ships of 100 kW or more as part of an approved accelerated training programme that includes onboard training documented in an approved training record book; and
- (3) have completed approved training and meet the standards of competence specified the Quality Standard System Section A-III/4 of the STCW Code for this Certificate.

71. Ordinary seafarer engine

- (a) For the purpose of this Regulation; a provisional certificate is valid for a period of 6 months from the date of issue and shall be exchanged for a certificate of proficiency as ordinary seafarer engine issued by the Authority within the period of validity.
- (b) For the certificate of proficiency as ordinary seafarer engine, a candidate shall:

Alternative A: Candidates making entry without accelerated training

- (1) be at least 16 years of age;
- (2) have at least 6 months service in the engine department on trading ships of 750 kW or more;
- (3) have completed, during the required sea service, onboard training that is documented in an approved training record book and meet the standards of competence specified the Quality Standard System for this Certificate; and
- (4) Hold the provisional certificate of proficiency as ordinary seafarer engine issued by the chief engineer officer of the ship on which the onboard training was completed.

Alternative B: Candidates making entry with accelerated training

- (1) be at least 16 years of age;

(2) have completed at least two months service in the engine department on trading ships of 750 kW or more as part of an approved accelerated training programme documented in an approved training record book and meet the standards of competence specified the Quality Standard System for this Certificate; and

(3) Hold the provisional certificate of proficiency as ordinary seafarer engine issued by the chief engineer officer of the ship on which the onboard training was completed.

72. Ordinary Seafarer engine (Port Operations)

(a) For the purpose of this Regulation; a provisional certificate is valid for a period of 6 months from the date of issue and shall be exchanged for a certificate of proficiency as ordinary seafarer engine issued by the Authority within the period of validity.

(b) For the certificate of proficiency as ordinary seafarer engine, a candidate shall:

Alternative A: Candidates making entry without accelerated training

(1) be at least 16 years of age;

(2) have at least 6 months service in the engine department on trading ships of 100 kW or more;

Alternative B: Candidates making entry without accelerated training with accelerated programme

(1) be at least 16 years of age;

(2) have at least two (2) months service in the engine department on trading ships of 100 kW or more;

73. Electro-technical rating

A candidate for the certificate of competency as electro technical rating of a ship of 1 000 Volts and 750 kW propulsion power or more shall-

(1) be at least 18 years of age;

(2) have completed approved seagoing service including not less than 12 months training and experience; and

(3) have completed qualifications that meet the technical competences specified in in section A-III/ 7 of the STCW Code.

74. General purpose rating (port operations) [engine]

For the certificate of proficiency as general purpose rating (port operations), a candidate shall-

Alternative A: Candidates holding certificates of proficiency as ordinary seafarer deck and ordinary seafarer engine

- (1) be at least 18 years of age;
- (2) whilst holding the certificates of proficiency as ordinary seafarer deck and as ordinary seafarer engine have at least 18 months sea service or port operations service on ships of 25 GT or more made up of:
 - (a) at least 6 months in the deck department;
 - (b) at least 6 months in the engine department;
 - (c) the remaining 6 months in either deck or engine department;
- (3) have completed, during the required sea service or port operations service, an approved onboard training record book (deck and engine); and
- (4) have completed approved training and meet the standards of competence specified Quality Standards System for this Certificate.

Alternative B: Candidates holding a certificate of proficiency as able seafarer deck/engine

- (1) whilst holding the certificates of proficiency as able seafarer deck/engine have at least 6 months sea service or port operations service in the engine-room/deck department of ships of 25 GT or more which shall be comprised as follows:
 - (a) 2 months sea service as engine/deck hand; and
 - (b) 4 months whilst holding provisional certificate of competency as ordinary seafarer engine/deck;
- (2) have completed, during the required sea service or port operations service, an approved onboard training record book; and
- (3) have completed approved training and meet the standards of competence specified the in Quality Standards System for this Certificate.

Division 9 –Special Training for Personnel on certain types of Ships**75. Special requirements for personnel on oil and chemical tankers**

(1) In addition to other training required by these Regulations, officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment on oil and chemical tankers shall hold a certificate in basic training for oil and chemical tanker cargo operations. A candidate for a certificate in basic training for oil and chemical tanker cargo operations shall-

(a) have completed, in the proceeding five years, at least 3 months approved sea service on oil or chemical tankers; or

(b) have completed approved basic training for oil and chemical tankers and meet the standards of competence specified the in Section A-III/1-1 of the STCW Code for this Certificate;

(2) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on oil tankers shall hold a certificate in advanced training for oil tanker cargo operations. A candidate for a certificate in advanced training in oil tanker cargo operations shall-

(a) hold a certificate in basic training in oil and chemical tanker cargo operations, and while holding this certificate;

(b) while holding the certificate in basic training in oil and chemical tanker cargo operations

(i) have completed, in the preceding five years, at least 3 months approved sea service on oil tankers; or

(ii) at least one month of approved onboard training on oil tankers, in a supernumerary capacity, which includes at least 3 loading and 3 unloading operations and is documented in an approved training record book

(c) have completed approved advance training for oil tanker cargo operations and meet standards of competence specified in section A-III/1-1 of the STCW Code for this Certificate for this Certificate.

(3) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on chemical tankers shall hold a certificate in advanced training for chemical tanker cargo operations. A candidate for a certificate in advanced training in chemical tanker cargo operations shall-

- (a) hold a certificate in basic training in oil and chemical tanker cargo operations, and while holding this certificate;
 - (b) while qualified for certification in basic training for oil and chemical tanker cargo operations, have:
 - (i) at least 3 months of approved seagoing service on chemical tankers, or
 - (ii) at least one month of approved onboard training on chemical tankers, in a supernumerary capacity, which includes at least 3 loading and 3 unloading operations and is documented in an approved training record book
 - (c) have completed approved advance training for chemical tanker cargo operations and meet standards of competence specified in section A-III/1-1 of the STCW Code for this Certificate.
- (4) Masters, officers and ratings who are qualified in accordance with this Regulation shall be required, at intervals not exceeding five years, to show continued professional competence on the type of tanker for which the certificate of proficiency or endorsement is required to be revalidated, in accordance with Regulation 3(2) and 3(3).
- (5) Continued professional competence for chemical tankers referred to in paragraph (3) above shall be established by:
- (a) approved seagoing service, performing duties appropriate to the chemical tanker certificate or endorsement held, for a period of at least 3 months in total during the preceding 5 years; or
 - (b) Successfully completing an approved relevant training course or courses.

76. Special requirements for personnel on Ships Subject to the IGF Code

- (1) This Regulation applies to masters, officers and ratings and other personnel serving on board ships subject to the IGF Code.
- (2) Prior to being assigned shipboard duties on board ships subject to the IGF Code, seafarers shall have completed the training required by paragraphs 3 to 8 below in accordance with their capacity, duties and responsibilities.
- (3) Seafarers responsible for designated safety duties associated with the care, use or in emergency response to the fuel on board ships subject to the IGF Code shall hold a certificate in basic training for service on ships subject to the IGF Code.

(4) Every candidate for a certificate in basic training for service on ships subject to the IGF Code shall have completed basic training in accordance with the standards specified in in Section A-III/3 of the STCW Code for this Certificate

(5) Seafarers responsible for designated safety duties associated with the care, use or in emergency response to the fuel on board ships subject to the IGF Code who have been qualified and certified according to Regulation 75(1) are to be considered as having met the requirements specified in paragraph 4 above for basic training for service on ships subject to the IGF Code.

(6) Masters, engineer officers and all personnel with immediate responsibility for the care and use of fuels and fuel systems on ships subject to the IGF Code shall hold a certificate in advanced training for service on ships subject to the IGF Code.

(7) Every candidate for a certificate in advanced training for service on ships subject to the IGF Code shall, while holding the Certificate of Proficiency described in paragraph 3, have:

(a) completed approved advanced training for service on ships subject to the IGF Code and meet the standard of competence as specified in the Code; and

(b) Completed at least one month of approved seagoing service that includes a minimum of 3 bunkering operations on board ships subject to the IGF Code. Two of the 3 bunkering operations may be replaced by approved simulator training on bunkering operations as part of the training in sub-paragraph (a) above.

(8) Masters, engineer officers and any person with immediate responsibility for the care and use of fuels on ships subject to the IGF Code who have been qualified and certified according to Regulation 75 (2) are to be considered as having met the requirements specified in paragraph 7 above for advanced training for ships subject to the IGF Code, provided they have also:

(a) met the requirements of paragraph 5; and

(b) met the bunkering requirements of paragraph 7(b) or have participated in conducting 3 cargo operations on board the liquefied gas tanker; and

(c) have completed sea going service of 3 months in the previous five years on board:

(i)ships subject to the IGF Code;

- (ii) tankers carrying as cargo, fuels covered by the IGF Code; or
- (iii) Ships using gases or low flashpoint fuel as fuel.

(9) The Authority shall issue a Certificate of Proficiency to seafarers who are qualified in accordance with paragraphs 3 or 6, as appropriate.

(10) Seafarers holding Certificates of Proficiency in accordance with paragraph 3 or 6 above shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

77. Special requirements for Deck Officers on ships operating in Polar Waters

(1) Masters, chief mates and officers in charge of a navigational watch on ships operating in polar waters shall hold a certificate in basic training for ships operating in polar waters, as required by the Polar Code.

(2) Every candidate for a certificate in basic training for ships operating in polar waters shall have completed an approved basic training for ships operating in polar waters and meet the standard of competence specified the Section A-III/4 of the STCW Code Quality Standard System for this Certificate.

(3) Masters and chief mates on ships operating in polar waters, shall hold a certificate in advanced training for ships operating in polar waters, as required by the Polar Code.

(4) Every candidate for a certificate in advanced training for ships operating in polar waters shall:

- (a) hold a certificate in basic training for ships in polar waters;
- (b) have at least 2 months of approved seagoing service in the deck department, at management level or while performing watchkeeping duties at the operational level, within polar waters or other equivalent approved seagoing service; and
- (c) have completed approved advanced training for ships operating in polar waters and meet the standard of competence specified in Section A-III/4 of the STCW-Code for this Certificate.

(5) The Authority shall issue a Certificate of Proficiency to seafarers who are qualified in accordance with paragraphs 2 or 4, as appropriate.

(6) Until 1 July 2020, seafarers who commenced approved seagoing service in polar waters prior to 1 July 2018 shall be able to establish that they meet the requirements basic training for ships operating in polar waters by:

- (a) having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at the operational or management level, for a period of at least 3 months in total during the preceding five years; or
 - (b) Having successfully completed a training course meeting the training guidance established by the Organization for ships operating in polar waters.
- (7) Until 1 July 2020, seafarers who commenced approved seagoing service in polar waters prior to 1 July 2018 shall be able to establish that they meet the requirements of advanced training for ships operating in polar waters by:
- (a) having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at management level, for a period of at least 3 months in total during the preceding five years; or
 - (b) having successfully completed a training course meeting the training guidance established by the Organization for ships operating in polar waters and having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at the management level, for a period of at least 2 months in total during the preceding five years.

78. Special requirements for personnel on gas tankers

- (1) In addition to other training required by these Regulations, officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment on liquefied gas tankers shall hold a certificate in basic training for liquefied gas tanker cargo operations. A candidate for a certificate in basic training for liquefied gas tanker cargo operations shall-
- (a) have completed, in the preceding five years, at least 3 months sea service on gas tankers; or
 - (b) have completed approved basic training for liquefied gas tankers cargo operations and meet the standards of competence specified the Quality Standard System for this Certificate;
- (2) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations on liquefied gas tankers shall hold a certificate in advanced training for liquefied

gas tanker cargo operations. Candidates for a certificate in advanced training for liquefied gas tanker shall-

- (a) hold a certificate in basic training in liquefied gas tanker cargo operations;
 - (b) while holding the certificate in basic training in liquefied gas tanker cargo operations
 - (i) have completed, in the preceding five years, at least 3 months approved sea service on a gas tanker; or
 - (ii) at least one month of approved onboard training on oil tankers, in a supernumerary capacity, which includes at least 3 loading and 3 unloading operations and is documented in an approved training record book
 - (c) have completed approved advance training for liquefied gas tankers and meet the standards of competence specified the Quality Standard System for this Certificate.
- (3) Masters, officers and ratings who are qualified in accordance with this Regulation shall be required, at intervals not exceeding five years, to show continued professional competence on the type of tanker for which the certificate of proficiency or endorsement is required to be revalidated, in accordance with Regulation 3(2) and 3(3).
- (4) Continued professional competence for tankers referred to in paragraph (.4) above shall be established by:
- (a) approved seagoing service, performing duties appropriate to the tanker certificate or endorsement held, for a period of at least 3 months in total during the preceding 5 years; or
 - (b) Successfully completing an approved relevant training course or courses.

79. Special requirements for personnel on passenger ships

- (1) This Regulation applies to masters, officers, ratings and other personnel serving on passenger ships engaged on near-coastal or unlimited voyages. Ships of Class IIA, V and Class VI passenger ships, within the classes of Regulation 4 of the Life Saving Equipment Regulations, 1968, shall comply with sub regulation[s] (4) and (5) in accordance with their level of responsibility.
- (2) Prior to being assigned shipboard duties on passenger ships, seafarers referred to in sub regulation (1) shall have successfully completed training

required by subregulations (4) to (7) in accordance with their capacity, duties and responsibilities and shall be issued with documentary evidence attesting the successful completion of training.

(3) Seafarers who are required to be trained in accordance with subregulations (4), (6) and (7) shall, at intervals not exceeding five years demonstrate continued professional competence by serving in the appropriate capacity for at least 12 months in the preceding five years or complete approved (refresher) training and meet the standards of competence specified in Section A-III/2 of the STCW Code for this Certificate.

(4) Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations on passenger ships shall have completed approved training in crowd management and meet the standard of competence specified the Quality Standard System for this Certificate.

(5) Personnel providing direct service to passenger in passenger[s] spaces shall have completed approved training in passenger ship safety and meet the standard of competence specified the Quality Standard System for this Certificate.

(6) Masters, chief mates, chief engineers, second engineer officers and every person having responsibility for the safety of passengers in emergency situations on passenger ships shall have completed approved training in crisis management and human behaviour and meet the standard of competence specified the Quality Standard System for this Certificate.

(7) Masters, chief mates, chief engineers, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading , discharging or securing cargo, or closing hull operations on passenger ships shall have completed approved training in passenger safety, cargo safety and hull integrity and meet the standard of competence specified the Quality Standard System for this Certificate.

PART 4 - TRAINING

In this part,

'Training' is inclusive of, but not limited to:

- (a) academic education programmes towards certificates of competency
- (b) short courses required by seafarers to acquire specific skills, knowledge, competencies and proficiencies

- (c) onboard training required towards certification, including accelerated training

80. Maritime training providers

(1) The Authority may grant an accreditation to a training provider to conduct any training required by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers Quality Standard System. Such accreditation given in terms of these Regulations and the requirements set out in the Quality Standards System shall:

- (a) be given in writing;
- (b) not be valid for a period exceeding 3 years;
- (c) may, immediately after an audit, be altered, suspended or cancelled, provided that if the accreditation is cancelled, a minimum of 30 days' notice shall be given.

(2) To be accredited as maritime training provider authorised to conduct approved training in terms of these Regulations, a training provider shall:

- (a) have a Quality Standards (Management) System in place which meets the requirements set out in the Authority's Quality Standards (Management) System
- (b) have appointed qualified instructors and s who meet the criteria as set out in the Quality Standards System of the Authority
- (c) conduct independent evaluation of the audits annually and submit a copy to the Authority;
- (d) have the required and accredited facilities and training equipment as specified in the Quality Standard System for each of the certificated courses they offer.;
- (e) shall provide free access to the Authority for documents related to the accreditation to provide approved training in terms of this Regulations within two days of such request.

(3) Application for accreditation shall be made in the form and manner specified by the Quality Standards System of the Authority.

(4) For accreditation, a maritime training provider must allow the Authority:

-
- (a) to inspect the provider's facilities, training and assessment arrangements, methods and materials; and
- (b) to interview the provider's students, administrative personnel, training instructors and s and to conduct an internal audit.
- (5) An accredited maritime training provider shall:
- (a) make available to the Authority any information it may require about approved training offered by the provider; and
- (b) inform the Authority, without delay, of any change in the personnel delivering the training or the methods or material for delivering it.
- (6) Every accredited training provider authorised to conduct level 2 assessments in terms of Regulation 18 shall:
- (a) submit, for moderation by an Assessor, all final examination question papers and memoranda 30 days before the examination is written by candidates;
- (b) submit, for moderation by an Assessor, final examination scripts, before a final mark is given to the candidates;
- (c) make available to an Assessor any examination scripts, assessment results, course assignments, progress reports or other training-related reports that the Authority may require; and
- (d) for audit purposes, keep for at least five years the information referred to in paragraphs (a) and (b).
- (7) An Assessor may visit an accredited maritime training provider at any reasonable time to inspect and audit the conduct of any activity covered by the provider's accreditation to ascertain continued compliance and conformance with the conditions of accreditation.
- (8) Where an accredited institution has been found to have contravened, in a way which cannot be rectified, the conditions of accreditation, the Authority may refuse to accredit such an institution.
- (9) For the purpose of these Regulations, the requirements of the Authority towards an accreditation constitute the conditions of accreditation.
- (10) To be accredited in terms of these Regulations, a training programme or course shall be structured in accordance with written programmes that-

- (a) are based on the relevant syllabuses the Quality Standard System for this Certificate; and
 - (b) include such methods and media of delivery, procedures, and course material as are necessary to achieve the standards of competence specified in the Quality Standard System for this Certificate.
- (11) The Authority shall publish a marine notice with details of courses and institutions accredited.

81. Accelerated training programmes

- (1) To be approved in terms of the Convention and these Regulations, an accelerated training programme shall-
- (a) be set out in a training plan that states, for each stage of the programme:
 - (i) the objectives;
 - (ii) the outcomes, taking into account the relevant competencies specified in the Quality Standard System for this Certificate; and
 - (iii) how the outcomes will be achieved;
 - (b) provide an accredited intensive and systematic practical training and experience in the duties and responsibilities associated with the kind of certification concerned;
 - (c) be conducted, supervised and evaluated by persons qualified in accordance with sub-regulations (2), (3) and (4), respectively;
 - (d) provide appropriate periods, within the normal operational requirements of the ship, for the completion of on-board training; and
 - (e) provide for the keeping of comprehensive records in relation to training conducted under the programme.
- (2) An accelerated training programme shall be overseen by an appropriately qualified and certificated Training Officer who;
- (a) is qualified in the task for which the training is being conducted; and
 - (b) have a thorough understanding of the training programme and of the specific objectives for each type of training being conducted.

- (3) A person assessing the competence of a candidate undergoing accelerated training shall-
- (a) be experienced and possessing an appropriate level of knowledge and understanding of the competencies to be assessed;
 - (b) be qualified in the task for which the assessment is being made;
 - (c) have received appropriate guidance in assessment methods and practice; and
 - (d) if conducting assessment involving the use of simulators, have gained practical assessment experience on the particular type of simulator under the supervision and to the satisfaction of an experienced Assessor.
- (4) Application for approval shall be made in the form and manner, include the information, and be accompanied by, the documents specified by as set out in the Quality Standards System of the Authority.
- (5) The Authority may approve ships carrying more than 12 cadets where approved procedures, policies, training officers, accommodation and facilities are provided as training ships.
- (6) Accelerated on-board training shall be recorded in an approved training record book in accordance with the Convention.
- (7) Every accelerated training programme approved by the Authority shall be published in a marine notice.

82. Duties of masters and persons conducting in-service training

- (1) Every person conducting in-service training shall ensure that:
- (a) appropriate periods are set aside for completion of the programme of on-board training within the normal operational requirements of the ship;
 - (b) at the beginning of the programme and at the start of each voyage on a different ship, candidates are given comprehensive information and guidance as to what is expected of them and how the training programme is to be conducted;
 - (c) a training officer is designated to administer the programme;
 - (d) ship's officers who are responsible for training and assessment know and understand their duties and responsibilities regarding training;

- (e) during the required period of qualifying service, a candidate receives systematic practical training and experience in the tasks, duties and responsibilities relevant to the certificate desired, with due regard to the competencies specified in the training record book;
 - (f) assessments of a candidate are conducted, without undue delay, when a candidate is ready for assessment;
 - (g) the on-board training forms an integral part of the overall training plan;
 - (h) the programme of on-board training is managed and co-ordinated by the person managing the ship on which the qualifying service is to be performed; and
 - (i) A comprehensive record is kept of all training conducted.
- (2) Every person designated as a training officer pursuant to sub regulation (1)(c) shall be responsible for:
- (a) the overall administration of the training programme;
 - (b) monitoring candidates' progress throughout such programme; and
 - (c) Giving guidance, when necessary, and ensuring that the training programme is conducted properly.
- (3) A master's responsibilities will be:
- (a) to provide the link between the ship's officers responsible for training and the training officer ashore;
 - (b) to designate, in writing, the ship's officers who are to be responsible for organising and supervising on-board training for each voyage;
 - (c) to ensure continuity in the case of any change of ship's officers during voyages; and
 - (d) To ensure that all personnel concerned carry out effectively the on-board training programme.
- (4) Unless the master directs otherwise in the interests of the safe operation of the ship, every ship's officer designated pursuant to sub regulation (3)(b) shall be responsible for:

- (a) organising the programme of practical training at sea;
- (b) ensuring, in a supervisory capacity, that training record books are properly maintained and that all other requirements are met; and
- (c) ensuring, so far as practicable, that the time the candidate spends on board is as useful as possible in terms of training and experience, and is consistent with the objectives of the training programme and the progress of training.

PART 5 – PHYSICAL AND MEDICAL FITNESS AND EYESIGHT EXAMINATION FOR SEAFARERS

83. Application of Part 5

- (1) Every seafarer who is required to be physical and medically fit by the Act shall meet the criteria established by Regulation 1/9 of the STCW Code and hold a medical certificate issued by an appropriately qualified and experienced medical practitioner approved by the Authority in accordance with the Quality Standard System for the appointment of medical practitioners.
- (2) A valid medical certificate shall be produced by every seafarer when;
 - (a) Applying for certification. or revalidation of certificate as required by these Regulations
 - (b) When engaged on board a ship as prescribed in sections 92, 101 or 111 of the Act
 - (c) Applying for a Seafarer's Record Book
- (3) Every person engaged on a ship performing watchkeeping duties as required by Part 5 & 6 of these Regulations shall also hold a valid Colour and Vision test certificates
- (4) The Authority may continue to conduct the eyesight tests using as minimum the Table A-1/9 of the STCW Code for a period not exceeding 24 months from the date which these Regulations become effective.

84. Validity of a Medical Certificate and the Colour and Vision Test Certificate

- (1) A medical certificate shall be valid, from the date which the candidate was examined, for a period not exceeding two years, except:
 - (a) Where the Medical Practitioner have found the candidate to have conditions that requires to be reviewed at an interval shorter than two

years, in which case the certificate shall be valid for the period determined by the medical practitioner

(b) Where the seafarer is under the age of 18, the medical fitness certificate shall be valid for a period of one year

(2) An eyesight test certificate shall be valid as follows:

(a) A visual acuity test shall be valid, from the date which the candidate is examined, for a period not exceeding two years.

(b) A colour vision test is valid, from the date which the candidate is examined, for a period not exceeding 6 years

85. Approval of Medical Practitioners to perform Medical Examination of Seafarers

(1) The Authority may approve [recognise] a medical practitioner for the purpose of issuing a medical fitness certificate and/or colour and vision test certificate as required by these Regulations under such conditions that the Authority determines in the Quality Standards System

(2) To be approved as a medical practitioner in terms of these Regulations, to issue a medical fitness certificate, the applicant must:

(a) be a medical doctor and:

(i) hold an Occupational Medicine certificate, or

(ii) have completed at least one year experience as a ship's doctor, or

(iii) 3 years as a 'shipping company' doctor, or

(iv) 3 years under the supervision of a medical practitioner approved under these Regulations

(b) comply with the requirements set out in the Quality Standards

(3) To be approved as a medical practitioner in terms of these Regulations, to issue an eyesight test certificate, the applicant must

(a) be a Doctor of Optometry, and

(b) comply with the requirements set out in the Quality Standards

- (4) The Authority may approve a group of medical practitioners together provided that they meet the requirements in paragraphs 2 and 3 above and share facilities
- (5) An approval granted by the Authority under this part shall be in writing and be issued in accordance with the Quality Standards System
- (6) An approval under this Part shall be valid for a period not exceeding 3 years.
- (7) The Authority may vary, suspend, revoke or cancel an approval issued under this Part when there's prima facie evidence of non-compliance with the conditions of such approval
- (8) Medical Practitioners approved by the Authority under the Regulations that existed immediately before this part comes into force shall continue to be so approved until the date of expiry on their certificate of approval
- (9) The Authority shall publish the list of approved medical practitioners on a regular basis

86. Medical Examination and Certification of Seafarers

- (1) Medical Examination of Seafarers shall be conducted by a Medical Practitioner approved under this part of the Regulations following guidance provided the Quality Standard System for this Certificate. In conducting such examination, the Medical Practitioner shall;
 - (a) verify the identity of the seafarer, an identification number shall be reflected on the seafarer's medical and eyesight examination record and certificate
 - (b) collect the medical history of the candidate
 - (c) verify/determine the position of the seafarer onboard the ship in order to understand the mental and physical demands of the job
- (2) A seafarer found to be medically fit must be issued with a Medical and Eyesight Test certificate, with appropriate annotations, in the form and manner set out in the Quality Standards System of the Authority
- (3) A seafarer found to be medically unfit must be issued with a Medical and Eyesight Test certificate declaring the candidate as unfit, using appropriate annotations, in the form and manner set out in the Quality Standards System of the Authority

87. Appeals against medical and eyesight fitness decisions

- (1) If an applicant is found by a medical Assessor to be unfit for service at sea, the applicant, his or her employer, may appeal against the finding to the Authority to have the decision reviewed.
- (2) Upon receiving an appeal, SAMSA shall establish a medical appeal panel consists of at least four members appointed by the Authority, which must consist of:
 - (a) 3 medical practitioners, who are themselves approved in accordance with these Regulations, one of whom must be appointed as chairperson;
 - (b) the Chief Assessor, or any other person appointed by him, to provide secretariat functions to the appeal; and
 - (c) any other persons deemed suitable by the panel to ensure that the panel reaches a fair and just decision
- (3) the Authority shall ensure that panel is assembled and sits within 3 working days of the appeal being launched
- (4) A decision of the majority of the members of a medical appeal panel is taken to be a decision of the panel.
- (5) Where the panel overturns the decision of the Medical Practitioner, the chairperson of the Panel must issue the candidate with a medical fitness certificate
- (6) The cost of the appeal shall be borne by the parties involved as set out in the Determination of Charges.

88. Medical Fitness Standards

- (1) The Authority shall establish the Medical Fitness and Eyesight standards the Quality Standard System for this Certificate. Such standards must conform as closely as possible to guidance published by the IMO and other United Nations entities as well as local medical standards
- (2) The Authority may establish a medical forum for medical practitioners approved in accordance with these Regulations. The purpose of the forum may include, but not limited to;
 - (a) the review of medical and eyesight standards and ensure their currency, relevancy and correlation with regards to medical practices in the country.

(b) discussions of medical and eyesight matters that arose in a specific period to ensure that there's knowledge sharing

(3) The Authority shall, within the 180 days of this Part coming into force, publish the Medical Fitness Standards

89. Use of medicines and medical technology

(1) A seafarer may only be declared to be fit, without restrictions or limitations, when they meet all the requirements for medical fitness, visual acuity, hearing, colour vision or lookout duties when they meet these standards unaided by medication or medical technology.

(2) Where a seafarer meets the requirements with the use of medication or medical technology, such must be declared by the medical practitioners in the medical certificate with appropriate limitations and restrictions.

(3) The medical Assessor shall place such restrictions or limitations, or declare as unfit, a seafarer who is using medication that restrict or limit the ability to perform some or all duties of a seafarer

(4) Seafarers who use visual aids to meet visual acuity may be deemed to be fit provided;

(a) they carry a separate pair of contact lenses or spectacles

(b) colour correcting lenses are not permitted during the tests and whilst serving onboard a ship

(5) Hearing aids are not permitted except in the case of serving seafarers who have produced a previous medical fitness certificate issued under these Regulations

PART 6 - MANNING REQUIREMENTS

90. Application

(1) Subject to sub regulation (4) of this Regulation, these Regulations apply to every South African ship wherever it may be.

(2) In addition, Regulation[s] 92, 93, 94, 119, 120 and 121 applies to every foreign ship to which the Safety Convention, STCW Convention or STCW-F Convention applies, when in the Republic or its territorial waters.

- (3) A provision of these Regulations does not apply to a South African ship in the waters of another State where the provision is inconsistent with a law of that State that, by its terms, applies to the ship when in the waters of that State.
- (4) These Regulations do not apply to:
- (a) vessels of less than 25 GT;
 - (b) any vessel of less than 100 GT that is used solely for sport or recreation;
 - (c) any vessel of 100 GT or more that is classified in terms of the life-saving equipment Regulations as a class XII yacht if there is employed on the vessel an adequate number and description of persons to ensure that the vessel is sufficiently and efficiently manned; and
 - (d) Ships owned by the defence force of the Republic or any other country.

91. Responsibilities of owners and masters

- (1) The owner of every ship shall ensure that:
- (a) no ship's officer takes charge of a navigational or engineering watch on the ship unless he or she holds appropriate valid certification entitling him or her to do so;
 - (b) no rating forms part of a navigational or engineering watch on the ship unless he or she holds appropriate valid certification entitling him or her to do so;
 - (c) the master and every ship's officer have appropriate experience of the type of ship on which he or she is employed;
 - (d) the master and every seafarer employed on the ship, before being allowed to assume his or her assigned duties, are familiarised with their specific duties and with all the ship's arrangements, installations, equipment, procedures and characteristics relevant to their routine and emergency duties;
 - (e) all seafarers employed on fishing vessels shall have completed approved Personal Survival Techniques training;
 - (f) every person employed on the ship and designated to have safety or pollution prevention duties, holds documentary evidence of having successfully completed an appropriate training in Basic Training as set out in Regulation 2;

- (g) the ship's crew can effectively co-ordinate activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution;
 - (h) all seafarers on vessels other than fishing vessels, shall have completed approved basic training;
 - (i) documentation and data relevant to the master and seafarers employed on the ship are maintained and readily available for inspection, including documentation and data relevant to their experience, training, medical fitness and competency in assigned duties.
- (2) Without limiting the owner's obligations under sub regulation (1), it is the duty of the master to ensure that the requirements of that sub regulation are complied with in relation to the seafarers employed on the ship.
- (3) Nothing in sub regulation (1) (a) to (f) prohibits the allocation of tasks for training under supervision or in case of force majeure.
- (4) The owner and the master of every ship shall ensure that,
- (a) in addition to the ship's officers and other persons prescribed by these Regulations or elsewhere in terms of the Act, there are employed as crew of the ship an adequate number and description of persons to ensure that the ship is sufficiently and efficiently manned.
 - (b) for the purposes of paragraph (a) and Regulation 90(4) (c), a ship shall be deemed to be sufficiently and efficiently manned if, in the opinion of the proper officer, it has as crew suitably qualified persons to enable it to go to sea with due regard to the requirements of the life-saving equipment Regulations, the collision Regulations, the radio Regulations, and any other safety provisions that may be applicable to the ship.
 - (c) The proper officer shall, when determining the adequacy of the crew in accordance with this sub regulation, take the following into account:
 - (i) the complement normally carried by similar ships employed on similar voyages or operations;
 - (ii) the complement that the ship in question has recently carried on previous voyages or operations;
 - (iii) the complement adequate to ensure compliance with Regulations 92 and 93; and
 - (iv) The nature of the service for which the ship is intended.

(5) The Authority shall, as and when necessary, issue a marine notice specifying the number of persons to constitute the crew of a ship and the capacities in which those persons are to serve other than persons prescribed in these Regulations or elsewhere in terms of the Act.

92. Watchkeeping standards

(1) Owners, masters, and watchkeeping personnel shall observe the requirements and principles set out in Annexes 1 and 2, to ensure that a safe continuous watch, appropriate to the prevailing circumstances and conditions, is maintained in all ships at all times.

(2) Without limiting sub regulation (1), the master of every ship shall ensure that watchkeeping arrangements are adequate for maintaining a safe watch, taking into account the prevailing circumstances and conditions, and that, under the master's general direction-

(a) officers in charge of the navigational watch are responsible for navigating the ship safely during their periods of duty, when they shall be physically present on the navigating bridge or in a directly associated location such as the chartroom or bridge control room at all times;

(b) radio operators are responsible for maintaining a continuous radio watch on appropriate frequencies during their periods of duty;

(c) officers in charge of the engineering watch, under the direction of the chief engineer officer, are immediately available and on call to attend the machinery spaces and, when required, are physically present in the machinery space during periods of duty; and

(d) an appropriate and effective watch is maintained for the purpose of safety at all times, while the ship is at anchor or moored and, if the ship is carrying hazardous cargo, the organisation of the watch takes full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions prevailing on board, afloat or ashore.

93. Hours of work: general duties of owners, masters and others

(1) The master and owner shall take account of the danger posed by fatigue of seafarers, especially those whose duties involve the safe and secure operation of that ship. In preventing fatigue, owners shall take into account the guidelines provided by the Authority.

(2) All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch and those whose duties involve designated

safety, prevention of pollution and security duties shall be provided with a rest period of not less than:

- (a) a minimum of 10 hours of rest in any 24-hour period; and
- (b) 77 hours in any 7-day period.

(3) The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length, and the intervals between consecutive periods of rest shall not exceed 14 hours.

(4) The requirements for rest periods laid down in sub regulation (2) need not be maintained in the case of an emergency or in other overriding operational conditions. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and Regulations and by international instruments, shall be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.

(5) The master and owner are required to post watch schedules where they are easily accessible. The schedules shall be established in a format specified by the Authority in one of the official languages of the Republic and in English.

(6) If a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed.

(7) The master and owner shall require that records of daily hours of rest of seafarers be maintained in a format published by the Authority or approved format containing similar information, in the working language of the ship and a translation into English, to allow monitoring and verification of compliance with the provisions of this Regulation. The seafarer shall receive a copy of the record pertaining to him or her, which shall be endorsed by the master or by a person authorised by the master and the seafarer.

(8) Nothing in this Regulation shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary until normal operations has been restored. As soon as practicable after the normal operations has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

(9) The master or owners may allow exceptions from the required hours of rest in sub regulation 2(b) provided that the rest period is not less than 70 hours in any 7-day period.

(10) Exceptions from the weekly rest period provided for in sub regulation 2 shall not be allowed for more than two consecutive weeks. The intervals between two periods of exceptions on board shall not be less than twice the duration of the exception.

(11) The hours of rest provided for in sub regulation 2 may be divided into no more than 3 periods, one of which shall be at least 6 hours in length and neither of the other two periods shall be less than one hour in length. The intervals between consecutive periods of rest shall not exceed 14 hours. Exceptions shall not extend beyond two 24-hour periods in any 7-day period.

(12) The owner and/or master [of] every ship shall provide a schedule of duties setting out, amongst others, the following:

(a) hours of work for each seafarer on watchkeeping or ship handling duties; and

(b) specifying minimum rest periods in accordance with this Regulation.

(13) The schedule of duties shall be kept onboard and be made available for all watchkeeping seafarers and those with duties and responsibility for safety and pollution prevention.

(14) Records of hours of rest and any deviations from these requirements shall be kept onboard for minimum period of five years.

(15) Every master and seafarer shall ensure that they are properly rested.

(16) Any exceptions that the master makes against the hours as stated in subregulations (8), (9), (10) and (11) shall be recorded in the Official Log Book or deck log book stating the circumstances resulting in such exceptions.

94. Alcohol and drug abuse

(1) The master and owner of the ship shall establish procedures for preventing alcohol abuse by masters, officers and other seafarers with designated safety, security and marine environmental duties. Owners shall develop policies regarding the drug and alcohol testing.

(2) Masters, officers and other seafarers while performing designated safety, security and marine environmental duties, shall not have alcohol content above the following limits:

- (a) a limit of not greater than 0,05% blood alcohol level, and zero illicit narcotics in the blood; or
 - (b) 0,25 mg/l alcohol in the breath or a quantity of alcohol leading to such alcohol concentration.
- (3) Policies and procedures shall establish and distinguish planned and ad-hoc alcohol and illicit drug testing.
- (4) Planned drug and alcohol testing done in accordance with this Regulation shall be recorded in the Official Log Book or deck log book. Where ad-hoc testing is conducted, full details of the circumstances for such a test shall be recorded in the Official Log Book or deck log book.

95. Determination of minimum number of persons employed on South African ships

- (1) Employment of officers and ratings on-board a South African ship shall be, as a minimum, in accordance with relevant Regulation in Part 6.
- (2) This Regulation does not limit the power of the Proper Officer to issue and determine suitable manning levels as authorised by Regulation 91(4).
- (3) The Proper Officer may request that the owner and/or master of a ship which is engaged in operations to which Part 6 are deemed to be insufficient to conduct a risk assessment to establish minimum safe manning levels.
- (4) The owner and/or master may apply to the Proper Officer at the nearest port for the number of certificated officers and ratings to be determined in accordance with this sub regulation. The Proper Officer may only issue such an alternative manning after:
- (a) the owner has applied in writing, motivating the deviation from the manning levels provided in Part 6, and has provided a risk assessment. Should the application be for multiple vessels, such vessels shall be similar in size and operations; and
 - (b) the Proper Officer, if in agreement with the application in subparagraph (a) shall-
 - (i) appoint a surveyor to review the risk assessment and make recommendations to him; and
 - (ii) if satisfied, issue a safe manning document with such alternative manning levels established in accordance with the risk assessment and recommendations of a surveyor.

(5) The risk assessment referred to in sub regulation (3) shall be conducted as prescribed by the Authority and remains valid until any one of the instances below:

- (a) not more than five years from date of issue;
- (b) not valid when the ownership or operations have been changed;
- (c) if the ship's safety certificates issued in terms of the Act have lapsed for a period of more than 3 months without notification to the Authority; and
- (d) if the vessel is not maintained in a seaworthy state such that any inspection finds deficiencies of the following nature:
 - (i) regular non-compliance with minimum rest hours; and
 - (ii) Poor maintenance of the ship.

96. Employment of persons holding foreign certificates

(1) For the purposes of section 83(1) of the Act, the owner of a ship to which the STCW, the STCW-F Conventions and the MLC applies shall not employ on the ship, as master or ship's officer, any person who holds a certificate issued by or on behalf of the government of another country, unless-

- (a) that person's certificate has been endorsed in accordance with Regulation 97; or
- (b) In the absence of such an endorsement, the certificate was issued and is valid in accordance with the STCW and the STCW-F Conventions, the period of employment does not exceed 3 months and the owner makes application to the Authority for an endorsement in accordance with Regulation 98 prior to that person joining a ship. Documentary proof of such application having been received by the Authority shall be on board.

(2) For the purposes of section 83(1) of the Act, the owner of a ship to which the STCW and the STCW-F Conventions do not apply shall not employ on the ship, as master or ship's officer, any person who holds a certificate of competency issued by or on behalf of the government of another country, unless the Authority has, under section 83(2) of the Act, authorised that person's employment on the ship.

(3) Application for an authorisation under section 83(2) of the Act shall be made by the owner of the ship and shall be directed to the proper officer nearest to the ship's intended port of departure. The application shall-

- (a) be made before the person assumes duty on the ship; and
 - (b) be accompanied by the person's original certificate or copy thereof (together with a certified translation into English where the certificate is in a language other than English), a medical examination report complying with the requirements specified Part 2A of these Regulations, or report from another party recognised by the Authority and attesting to the person's medical fitness and a valid eyesight test certificate.
 - (c) the Proper Officer may require the person to appear before an Assessor, who shall satisfy himself or herself that the person is adequately qualified and that he or she has the ability to converse, issue and understand orders and written instructions, in the English language.
- (4) An authorisation granted under section 83(2) of the Act shall be in writing and shall specify the period, not exceeding 6 months, for which it is to remain in force.
- (5) The Authority may revoke an authorisation granted under section 83(2) of the Act if-
- (a) the person in question shows, through any inability, that he or she is not adequately qualified or that he or she is not able to converse, issue and understand orders and written instructions in the English language;
 - (b) the person's certificate expires or is cancelled or suspended by or on behalf of the government under whose Authority the certificate was originally issued;
 - (c) the person fails to comply with any condition on which the authorisation was granted;
 - (d) a court of marine enquiry or a disciplinary hearing recommends the revocation of the authorisation; or
 - (e) the person is convicted of an offence in terms of the Act or any other law administered by the Authority.
- (6) For section 74(1)(b) of the Act, the following is recognised certification as a rating:
- (a) for ships to which the STCW and the STCW-F Convention applies, valid appropriate certification issued in accordance with the STCW Convention by or on behalf of another Party to the Convention; and

(b) for other ships, valid appropriate certification that the Authority is satisfied qualifies the holder to serve in the capacity stated in the certification.

97. Recognition of foreign certificates

(1) The holder of a certificate as master, ship's officer, or Radio Operator being a certificate issued in terms of the STCW and the STCW-F Conventions by or on behalf of another party to the Conventions, may apply to the Authority, in accordance with sub regulation (2), for the certificate to be recognised under these Regulations.

(2) An application contemplated in sub regulation (1) above shall be made in the form and manner set out in the Authority's Quality Standards System.

(3) The Authority may issue an endorsement recognising an applicant's certificate, which endorsement shall have effect as an authorisation under section 83(1) of the Act, if it is satisfied that:

(a) the certificate is authentic and valid;

(b) the level of competence and knowledge evidenced by the certificate is not inferior to that required for the equivalent certificate issued under the Act;

(c) the applicant, if applying for an equivalency as master, chief mate, chief engineer officer or second engineer officer, has attained the level of knowledge of the Republic's maritime legislation required for the equivalent certificate issued under the Act; and

(d) prompt notification will be given to the Authority of any significant change in the arrangements for training and certification provided in compliance with the STCW Convention.

(4) Every endorsement issued under sub regulation (3) shall be a separate document and shall state, with reference to these Regulations and the STCW Convention, the capacity in which the holder is entitled to serve.

(5) For the purposes of this Regulation, the Authority shall-

(a) not recognise by endorsement the certificate issued by or under the Authority of another Party to the STCW Convention to a master, officer or radio operator unless the Authority:

(b) has confirmed, through an evaluation of that Party, which may include inspection of facilities and procedures that the requirements of the STCW Convention are fully complied with; and

- (c) has agreed an undertaking with the Party concerned that prompt notification will be given of any significant change in the arrangements for training and certification provided in compliance with the STCW Convention;
- (a) not recognise certificates issued by or under the Authority of a non-Party to the STCW Convention;
- (b) not use as the basis for recognition by the Authority the certificates and endorsements issued under the administration of another Party to the STCW Convention.
- (6) The Authority may cancel an endorsement issued under sub regulation (3) if:
- (a) the holder shows, through any inability, that he or she does not meet the level of competency or knowledge required for the equivalent certificate of competency, or that his or her level of proficiency in the English language does not meet the relevant requirements of the STCW Convention;
- (b) the holder's certificate expires or is cancelled or suspended by or on behalf of the government under whose Authority the certificate was originally issued;
- (c) a court of marine enquiry or a disciplinary hearing recommends the cancellation of the endorsement; or
- (d) The holder is convicted of an offence in terms of the Act or any other law administered by the Authority.
- (7) Where the Authority cancels an endorsement under sub regulation (6), it shall inform the government under whose Authority the certificate was originally issued of the cancellation.

PART 6 - GENERAL MANNING LEVELS

98. Employment of certificated deck officers on ships other than fishing vessels

- (1) The owner and the master of every ship, other than a fishing vessel or a ship referred to in sub regulation (2), shall ensure that there is employed on the ship in their appropriate capacities the number and description of appropriately certificated deck officers specified in the applicable item of the following table:

Item	Voyage/ Operation	(GT)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
				Certificate	Number
1	Port Operations	<200	Master	Skipper (port operations)	1
			Mate	Skipper (port operations) (c)	1
2		≥200 but < 500	Master	Master (<1 600 GT port operations)	1
			Mate	Skipper (port operations) (c)	1
3		≥500 but < 1 600	Master	Master (<1 600 GT port operations)	1
			Mate	Skipper (port operations)	1
4		≥1 600	Master	Master (port operations)	1
			Mate	Skipper (port operations)	1
5	Near- coastal	<200	Master	Master (<200 GT near- coastal)	1
			Mate	Coastal skipper ≥9 m (a)	1
6		≥200 but < 500	Master	Master (<500 GT near- coastal)	1
			Mate	Officer in charge of a navigational watch (<500 GT near-coastal) OR Master (<200 GT near- coastal)	1
			Watch- keeping Officer	Coastal skipper ≥9 m (a) (b)	1
7	Unlimited	<200	Master	Master (<200 GT)	1
			Mate	Skipper offshore ≥9 m (a)	1
8		≥200 but < 500	Master	Master (<3 000 GT)	1
			Mate	Chief mate (<3 000 GT)	1
			Watch- keeping Officer	Officer in Charge of a Navigational Watch	1
9		≥500 but < 3000	Master	Master (<3 000 GT)	1
			Mate	Chief mate (<3 000 GT)	1
			Watch- keeping Officer	Officer in Charge of a Navigational Watch	1
10		≥3 000	Master	Master	1

Item	Voyage/ Operation	(GT)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
				Certificate	Number
			Mate	Chief mate	1
			Watch- keeping Officer	Officer in Charge of a Navigational Watch	2
Notes					
(a) Certificates issued in terms of the Merchant Shipping (National Small Vessels Safety) Regulations, 2007 as amended					
(b) Only on voyages of over 36 hours					
(c) Only required where voyages/shifts are over 12 hours					

(2) The owner and the master of every ship of 25 GT or more that:

(a) is engaged in mining operations within waters under South African jurisdiction; and

(b) so operates at anchor for two-thirds or more of the time spent at sea between port calls, shall ensure that there is employed on the ship in their appropriate capacities the number and description of appropriately certificated deck officers specified in the applicable item of the following table-

Item	Gross Tonnage (GT)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
			Certificate	Number
1	<200	Master	Master (<200 GT near-coastal) (b)	1
		Mate	Coastal skipper ≥9 m (a) (e)	1
2	≥200 but <500	Master	Master (<500 GT near-coastal) (b)	1
		Mate	Officer in charge of a navigational watch (<500 GT near-coastal) (b)	1
3	≥500 but <3 000	Master	Master (<3 000 GT) (b)	1
		Mate	Chief mate (<3 000 GT) (b)	1
		Watch-keeping Officer	Officer in Charge of a Navigational Watch(b)	1
4	≥3 000	Master	Master (b)	1
		Mate	Chief mate (b)	1

Item	Gross Tonnage (GT)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
			Certificate	Number
		Watch-keeping Officer	Officer in Charge of a Navigational Watch(b)	1
(a) Issued in accordance with the Merchant Shipping (National Small Vessel Safety) Regulations, 2007				
(b) For vessels engaged in mining operations, certificates could be endorsed with mining endorsement				
(c) Required only on vessels with voyages extending over 12 hours				

99. Employment of certificated deck officers on fishing vessels

(1) The owner and the master of every fishing vessel shall ensure that there is employed on the vessel in their appropriate capacities the number and description of appropriately certificated deck officers specified in the applicable item of the following table:

Item	Size/Length of Vessel	Area of operation	Capacity	Appropriate minimum certification	Number
1		≥25 GT but <24 m Limited Waters	Master	Skipper Fishing (<24 m) Limited Waters	1
			Mate	Officer in Charge of a Navigational Watch Fishing (<24 m Limited Waters) or Coastal skipper ≥9 m (a)	1
2	25GT and over, but under 24m	≥25 GT but <24 m Unlimited Waters	Master	Skipper Fishing (<24 m) Unlimited Waters	1
			Mate	Officer in Charge of a Navigational Watch Fishing (<24 m Limited Waters)	1
			Watch-keeping Officer	Officer in Charge of a Navigational Watch Fishing (<24 m Limited Waters) or Skipper Offshore ≥9 m (a)	1
3	24m and over	≥24 m but <30m	Master	Skipper Fishing (≥24 m) Limited Waters	1

Item	Size/Length of Vessel	Area of operation	Capacity	Appropriate minimum certification	Number
4		Limited Waters	Mate	Officer in Charge of a Navigational Watch Fishing (≥ 24 m Limited Waters)	1
		≥ 30 m but less than 45m Limited Waters	Master	Skipper Fishing (≥ 24 m) Limited Waters	1
			Mate	Officer in Charge of a Navigational Watch Fishing (≥ 24 m Unlimited Waters)	1
			Watch-keeping Officer	Officer in Charge of a Navigational Watch Fishing (≥ 24 m Unlimited Waters)	1
5		≥ 45 m Limited Waters	Master	Skipper Fishing (≥ 24 m) Limited Waters	1
			Mate	Officer in Charge of a Navigational Watch Fishing (≥ 24 m Unlimited Waters)	1
			Watch-keeping Officer	Officer in Charge of a Navigational Watch Fishing (≥ 24 m Unlimited Waters)	1
6		≥ 24 m but <30m Unlimited Waters	Master	Skipper Fishing (≥ 24 m) Limited Waters	1
			Mate	Officer in Charge of a Navigational Watch Fishing (≥ 24 m Unlimited Waters)	1
			Watch-keeping Officer	Officer in Charge of a Navigational Watch Fishing (≥ 24 m Unlimited Waters)	1
7		≥ 30 m but <45m Unlimited Waters	Master	Skipper Fishing (≥ 24 m) Unlimited Waters	1
			Mate	Officer in Charge of a Navigational Watch Fishing (≥ 24 m Unlimited Waters)	1

Item	Size/Length of Vessel	Area of operation	Capacity	Appropriate minimum certification	Number
8		≥45m Unlimited Waters	Watch-keeping Officer	Officer in Charge of a Navigational Watch Fishing (≥24 m Unlimited Waters)	1
			Master	Skipper Fishing (≥24 m) Unlimited Waters	1
			Mate	Officer in Charge of a Navigational Watch Fishing (≥24 m Unlimited Waters)	1
			Watch-keeping Officer	Officer in Charge of a Navigational Watch Fishing (≥24 m Unlimited Waters)	2
(a) Certificate issued in terms of the MS (National Small Vessels Safety) Regulations, 2007					

100. Employment of certificated engineer officers on ships other than fishing vessels

(1) The owner and the master of every ship, other than a fishing vessel, shall ensure that there is employed on the ship in their appropriate capacities the number and description of appropriately certificated engineer officers specified in the applicable item of the following tables:

Item	Voyage/Operation	Registered propulsion power (kW)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
				Certification	Number
1	Port operations	<750	Chief engineer	Chief engineer Officer (<750 kW Port Operations)	1
2		≥750 but <1 500	Chief engineer	Chief Engineer Officer (<1 500 kW Port Operations)	1
3		≥1 500	Chief engineer	Chief Engineer Officer (port operations)	1
	Second engineer		Engineer Officer (Port Operations)	1	
4	Near Coastal	<350	Chief engineer	Officer in Charge of an Engineering Watch (<750kW)	1

Item	Voyage/Operation	Registered propulsion power (kW)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
				Certification	Number
5		≥350 but <750 and <500 GT	Chief engineer	Chief Engineer Officer (<750 kW)	1
			Second engineer	Officer in Charge of an Engineering Watch (<750kW)	1
6		≥350 but <750 and ≥500 GT	Chief engineer	Chief Engineer Officer (<750 kW)	1
7			Second engineer	Officer in Charge of an Engineering Watch (<750kW)	1
8		≥750 but <3 000	Chief engineer	Chief engineer Officer (<3 000 kW)	1
			Second engineer	Second Engineer Officer (<3000 kW)	1
			Watch-keeping officer	Officer in Charge of an Engineering Watch	1
9		≥3 000	Chief engineer	Chief engineer Officer	1
			Second engineer	Second engineer Officer	1
			Watch-keeping officer	Officer in Charge of an Engineering Watch	1
10	Unlimited	<750	Chief Engineer	Chief Engineer Officer (<750 kW)	1
			Second Engineer	Officer in Charge of an Engineering Watch (<750kW)	1
11		≥750 but < 3 000	Chief engineer	Chief Engineer Officer (<3 000 kW)	1
			Second engineer	Second Engineer Officer (<3 000 kW)	1
			Watch-keeping officer	Officer in Charge of an Engineering Watch	1
12		≥3 000	Chief engineer	Chief Engineer Officer	1

Item	Voyage/Operation	Registered propulsion power (kW)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
				Certification	Number
			Second engineer	Second Engineer Officer	1
			Watch-keeping officer	Officer in Charge of an Engineering Watch	2

101. Employment of certificated engineer officers on fishing vessels

(1) The owner and the master of every fishing vessel shall ensure that there is employed on the vessel in their appropriate capacities the number and description of appropriately certificated engineer officers specified in the applicable item of the following table:

Item	Propulsion power (kW)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
			Certification	Number
1	<350	Chief engineer	Engineer Officer (<750 kW)*	1
2	≥350 but <750	Chief engineer	Chief Engineer (<750 kW)	1
		Second engineer	Engineer Officer (<750 kW)	1
3	≥750 but <2000	Chief engineer	Chief Engineer (<2000 kW Fishing)	1
		Second engineer	Second Engineer (<2000 kW Fishing)	1
		Watchkeeping officer	Engineer Officer (<750 kW)	1
4	≥2000	Chief engineer	Chief Engineer (fishing)	1
		Second engineer	Second Engineer (<2000 kW Fishing)	1
		Watchkeeping officer	Officer in Charge of an Engineering Watch (<750kW)	1

102. Employment of certificated radio operators on ships other than fishing vessels

(1) The owner and the master of every ship, other than a fishing vessel, shall ensure that there is employed on the ship the number and description of appropriately certificated radio operators specified in the applicable item of the following table:

Item	Voyage/Operation	Tonnage of ship	Appropriate certification and number of persons to be employed	
			Certification	Number
1	Port Operations	≥25 GT	Short Range Certificate	1
2	Near-Coastal Voyages not more than 40 NM from shore	≥25 but <100 GT	Short Range Certificate	2
3	Near-Coastal Voyages over 40 NM from shore	≥25 GT	Long Range Certificate	2
4	Unlimited Voyages	≥25 GT but <300 GT	Long Range Certificate	2
5	Unlimited Voyages	≥300 GT	GMDSS General Operator's Certificate	2

(2) Provided that:

(a) the person designated to perform functions for at-sea electronic maintenance, for purposes of ensuring availability, should either hold a GMDSS First or Second Class Radio Electronic Certificate as specified by the Radio Regulations, or have equivalent at-sea electronic maintenance qualifications, as may be approved by the Administration.

(b) if a ship is fitted with a different type of radio installation than that specified by the Radio Regulations, there shall be employed on the ship at least one radio operator who is appropriately certificated for the type of radio installation fitted on the ship;

(c) if the radio equipment on the ship is being used for general communications, other than distress, urgency or safety communications, such general communications shall not be conducted by the deck officer on watch.

103. Employment of certificated radio operators on fishing vessels

(1) The owner and the master of every fishing vessel shall ensure that there is employed on the ship the number and description of appropriately certificated radio operators specified in the applicable item of the following table:

Item	Voyage/Operation	Tonnage/length of ship	Appropriate certification and number of persons to be employed	
			Certification	Number

1	Limited Waters – Voyages not more than 40 NM from shore	≥25 GT	Short Range Certificate	2
2	Limited Waters	≥25 GT	Long Range Certificate	2
3	Unlimited Waters	≥25 GT <24m	Long Range Certificate	2
4	Unlimited Waters	≥24m	GMDSS General Operator's Certificate	2

(2) Provided that:

(a) if a ship is fitted with a different type of radio installation than that specified by the Radio Regulations, there shall be employed on the ship at least one radio operator who is appropriately certificated for the type of radio installation fitted on the ship;

(b) if the radio equipment on the ship is being used for general communications, other than distress, urgency or safety communications, such general communications shall not be conducted by the deck officer on watch.

104. Employment of certificated ratings on ships other than fishing vessels

(1) The owner and the master of every ship other than a fishing vessel shall ensure that there is employed on the ship in their appropriate capacities the number and description of appropriately certificated ratings specified in the applicable item of the table below:

Item	Type of ship	Voyage/operations	Minimum certification and number to be employed			Efficient Cook
			Ordinary seafarer deck/Able seafarer deck	Ordinary seafarer engine/Able seafarer engine	SCRB/PST (a)	
1	Passenger	Unlimited	Sufficient to man each 4 hour watch in a 12 hour period plus one	Sufficient to man each 4 hour watch in a 12 hour period with a rating	One for every survival craft	1(b)
2		Near-coastal	Sufficient to man each 4 hour watch in a 12 hour period	Sufficient to man each 4 hour watch in a	One for every survival craft	(1) only required if voyage

Item	Type of ship	Voyage/operations	Minimum certification and number to be employed			Efficient Cook
			Ordinary seafarer deck/Able seafarer deck	Ordinary seafarer engine/Able seafarer engine	SCRB/PST (a)	
				12 hour period with a rating		4 — are over 48 hours
3		Port Operations	Sufficient to man each 6 hour watch in a 12 hour period, a minimum of two	Sufficient to man each 6 hour watch in a 12 hour period with a rating	One for every survival craft	
4	Other	Unlimited	≥3 000 GT Sufficient to man each 4 hour watch in a 12 hour period plus one	Sufficient to man each 4 hour watch in a 12 hour period with a rating	-	4
5			≥500 GT but < 3 000 GT Sufficient to man each 4 hour watch in a 12 hour period	Sufficient to man each 4 hour watch in a 12 hour period with a rating	-	4
6			<500 GT Sufficient to man each 6 hour watch in a 12 hour period	Sufficient to man each 6 hour watch in a 12 hour period with a rating	-	4
7			≥25 GT but <100 GT 1 Ordinary seafarer deck	1 Ordinary seafarer engine		-
8		Near-coastal	<500 GT Sufficient to man each 6 hour watch in a 12 hour period	Sufficient to man each 6 hour watch in a 12 hour period with a rating		4

Item	Type of ship	Voyage/operations	Minimum certification and number to be employed			Efficient Cook
			Ordinary seafarer deck/Able seafarer deck	Ordinary seafarer engine/Able seafarer engine	SCRB/PST (a)	
9			≥25 GT but <100 GT 1 Ordinary seafarer deck	1 Ordinary Seafarer engine		
10		Port Operations	<500 GT Sufficient to man each 6 hour watch in a 12 hour period	Able seafarer engine		
11			≥500 GT Sufficient to man each 6 hour watch in a 12 hour period plus one	Able seafarer engine		
<p>(a) PST Certificate only applicable to near-coastal and port operations service for appropriate survival craft.</p> <p>(b) For crew of more than 30, the company shall make provision as appropriate for ensuring that sufficient cooks have been employed</p>						

(2) Provided that:

(a) where a combination of ratings qualified as ordinary seafarers and as able seafarers is employed in the deck department, at least half the combined number of ratings so employed shall be qualified as able seafarers;

(b) where a combination of ratings qualified as ordinary seafarers engine and able seafarer engine is employed in the engine-room department, at least one of the ratings so employed shall be qualified as an able seafarer engine;

(c) on passenger ships the prescribed number of ratings qualified as proficient in survival craft and rescue boats and as proficient in fast rescue boats shall be in addition to the number of ratings qualified as ordinary or able seafarers;

(d) on ships having only life rafts as survival craft there may be employed, instead of the number of ratings qualified as proficient in survival craft and rescue boats, an equal number of ratings qualified as proficient in personal survival techniques only;

(e) owners and masters (bearing in mind that the table above specifies minimum requirements only) shall have regard to the requirements of Regulation 91(4) when determining the appropriate manning;

(f) in respect of a ship engaged solely in port operations, and instead of meeting the requirements specified in the table above, application may be made to the proper officer at the ship's port of operation for the number of certificated ratings to be determined, with the necessary changes, in accordance with Regulation 91(4);

(g) on ships engaged solely in port operations, there may be employed, instead of the number of ratings qualified as able seafarer deck or able seafarer engine, an equal number of ratings holding the qualification as general purpose rating (port operations);

(h) Vessels with propulsion power of less than 350 kW do not require carrying an engine rating under this table. This Regulation does not limit the power of the proper officer under Regulation 91(4) of these Regulations.

(3) Seagoing ships with voyages longer than 48 hours with a crew complement of more than 10 shall carry on board a qualified cook

105. Employment of certificated ratings on fishing vessels

(1) The owner and the master of every fishing vessel shall ensure that there is employed on the vessel in their appropriate capacities the number and description of appropriately certificated ratings specified in the applicable item of the following table:

Item	Size of vessel	Minimum certification and number to be employed		
		Able seafarer deck (fishing)/ Ordinary Seafarer deck (fishing)	SCRB/ PST (a)	Efficient Cook
1	≥25 GT but <24 m (b)	-	-	-
2	≥24 m but <45 m (c)	2	1 (d)	1(e)
3	≥45 m	2	2	1(e)
(a)	As applicable to the survival craft carried onboard.			

Item	Size of vessel	Minimum certification and number to be employed		
		Able seafarer deck (fishing)/ Ordinary Seafarer deck (fishing)	SCRB/ PST (a)	Efficient Cook
(b)	Vessels ≥ 25 GT	may retain the manning levels that applied to that vessel under the Regulations repealed until 01 July 2021		
(c)	Vessels ≥ 24 m but < 30 m	may retain the manning levels that applied to that vessel under the Regulations repealed until 01 July 2021		
(d)	Proficiency in Survival Craft and Rescue Boat required for all vessels over 45 m			
(e)	For crew of more than 30 - 1 cook per 30 (or part thereof)			

(2) Provided that where a combination of ratings qualified as ordinary seafarers and as able seafarers is employed in the deck department, at least half the combined number of ratings so employed shall be qualified as able seafarers

PART 7 - EMPLOYMENT OF SEAFARERS IN ACCORDANCE WITH OCCUPATIONAL SAFETY, SECURITY AND MEDICAL REQUIREMENTS

106. Employment of qualified personnel on tankers

(1) The owner and the master of every oil or chemical tanker shall ensure that:

(a) every seafarer assigned specific duties and responsibilities related to cargo or cargo equipment on the ship shall hold a certificate of proficiency in basic training for oil and chemical cargo training;

(b) the master, chief engineer officer, chief mate, second engineer officer and every other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations on board an oil tanker shall hold a certificate of proficiency in advanced training for oil tanker cargo operations; and

(c) the master, chief engineer officer, chief mate, second engineer officer and every other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations on board a chemical tanker shall hold a certificate of proficiency in advanced training for chemical tanker cargo operations.

(2) The owner and the master of every gas tanker shall ensure that:

(a) every seafarer assigned specific duties and responsibilities related to cargo or cargo equipment on the ship shall hold a certificate of proficiency in basic training for gas cargo training; and

(b) the master, chief engineer officer, chief mate, second engineer officer and every other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations on board a gas tanker shall hold a certificate of proficiency in advanced training for gas tanker cargo operations.

107. Employment of qualified personnel on ships subject to the IGF Code

(1) The owner and the master of every ship subject to the IGF Code shall ensure that:

(a) every seafarer on-board a ship subject to the IGF Code who is assigned designated safety duties associated with the care, use or emergency response to the fuel on board shall hold a certificate in basic training for service in ships subject to the IGF Code; and

(b) the masters, engineer officers and all personnel with immediate responsibility for the care and use of fuels and fuel systems on ships subject to the IGF Code shall hold a certificate in advanced training for service in ships subject to the IGF Code.

108. Employment of qualified personnel on ships operating in Polar Waters

(1) The owner and the master of every ship operating in polar waters shall ensure that:

(a) masters, chief mates and officers in charge of a navigational watch on ships operating in polar waters shall hold a certificate in Basic training for ships operating in polar waters, as required by the Polar Code; and

(b) masters and chief mates on ships operating in polar waters, shall hold a certificate in advanced training for ships operating in polar waters,

109. Employment of qualified personnel with security training

(1) The owner and master of a seagoing ship of 500 GT or more or a passenger ship on international voyages shall ensure that all personnel employed on board the ship have received security awareness training.

(2) The owner or master of a seagoing ship of 500 GT or more or a passenger ship on international voyages shall ensure that all personnel with security duties or responsibilities have received training for persons with designated security duties.

(3) The owner or master of a seagoing ship of 500 GT or more or a passenger ship on international voyages shall ensure that one of the officers is designated as a ship security officer.

110. Employment of qualified personnel on passenger ships

(1) The owner and the master of every passenger ship shall ensure that the master and every seafarer employed on the ship holds an appropriate certificate required under Regulation 79(4) and (5) of these Regulations. The requirements of this sub regulation apply to passenger ships of Class I, II, IIA, V and VI as designated by the Lifesaving equipment Regulations, 1968.

(2) The owner and the master of every passenger ship shall ensure that the master, officers and crew with responsibility for the passengers for the safety of passenger in an emergency situation shall hold appropriate certificate required by Regulation 76(6) of these Regulations.

(3) The master, and officers and every person assigned immediate responsibility for embarking and disembarking passenger, loading, discharging and securing of cargo, or closing hull operations on passenger ships shall hold appropriate certificate in accordance with Regulation 76(6).

111. Employment of qualified electro-technical officers and ratings

- (1) The owner and the master of every ship proceeding to sea shall:
- (a) ensure that they have determined if there's a need to carry on board electro-technical officer and ratings;
 - (b) if the need for having an electro-technical officer is determined, the electro-technical officer(s) shall be qualified in accordance with Regulation 51 of these Regulations
 - (c) if the need for having an electro-technical rating is determined, the electro-technical rating(s) shall be qualified in accordance with Regulation 73 of these Regulations

112. Employment of qualified medical personnel

(1) The owner and the master of every ship on an unlimited voyage that carries 100 or more persons shall ensure that at least one medical doctor, registered with the relevant body in the Republic, is employed on the ship.

(2) The owner and the master of every sea-going ship shall ensure that:

(a) every person designated to take charge of medical care on the ship shall hold a valid medical care certificate issued in accordance with the Training Standards Quality Standard System.

(3) Every person who is designated the duties referred to in sub regulation (2) shall undertake approved refresher training at intervals not exceeding five years.

113. Employment of qualified fire-fighting personnel

(1) The owner and the master of every ship shall ensure that every person designated as a member of a fire-fighting party on the ship holds a valid Fire Prevention and Fire Fighting certificate issued in accordance with the Quality Standard System; and

(2) The owner and the master of every ship to which these Regulations apply shall ensure that every person designated to control fire-fighting operations on the ship holds a valid advanced fire-fighting certificate issued in accordance with the Quality Standard System.

(3) Every person who is designated the duties referred to in sub regulation (1)(a) and (2) shall be required to demonstrate continued professional competence by attending approved refresher training at intervals not exceeding five years.

114. Employment of qualified personnel on ships equipped with survival craft or rescue boats

(1) The owner and master of every ship that is equipped with one or more survival craft or rescue boats shall ensure that there is employed a sufficient number of persons, to take charge of the survival craft or rescue boats, who hold a valid certificate of proficiency in survival craft and rescue boats issued in accordance with the Quality Standard System.

(2) Every person who is designated the duties referred to in sub regulation (1) shall undertake approved refresher training at intervals not exceeding five years.

115. Employment of qualified personnel on ships equipped with a fast rescue boat

(1) The owner and master of every ship that is equipped with one or more fast rescue boats shall ensure that there are employed on the ship at least two persons per boat who hold a valid certificate of proficiency in fast rescue boats issued in accordance with the Quality Standard System.

(2) Every person who is designated the duties referred to in sub regulation (1) shall demonstrate continued professional competence by serving in that capacity for at least 12 months in the previous 5 years or if this criteria is not met, undertake approved training and meet the standards of competence as specified the Quality Standard System for this Certificate.

PART 8 - SUPPLEMENTAL

116. Dispensations and Exemptions

(1) The Authority may issue a dispensation to a specified seafarer to serve on a specified ship for a specified period not exceeding 6 months in a capacity higher than that for which the seafarer hold a Certificate of Competency, provided:

(a) that such dispensations are issued in circumstances of exceptional necessity;

(b) all candidates for a dispensation shall be required to undertake level 3 assessment in order to support a request for such dispensation.

(c) any dispensation granted for a post shall be granted only to a person properly certificated or qualified to fill the rank immediately below.

(d) where certification of the post below is not required, a dispensation may be issued to a person whose qualification and experience are, in the opinion of the Senior Assessor, equivalent to the requirements for the rank to be filled, provided that, if such a person holds no appropriate certificate.

(2) A dispensation to a master or chief engineer officer will not be taken into consideration except in circumstances of *force majeure* and then only for the shortest possible period.

(3) An application for a dispensation shall be made in the form and manner specified by the Authority and shall be accompanied by the letter from the owner demonstrating the existence of exceptional circumstances.

(4) The Authority may, if in its opinion no danger would result to persons, property or the environment, grant an exemption, on such terms (if any) as it may specify, from any of the provisions of these Regulations (as may be specified in the dispensation) for classes of cases or individual cases. In the case where a dispensation is for classes of ships, the Authority shall be published in a government gazette.

(5) An exemption permitting a person to serve in a capacity for which he or she is not certificated:

(a) May be granted only if the person is certificated to serve in the next lower capacity. Provided that if the next lower capacity is an uncertificated capacity, dispensation may be granted only if the person's knowledge and experience, in the opinion of the Authority, are appropriate for the capacity to be filled;

(b) shall not be granted in respect of:

(i) the capacity of master of a passenger ship; or

(ii) the capacities of master or chief engineer of any ship to which the STCW Convention applies, except in the case of *force majeure* and then only for the shortest possible time; and

(iii) shall, in all cases, cease to have effect on the earlier of the following two dates:

(a) the date of expiry (if any) in terms of the dispensation; or

(b) The date on which the period of 6 months after the grant of dispensation expires.

(6) The Authority may alter or cancel any exemption or dispensation granted under this Regulation.

117. Equivalence of certificates and endorsements

(1) Subject to sub regulation (2), each certificate or endorsement specified in a column of an item in the table below is taken to be equivalent to the certificate or endorsement, as the case may be, specified in the other columns of that item.

(2) If the certificate or endorsement specified in column 3 of an item in the table is subject to additional qualification requirements in terms of these Regulations, documentary evidence of compliance with those requirements, or so much thereof as the Authority requires, is to be produced within the time and in the manner that the Authority directs. The equivalences below indicates the relevant Regulations and amendment Regulations in which the certificate was published, the columns represent:

(a) Column 1 – the Merchant Shipping Act, 1951,

(b) Column 2 – represents:

(i) the Examination Regulations for Certificates of Competency for Deck Officers, 1994, as amended

(ii) the Examination Regulations for Engineer-Officers, 1985, as amended

(iii) the Certificates of Qualification Regulations, 1985, as amended

(c) Column 3 – the Merchant Shipping (Training and Certification) Regulations, 1999, as amended;

(d) Column 4 – the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013, as amended;

(e) Column 5 – the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013 Amendments Regulations, 2019 to the Merchant Shipping (Safe Manning, Training & Certification) Regulations, 2013, as amended

Item	Column 1	Column 2	Column 3	Column 4	Column 5
1	Master of a foreign-going ship	Deck Officer Class 1	Master	Master	Master
2	-	Deck Officer Class 2 endorsed master (Limited Trade)	Chief Mate endorsed: -Master of a ship of less than 3 000 GT on unlimited voyages	Chief Mate endorsed: -Master of a ship of less than 3 000 GT on unlimited voyages	Chief Mate endorsed: - Master of a ship of less than 3 000 GT on unlimited voyages
3	Chief Navigating Officer of a foreign-going ship	Deck Officer Class 2 endorsed master (Short Sea Trade)	Chief Mate endorsed: -Master of a ship of less than 500 GT on near-coastal voyages	Chief Mate endorsed: -Master of a ship of less than 500 GT on near-coastal voyages	Chief Mate endorsed: -Master of a ship of less than 500 GT on near-coastal voyages
4			Master (Coastal) endorsed: -Master of a ship of less than 3 000 GT on near-coastal voyages	Master (<500 GT near-coastal) endorsed: -Master of a ship of less than 3 000 GT on near-coastal voyages	Master (<500 GT near-coastal) endorsed: -Master of a ship of less than 3 000 GT on near-coastal voyages

Item	Column 1	Column 2	Column 3	Column 4	Column 5
5	-	Deck Officer Class 2	Chief Mate	Chief Mate	Chief Mate
6	-	Deck Officer Class 3 endorsed Master (Limited Trade)	Deck Officer endorsed: -Master of a ship of less than 500 GT on unlimited voyages -Chief Mate of a ship of less than 3 000 GT on unlimited voyages	Chief Mate(<3 000 GT) endorsed: -Master of a ship of less than 500 GT on unlimited voyages	Chief Mate(<3 000 GT) endorsed: -Master of a ship of less than 500 GT on unlimited voyages
7	-	Deck Officer Class 3 endorsed Master (Short Sea Trade)	Deck Officer endorsed: - Master of a ship of less than 500 GT on near-coastal voyages - Chief Mate of a ship of less than 3 000 GT on unlimited voyages	Chief Mate (<3 000 GT) endorsed: - Master of a ship of less than 500 GT on unlimited voyages	Chief Mate (<3 000 GT) endorsed: - Master of a ship of less than 500 GT on unlimited voyages
8	Second Navigating Officer of a foreign-going ship	Deck Officer Class 3	Deck Officer	Deck Officer	Officer in Charge of Navigational Watch
9	-	Deck Officer Class 4 endorsed master (Limited Trade)	Deck Officer endorsed: - Master of a ship of less than 500 GT on unlimited voyages	Deck Officer endorsed: - Master (<500 GT)	Officer in Charge of Navigational Watch endorsed: - Master (<500 GT)
10	Master of a coasting ship of 100 GT or more	Deck Officer Class 4 endorsed master (Short Sea Trade)	Deck Officer endorsed: - Master of a ship of less than 500 GT on near-coastal voyages	Deck Officer endorsed: - Master (<500 GT near-coastal)	Officer in Charge of Navigational Watch endorsed: - Master (<500 GT near-coastal)
11	-	Deck Officer Class 4 endorsed	Deck Officer endorsed:	Deck Officer endorsed:	Officer in Charge of Navigational

Item	Column 1	Column 2	Column 3	Column 4	Column 5
		master (Port Operation)	- Master of a ship of any tonnage operating within a port operations area	- Master (Port Operations)	Watch endorsed: - Master (Port Operations)
12	-	Deck Officer Class 4 endorsed Port Operation Service	Master (Port Operations)	Master (Port Operations)	Master (Port Operations)
13				Master (<1 600 GT Port Operations)	Master (<1 600 GT Port Operations)
14		-	-	Master (<500 GT)	Master (<500 GT)
15		-	-	Mate (<500 GT)	Officer in Charge of Navigational Watch (<500 GT)
16	-	Deck Officer Class 5 endorsed master (Short Sea Trade)	Mate (Coastal) endorsed: - Master of a ship of less than 500 GT on near-coastal voyages	Master (<500 GT near-coastal)	Master (<500 GT near-coastal)
17	-	Deck Officer Class 5 endorsed master (Port Operation)	Mate (Coastal) endorsed: - Master of a ship of any tonnage operating within a port operations area	Mate (<500 GT near-coastal) endorsed: - Master (Port Operations)	Officer in Charge of Navigational Watch (<500 GT near-coastal) endorsed: - Master (Port Operations)
18	-	Deck Officer Class 5 endorsed Port Operation Service	Master (Port Operations)	Master (Port Operations)	Master (Port Operations)
19	Navigating Officer of a coasting ship of 100 GT or more	Deck Officer Class 5	Mate (Coastal)	Mate (<500 GT near-coastal)	Officer in Charge of Navigational Watch (<500 GT near-coastal)

Item	Column 1	Column 2	Column 3	Column 4	Column 5
20	-	Deck Officer Class 6 (Unlimited Trade)	Skipper (Unlimited)	Master (<200 GT)	Master (<200 GT)
21	-	Deck Officer Class 6 (Short Sea Trade)	Skipper (Coastal)	Master (<200 GT near-coastal)	Master (<200 GT near-coastal)
22	-	Deck Officer Class 6 (Restricted Trade)	Skipper (Port Operations)	Skipper (<200 GT Port Operations)	Skipper (<200 GT Port Operations)
23			Fisherman Grade 2 (with High Seas Command Endorsement)	Skipper fishing (≥24 m unlimited Waters)	Skipper fishing (≥24 m Unlimited Waters)
24			Fisherman Grade 3 (with High Seas Command Endorsement)	Skipper fishing (<24 m unlimited Waters) endorsed: - Skipper of a fishing vessel of <30 m on unlimited waters	Skipper fishing (≥24 m Unlimited Waters) endorsed: - Skipper of a fishing vessel of <30 m in unlimited waters
25			Fisherman Grade 4 (Skipper- with High Seas Command Endorsement)	Skipper fishing (<24 m Unlimited)	Skipper fishing (<24 m Unlimited waters)
26	Skipper of a fishing, sealing or shore-based whaling boat of 100 GT or more	Fisherman Grade 2	Fisherman Grade 2	Skipper fishing (≥24 m Limited Waters)	Skipper fishing (≥24 m Limited Waters)
27	Mate of a fishing, sealing or shore-based whaling boat of 100 GT or more	Fisherman Grade 3	Fisherman Grade 3	Skipper fishing (<24 m Limited Waters) endorsed: - Skipper of a fishing vessel of <30 m on limited waters	Skipper fishing (≥24 m Limited waters) endorsed: - Skipper of a fishing vessel of <30 m in limited waters
28			Fisherman Grade 4 (Skipper) (With	Skipper fishing (<24 m	Skipper fishing (<24 m

Item	Column 1	Column 2	Column 3	Column 4	Column 5
			High seas command endorsement)	Unlimited Waters)	Unlimited Waters)
29	Boatswain of a fishing, sealing or shore-based whaling boat of 100 GT or more	Fisherman Grade (Skipper) 4	Fisherman Grade (Skipper) 4	Skipper (<24 m Limited Waters)	Skipper fishing (<24 m Limited Waters)
30	Skipper of a coasting ship or a fishing, sealing or shore-based whaling boat of less than 100 GT	Fisherman Grade (Skipper) 4	Fisherman Grade (Skipper) 4		
31	Mate of a coasting ship or a fishing, sealing or shore-based whaling boat of less than 100 GT	Fisherman Grade (Watchkeeper) 4	Fisherman Grade (Watchkeeper) 4	Deck Officer fishing (≥24 m)	Deck Officer fishing (<24 m Unlimited Waters)
32	-			Deck Officer fishing (<24 m)	Deck Officer fishing (<24 m Limited Waters)
33					Deck Officer Fishing (≥24m Unlimited Waters)
34					Deck Officer Fishing (≥24m Limited Waters)
35	Chief Engineer Officer of a foreign-going ship	Marine Engineer-Officer Class 1	Chief Engineer Officer (≥3 000 kW)	Chief Engineer Officer	Chief Engineer Officer
36	Second Engineer-Officer of a foreign-going ship	Marine Engineer-Officer Class 2	Second Engineer Officer (≥3 000 kW) endorsed: - Chief Engineer Officer of a ship of less than 3 000 kW	Second Engineer Officer (≥3 000 kW) - Endorsed Chief engineer officer of a ship less than 3 000 kW	Second Engineer Officer - <i>Endorsed Chief engineer officer of a ship less than 3 000 kW</i>

Item	Column 1	Column 2	Column 3	Column 4	Column 5
			propulsion power		
37	-	Marine Engineer-Officer Class 3 with Service Endorsement	Second Engineer Officer (<3 000 kW) endorsed: - Chief Engineer Officer of a ship of less than 750 kW propulsion power - Chief Engineer Officer of a ship of any kilowatt propulsion power operating within a port operations area	Second engineer officer (<3 000 kW) - Endorsed chief engineer officer of a ship less than 750 kW propulsion power; - Chief engineer officer of a ship of any kilowatt power operating within a port operations area	Second engineer officer (<3 000 kW) - <i>Endorsed chief engineer officer of a ship less than 750 kW propulsion power;</i> - <i>Chief engineer officer of a ship of any kilowatt power operating within a port operations area</i>
38	-	Marine Engineer Officer Class 3 non STCW endorsed	Marine Engineer Officer Class 3 non STCW endorsed	Chief Engineer Officer (Fishing)	Chief Engineer Officer (Fishing)
39	Chief Engineer-Officer of a coasting ship	Marine Engineer-Officer Class 3	(a) Second Engineer Officer (<3 000 kW) endorsed: - Chief Engineer Officer of a ship of any kilowatt propulsion power operating within a port operations area (b) Chief Engineer Officer (Port Operations)	Second engineer officer (<3 000k W) - Chief engineer officer of a ship of any kilowatt propulsion power operating within a port operations area; - Chief engineer officer (port operations)	Second engineer officer (<3000k W) - <i>Chief engineer officer of a ship of any kilowatt propulsion power operating within a port operations area;</i> - <i>Chief engineer officer (port operations)</i>
40	Second Engineer-	Marine Engineer-Officer Class 4	(a) Engineer Officer endorsed:	Engineer officer endorsed	Engineer Officer

Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Officer of a coasting ship		- Chief Engineer Officer of a ship of less than 1 500 kW propulsion power operating within a port operations area (b) Second Engineer (Port Operations)	- Chief engineer officer of a ship of less than 1 500 kW propulsion power operating within a port operations area; - Second engineer officer (port operations)	- Chief engineer officer of a ship of less than 1 500 kW propulsion power operating within a port operations area;
41	-	Marine Engineer Officer Class 4 non STCW endorsed	Marine Engineer Officer Class 3 non STCW endorsed	Chief Engineer Officer (Fishing) <3 000 kW propulsion power	Chief Engineer (<2000 kW Fishing)
42		Second Engineer Officer (Port Operations)	Second Engineer Officer (Port Operations)	Chief Engineer Officer <1 500 kW (Port Operations)	Chief Engineer (<1 500 kW (Port Operations)
43		Engineer Officer (Port Operations)	Engineer Officer (Port Operations)	Chief Engineer Officer <750 kW (Port Operations)	Chief Engineer <750 kW (Port Operations)
44	-	Marine Motorman Higher Grade	Marine Motorman Higher Grade Endorsed: - Second Engineer Officer (Fishing) - Chief Engineer Officer <1 500 kW propulsion power operating within a port operations area	Marine Motorman Higher grade	Chief Engineer (<2000 kW Fishing)
45	Marine Engineman	Marine Motorman Grade 1	Marine Motorman Grade 1	Marine Motorman grade 1 Endorsed:	Second Engineer (<2000 kW Fishing)

Item	Column 1	Column 2	Column 3	Column 4	Column 5
				- Watch-keeping Engineer Officer (Fishing) <3 000 kW propulsion power	- <i>Endorsed chief engineer officer of a ship less than 750 kW propulsion power</i>
46	Assistant Marine Engineman, any brake horsepower	Marine Motorman Grade 2	Marine Motorman Grade 2	Marine Motorman Grade 2	Engineer Officer (<750 kW) <i>Endorsed to Chief Engineer of a ship of less than 350 kW propulsion</i>
47				Chief Engineer (Fishing)	Chief Engineer (Fishing)
48				Chief Engineer (<3 000 kW Fishing)	Chief Engineer (<2000 kW Fishing)
49				Second Engineer (fishing)	Second Engineer (Fishing)
50	Assistant Marine Engineman, under 150 brake horsepower	Marine Motorman Grade 3	Marine Motorman Grade 3	-	-
51	Maritime Radio communication General Certificate	Maritime Radio communication General Certificate	Maritime Radio communication General Certificate	GMDSS First-class Radio Electronic Certificate	GMDSS First-class Radio Electronic Certificate
52	-	-	-	GMDSS Second-class Radio Electronic Certificate	GMDSS Second-class Radio Electronic Certificate
53	First-class Radio Telegraph Operator's Certificate	First-class Radio Telegraph Operator's Certificate	-	-	-
54	Second-class Radio	Second-class Radio Telegraph	-	-	-

Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Telegraph Operator's Certificate	Operator's Certificate			
55	Radio Telegraph Operator's Special Certificate	Radio Telegraph Operator's Special Certificate	-	-	-
56	-	GMDSS General Operator's Certificate	GMDSS General Operator's Certificate	GMDSS General Operator's Certificate	GMDSS General Operator's Certificate
57	Radiotelephone Operator's General Certificate	Radiotelephone Operator's General Certificate	-	-	-
58	Restricted Radiotelephone Operator's Certificate (Marine)	Restricted Radiotelephone Operator's Certificate (Marine)	Restricted Radiotelephone Operator's Certificate (Marine)	Long Range Certificate	Long Range Certificate
59	Restricted Radiotelephone Operator's Certificate (Marine) VHF ONLY	Restricted Radiotelephone Operator's Certificate (Marine) VHF ONLY	Restricted Radiotelephone Operator's Certificate (Marine) VHF ONLY	Short Range Certificate	Short Range Certificate
60	Able Seafarer	Efficient Deck Rating	Able Seaman	Able Seafarer Deck	Able Seafarer Deck
61	-	-	Able Seaman (Fishing)	Able Seafarer Deck (Fishing)	Able Seafarer Deck (Fishing)
62			Able seaman (port operations)	Able Seafarer deck (port operations)	Able Seafarer deck (port operations)
63	-	-	Ordinary Seaman	Ordinary Seafarer deck	Rating forming part of a navigational watch
64			Ordinary Seaman (port operations)		Rating forming part of a navigational watch (Port Operations)
65	Lifeboatman	Proficiency in Survival Craft	Proficiency in Survival Craft	Proficiency in Survival Craft	Proficiency in Survival Craft and rescue boats, other

Item	Column 1	Column 2	Column 3	Column 4	Column 5
					than fast rescue boats
66	-	Efficient Engine-room Rating	Oiler	Able Seafarer Engine	Able Seafarer Engine
67			Wiper	Ordinary seafarer engine	Rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room
68			Oiler (Port Operations)	Able Seafarer Engine (port operations)	Able Seafarer Engine (port operations)
69			Wiper (port operations)	Ordinary seafarer engine	Rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room (Port Operations)
70	-	Efficient Cook	Efficient Cook	Efficient Cook	Efficient Cook
71	-	Proficiency in Survival Craft (Local)	Proficiency in Liferrafts	Personal survival techniques	-
72	-	Efficient General Purpose Rating	Efficient General Purpose Rating (Port Operations)	General Purpose Rating (Port Operations)	General Purpose Rating (Port Operations)

(3) Where the holder of a certificate of competency issued under the Act before the commencement of these Regulations has served in a certificated capacity for at least 12 months in the preceding five years but is prohibited from continued employment in that capacity owing to the tonnage, propulsion power or area of operation of the ship exceeding the applicable tonnage, propulsion power or area of operation limitation, the Authority may endorse the certificate, or the equivalent certificate in terms of this Regulation, as the case may be, so as to entitle the holder to continued employment in the capacity concerned on

a ship having an appropriately greater tonnage, propulsion power or area of operation.

118. Safe manning document

- (1) The owner of every ship shall ensure that:
 - (a) a safe manning document is in force in respect of the ship and the manning of the ship;
 - (b) the safe manning document is kept on board the ship at all times; and
 - (c) The manning of the ship is maintained at all times to at least the levels specified in the safe manning document.
- (2) The Safe Manning Document shall be valid:
 - (a) for a period of one year from date of issue;
 - (b) for a ship required to carry a Cargo Ship Safety Equipment Certificate or Passenger Ship Safety Certificate, valid for the period of validity of that certificate;
 - (c) for a document issued in accordance with Regulation 95-
 - (i) shall be valid for a period of five years;
 - (ii) until the vessel changes ownership and operation; or
 - (iii) until cancelled by the Authority.
- (3) The master of every ship shall ensure that the ship does not go to sea unless there is on board and in force in respect of the ship a valid safe manning document and the manning of the ship complies with that document.

119. Carriage of documents

Without limiting Regulation 91, the owner and the master of every ship shall ensure that there are carried at all times on board the ship all original certificates and other documents issued pursuant to the Act, the STCW Convention or STCW-F Convention, as the case may be, showing the qualification of the master and any member of the crew to perform functions which they are required to perform aboard ship in the course of their designated duties.

120. Offences, penalties and defences

- (1) Every owner commits an offence who contravenes Regulation 91(1) or (4), 93(1), 116 or 117.
- (2) Every employer, being an employer who in terms of Regulation 93 has become subject to the duties of the owner under that Regulation, who contravenes Regulation 93 commits an offence.
- (3) Every master commits an offence who contravenes Regulation 93(12), (13), (14), (15), (16) 92(2), (4), (6), 94(2) or (3).
- (4) Every seafarer commits an offence who contravenes Regulation 92, 93(16) or 94(4).
- (5) A person who commits an offence in terms of sub regulation (1), (2) or (3) is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.
- (6) A person who commits an offence in terms of sub regulation (4) is liable on conviction to a fine or to imprisonment for a period not exceeding twelve months.
- (7) In proceedings for an offence in terms of this Regulation it is a defence to prove that the accused took reasonable precautions and exercised due diligence to avoid committing the offence.
- (8) In proceedings for an offence in terms of this Regulation consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall be for the accused to prove that it was not reasonably practicable to do more than what was in fact done to satisfy the duty or requirement.

PART 9 - REPEAL OF REGULATIONS AND SAVINGS, TRANSITIONAL ARRANGEMENTS, AND TITLE AND COMMENCEMENT**121. Repeal of Regulations**

- (1) The Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013, published by Government Notice R511 of 23 July 2013, are hereby repealed

(2) The Merchant Shipping (Eyesight and Medical Examinations) Regulations, 2004, published by Government Notice R GNR.1197 of 2004 of 15 October 2004, are hereby repealed

122. Transitional arrangements

(1) Until 1 March 2022, the Authority may continue to issue, recognise and endorse certificates in accordance with the provisions which applied immediately prior to 1 March 2020 in respect of those seafarers who commenced approved seagoing service, an approved education and training programme or an approved training course before 1 July 2013.

(2) Until 1 March 2022, the Authority may continue to revalidate certificates and endorsements in accordance with the provisions which applied immediately prior to 1 March 2020.

(3) Any certificate issued under the Act, before promulgation of these Regulations, shall continue to be valid until the later of the following instances:

(a) for certificates issued under the Examination Regulation for Certificates of Competency for Fisherman, 1993 and Examination Regulations for certificates of competency as Marine Motormen, 1993-

(i) 24 months from the date of these Regulations coming into force;
or

(ii) five years after the issue of a certificate.

(b) for certificates (except special grade certificates) issued in terms of the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013, as amended -

(i) a date of expiry which is endorsed to it;

(ii) five years from the date of issue of certificates; or

(iii) 12 months from the date of these Regulations coming into force.

(4) Any restricted Radiotelephone Operators Certificates issued in terms of the Merchant Shipping Act 57 of 1951 may continue to be used for the purpose for which they were issued until replaced by the long and short range certificate.

(5) The medical practitioners approved under the Regulations repealed by Regulation 121(2) shall remain approved for the remainder of the period of their existing approval. Such approval shall be deemed to meet the requirements of Part 5 of these Regulations

(6) The Authority may continue to perform eyesight examinations for 18 months from the date that these Regulations are promulgated into effect.

(7) Masters or owners, as the case may be, shall, within two years after entry into force of these Regulations, ensure that any member of the ships' crew, who have designated safety, or pollution prevention duties, complete 'basic training' in terms of Regulation 2(7).

123. Title and commencement

These Regulations are called the Merchant Shipping (Training, Certification and Manning) Regulations, 2020, and are published for public comments .

ANNEX 1**WATCHKEEPING ARRANGEMENTS AND PRINCIPLES FOR SHIPS OTHER THAN FISHING VESSELS****PART 1 – CERTIFICATION**

1 The officer in charge of the navigational or deck watch shall be duly qualified in accordance with the provisions of chapter II or chapter VII appropriate to the duties related to navigational or deck watch-keeping.

2 The officer in charge of the engineering watch shall be duly qualified in accordance with the provisions of chapter III or chapter VII appropriate to the duties related to engineering watch-keeping.

PART 2 – VOYAGE PLANNING**General requirements**

3 The intended voyage shall be planned in advance, taking into consideration all pertinent information, and any course laid down shall be checked before the voyage commences.

4 The chief engineer officer shall, in consultation with the master, determine in advance the needs of the intended voyage, taking into consideration the requirements for fuel, water, lubricants, chemicals, expendable and other spare parts, tools, supplies and any other requirements.

Planning prior to each voyage

5 Prior to each voyage, the master of every ship shall ensure that the intended route from the port of departure to the first port of call is planned using adequate and appropriate charts and other nautical publications necessary for the intended voyage, containing accurate, complete and up-to-date information regarding those navigational limitations and hazards which are of a permanent or predictable nature and which are relevant to the safe navigation of the ship.

Verification and display of planned route

6 When the route planning is verified, taking into consideration all pertinent information, the planned route shall be clearly displayed on appropriate charts and shall be continuously available to the officer in charge of the watch, who shall verify each course to be followed prior to using it during the voyage.

Deviation from planned route

7 If a decision is made, during a voyage, to change the next port of call of the planned route, or if it is necessary for the ship to deviate substantially from the planned route for other reasons, then an amended route shall be planned prior to deviating substantially from the route originally planned.

PART 3 – WATCHKEEPING PRINCIPLES IN GENERAL

8 Watches shall be carried out based on the following bridge and engine-room resource management principles:

(1) proper arrangements for watch-keeping personnel shall be ensured in accordance with the situations;

(2) any limitation in qualifications or fitness of individuals shall be taken into account when deploying watch-keeping personnel;

(3) understanding of watch-keeping personnel regarding their individual roles, responsibility and team roles shall be established;

(4) the master, chief engineer officer and officer in charge of watch duties shall maintain a proper watch, making the most effective use of the resources available, such as information, installations and equipment and other personnel;

(5) watch-keeping personnel shall understand functions and operation of installations/equipment, and be familiar with handling them;

(6) watch-keeping personnel shall understand information and how to respond to information from each station, installation, and equipment;

(7) information from the stations, installations and equipment shall be appropriately shared by all the watch-keeping personnel;

(8) watch-keeping personnel shall maintain an exchange of appropriate communication in any situation; and

(9) watch-keeping personnel shall notify the master or chief engineer officer or officer in charge of watch duties without any hesitation when in any doubt as to what action to take in the interest of safety.

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PART 4 – WATCHKEEPING AT SEA

Principles applying to watchkeeping generally

9 Parties shall direct the attention of companies, masters, chief engineer officers and watchkeeping personnel to the following principles, which shall be observed to ensure that safe watches are maintained at all times.

10 The master of every ship is bound to ensure that watchkeeping arrangements are adequate for maintaining a safe navigational or cargo watch. Under the master's general direction, the officers of the navigational watch are responsible for navigating the ship safely during their periods of duty, when they will be particularly concerned with avoiding collision and stranding.

11 The chief engineer officer of every ship is bound, in consultation with the master, to ensure that watchkeeping arrangements are adequate to maintain a safe engineering watch.

Protection of marine environment

12 The master, officers and ratings shall be aware of the serious effects of operational or accidental pollution of the marine environment and shall take all possible precautions to prevent such pollution, particularly within the framework of relevant international and port Regulations.

Part 4-1 – Principles to be observed in keeping a navigational watch

13 The officer in charge of the navigational watch is the master's representative and is primarily responsible at all times for the safe navigation of the ship and for complying with the International Regulations for Preventing Collisions at Sea, 1972, as amended.

Lookout

14 A proper lookout shall be maintained at all times in compliance with rule 5 of the International Regulations for Preventing Collisions at Sea, 1972, as amended and shall serve the purpose of:

(1) maintaining a continuous state of vigilance by sight and hearing, as well as by all other available means, with regard to any significant change in the operating environment;

(2) fully appraising the situation and the risk of collision, stranding and other dangers to navigation; and

(3) detecting ships or aircraft in distress, shipwrecked persons, wrecks, debris and other hazards to safe navigation.

15 The lookout must be able to give full attention to the keeping of a proper lookout and no other duties shall be undertaken or assigned which could interfere with that task.

16 The duties of the lookout and helmsperson are separate and the helmsperson shall not be considered to be the lookout while steering, except in small ships where an unobstructed all-round view is provided at the steering position and there is no impairment of night vision or other impediment to the keeping of a proper lookout. The officer in charge of the navigational watch may be the sole lookout in daylight provided that, on each such occasion:

(1) the situation has been carefully assessed and it has been established without doubt that it is safe to do so;

(2) full account has been taken of all relevant factors, including, but not limited to:

(a) state of weather;

(b) visibility;

(c) traffic density;

(d) proximity of dangers to navigation; and

(e) the attention necessary when navigating in or near traffic separation schemes; and

(3) assistance is immediately available to be summoned to the bridge when any change in the situation so requires.

17 In determining that the composition of the navigational watch is adequate to ensure that a proper lookout can continuously be maintained, the master shall take into account all relevant factors, including those described in this section of the Regulations, as well as the following factors:

(1) visibility, state of weather and sea;

(2) traffic density, and other activities occurring in the area in which the vessel is navigating;

(3) the attention necessary when navigating in or near traffic separation schemes or other routing measures;

(4) the additional workload caused by the nature of the ship's functions, immediate operating requirements and anticipated manoeuvres;

(5) the fitness for duty of any crew members on call who are assigned as members of the watch;

(6) knowledge of, and confidence in, the professional competence of the ship's officers and crew;

(7) the experience of each officer of the navigational watch, and the familiarity of that officer with the ship's equipment, procedures, and manoeuvring capability;

(8) activities taking place on board the ship at any particular time, including radio-communication activities, and the availability of assistance to be summoned immediately to the bridge when necessary;

(9) the operational status of bridge instrumentation and controls, including alarm systems;

(10) rudder and propeller control and ship manoeuvring characteristics;

(11) the size of the ship and the field of vision available from the conning position;

(12) the configuration of the bridge, to the extent such configuration might inhibit a member of the watch from detecting by sight or hearing any external development; and

(13) any other relevant standard, procedure or guidance relating to watchkeeping arrangements and fitness for duty which has been adopted by the Organization.

Watch arrangements

18 When deciding the composition of the watch on the bridge, which may include appropriately qualified ratings, the following factors, inter alia, shall be taken into account:

(1) at no time shall the bridge be left unattended;

(2) weather conditions, visibility and whether there is daylight or darkness;

(3) proximity of navigational hazards which may make it necessary for the officer in charge of the watch to carry out additional navigational duties;

(4) use and operational condition of navigational aids such as ECDIS, radar or electronic position-indicating devices and any other equipment affecting the safe navigation of the ship;

(5) whether the ship is fitted with automatic steering;

(6) whether there are radio duties to be performed;

(7)unmanned machinery space (UMS) controls, alarms and indicators provided on the bridge, procedures for their use and their limitations; and

(8)any unusual demands on the navigational watch that may arise as a result of special operational circumstances.

Taking over the watch

19 The officer in charge of the navigational watch shall not hand over the watch to the relieving officer if there is reason to believe that the latter is not capable of carrying out the watch-keeping duties effectively, in which case the master shall be notified.

20 The relieving officer shall ensure that the members of the relieving watch are fully capable of performing their duties, particularly as regards their adjustment to night vision. Relieving officers shall not take over the watch until their vision is fully adjusted to the light conditions.

21 Prior to taking over the watch, relieving officers shall satisfy themselves as to the ship's estimated or true position and confirm its intended track, course and speed, and UMS controls as appropriate and shall note any dangers to navigation expected to be encountered during their watch.

22 Relieving officers shall personally satisfy themselves regarding the:

(1) standing orders and other special instructions of the master relating to navigation of the ship;

(2) position, course, speed and draught of the ship;

(3) prevailing and predicted tides, currents, weather, visibility and the effect of these factors upon course and speed;

(4) procedures for the use of main engines to manoeuvre when the main engines are on bridge control; and

(5) navigational situation, including, but not limited to:

(a) the operational condition of all navigational and safety equipment being used or likely to be used during the watch;

(b) the errors of gyro- and magnetic compasses;

(c) the presence and movement of ships in sight or known to be in the vicinity;

(d) the conditions and hazards likely to be encountered during the watch; and

(e) the possible effects of heel, trim, water density and squat on under-keel clearance.

23 If, at any time, the officer in charge of the navigational watch is to be relieved when a manoeuvre or other action to avoid any hazard is taking place, the relief of that officer shall be deferred until such action has been completed.

Performing the navigational watch

24 The officer in charge of the navigational watch shall:

- (1) keep the watch on the bridge;
- (2) in no circumstances leave the bridge until properly relieved; and
- (3) continue to be responsible for the safe navigation of the ship, despite the presence of the master on the bridge, until informed specifically that the master has assumed that responsibility and this is mutually understood.

25 During the watch, the course steered, position and speed shall be checked at sufficiently frequent intervals, using any available navigational aids necessary, to ensure that the ship follows the planned course.

26 The officer in charge of the navigational watch shall have full knowledge of the location and operation of all safety and navigational equipment on board the ship and shall be aware and take account of the operating limitations of such equipment.

27 The officer in charge of the navigational watch shall not be assigned or undertake any duties which would interfere with the safe navigation of the ship.

28 When using radar, the officer in charge of the navigational watch shall bear in mind the necessity to comply at all times with the provisions on the use of radar contained in the International Regulations for Preventing Collisions at Sea, 1972, as amended in force.

29 In cases of need, the officer in charge of the navigational watch shall not hesitate to use the helm, engines and sound signalling apparatus. However, timely notice of intended variations of engine speed shall be given where possible or effective use shall be made of UMS engine controls provided on the bridge in accordance with the applicable procedures.

30 Officers of the navigational watch shall know the handling characteristics of their ship, including its stopping distances, and should appreciate that other ships may have different handling characteristics.

31 A proper record shall be kept during the watch of the movements and activities relating to the navigation of the ship.

32 It is of special importance that at all times the officer in charge of the navigational watch ensures that a proper lookout is maintained. In a ship with a separate chartroom, the officer in charge of the navigational watch may visit the chartroom, when essential, for a short period for the necessary performance of navigational duties, but shall first ensure that it is safe to do so and that proper lookout is maintained.

33 Operational tests of shipboard navigational equipment shall be carried out at sea as frequently as practicable and as circumstances permit, in particular before hazardous conditions affecting navigation are expected. Whenever appropriate, these tests shall be recorded. Such tests shall also be carried out prior to port arrival and departure.

34 The officer in charge of the navigational watch shall make regular checks to ensure that:

- (1) the person steering the ship or the automatic pilot is steering the correct course;
- (2) the standard compass error is determined at least once a watch and, when possible, after any major alteration of course; the standard and gyro-compasses are frequently compared and repeaters are synchronized with their master compass;
- (3) the automatic pilot is tested manually at least once a watch;
- (4) the navigation and signal lights and other navigational equipment are functioning properly;
- (5) the radio equipment is functioning properly in accordance with paragraph 86 of this section; and
- (6) the UMS controls, alarms and indicators are functioning properly.

35 The officer in charge of the navigational watch shall bear in mind the necessity to comply at all times with the requirements in force of the International Convention for the Safety of Life at Sea (SOLAS), 1974 *. The officer of the navigational watch shall take into account:

- (1) the need to station a person to steer the ship and to put the steering into manual control in good time to allow any potentially hazardous situation to be dealt with in a safe manner; and
- (2) that, with a ship under automatic steering, it is highly dangerous to allow a situation to develop to the point where the officer in charge of the navigational

watch is without assistance and has to break the continuity of the lookout in order to take emergency action.

36 Officers of the navigational watch shall be thoroughly familiar with the use of all electronic navigational aids carried, including their capabilities and limitations, and shall use each of these aids when appropriate and shall bear in mind that the echo-sounder is a valuable navigational aid.

37 The officer in charge of the navigational watch shall use the radar whenever restricted visibility is encountered or expected, and at all times in congested waters, having due regard to its limitations.

38 The officer in charge of the navigational watch shall ensure that the range scales employed are changed at sufficiently frequent intervals so that echoes are detected as early as possible. It shall be borne in mind that small or poor echoes may escape detection.

39 Whenever radar is in use, the officer in charge of the navigational watch shall select an appropriate range scale and observe the display carefully, and shall ensure that plotting or systematic analysis is commenced in ample time.

40 The officer in charge of the navigational watch shall notify the master immediately:

- (1) if restricted visibility is encountered or expected;
- (2) if the traffic conditions or the movements of other ships are causing concern;
- (3) if difficulty is experienced in maintaining course;
- (4) on failure to sight land, or a navigation mark or to obtain soundings by the expected time;
- (5) if, unexpectedly, land or a navigation mark is sighted or a change in soundings occurs;
- (6) on breakdown of the engines, propulsion machinery remote control, steering gear or any essential navigational equipment, alarm or indicator;
- (7) if the radio equipment malfunctions;
- (8) in heavy weather, if in any doubt about the possibility of weather damage;
- (9) if the ship meets any hazard to navigation, such as ice or a derelict; and

(10) in any other emergency or if in any doubt.

41 Despite the requirement to notify the master immediately in the foregoing circumstances, the officer in charge of the navigational watch shall, in addition, not hesitate to take immediate action for the safety of the ship, where circumstances so require.

42 The officer in charge of the navigational watch shall give watchkeeping personnel all appropriate instructions and information which will ensure the keeping of a safe watch, including a proper lookout.

Watchkeeping under different conditions and in different areas

Clear weather

43 The officer in charge of the navigational watch shall take frequent and accurate compass bearings of approaching ships as a means of early detection of risk of collision and shall bear in mind that such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large ship or a tow or when approaching a ship at close range. The officer in charge of the navigational watch shall also take early and positive action in compliance with the applicable International Regulations for Preventing Collisions at Sea, 1972, as amended and subsequently check that such action is having the desired effect.

44 In clear weather, whenever possible, the officer in charge of the navigational watch shall carry out radar practice.

Restricted visibility

45 When restricted visibility is encountered or expected, the first responsibility of the officer in charge of the navigational watch is to comply with the relevant rules of the International Regulations for Preventing Collisions at Sea, 1972, as amended with particular regard to the sounding of fog signals, proceeding at a safe speed and having the engines ready for immediate manoeuvre. In addition, the officer in charge of the navigational watch shall:

- (1) inform the master;
- (2) post a proper lookout;
- (3) exhibit navigation lights; and
- (4) operate and use the radar.

In hours of darkness

46 The master and the officer in charge of the navigational watch, when arranging lookout duty, shall have due regard to the bridge equipment and navigational aids available for use, their limitations, procedures and safeguards implemented.

Coastal and congested waters

47 The largest scale chart on board, suitable for the area and corrected with the latest available information, shall be used. Fixes shall be taken at frequent intervals, and shall be carried out by more than one method whenever circumstances allow. When using ECDIS, appropriate usage code (scale) electronic navigational charts shall be used and the ship's position shall be checked by an independent means of position fixing at appropriate intervals.

48 The officer in charge of the navigational watch shall positively identify all relevant navigation marks.

Navigation with pilot on board

49 Despite the duties and obligations of pilots, their presence on board does not relieve the master or the officer in charge of the navigational watch from their duties and obligations for the safety of the ship. The master and the pilot shall exchange information regarding navigation procedures, local conditions and the ship's characteristics. The master and/or the officer in charge of the navigational watch shall co-operate closely with the pilot and maintain an accurate check on the ship's position and movement.

50 If in any doubt as to the pilot's actions or intentions, the officer in charge of the navigational watch shall seek clarification from the pilot and, if doubt still exists, shall notify the master immediately and take whatever action is necessary before the master arrives.

Ship at anchor

51 If the master considers it necessary, a continuous navigational watch shall be maintained at anchor. While at anchor, the officer in charge of the navigational watch shall:

- (1) determine and plot the ship's position on the appropriate chart as soon as practicable;
- (2) when circumstances permit, check at sufficiently frequent intervals whether the ship is remaining securely at anchor by taking bearings of fixed navigation marks or readily identifiable shore objects;
- (3) ensure that proper lookout is maintained;
- (4) ensure that inspection rounds of the ship are made periodically;

- (5)observe meteorological and tidal conditions and the state of the sea;
- (6)notify the master and undertake all necessary measures if the ship drags anchor;
- (7)ensure that the state of readiness of the main engines and other machinery is in accordance with the master's instructions;
- (8)if visibility deteriorates, notify the master;
- (9)ensure that the ship exhibits the appropriate lights and shapes and that appropriate sound signals are made in accordance with all applicable Regulations; and
- (10)take measures to protect the environment from pollution by the ship and comply with applicable pollution Regulations.

Part 4-2 – Principles to be observed in keeping an engineering watch

52 The term engineering watch as used in parts 4-2, 5-2 and 5-4 of this section means either a person or a group of personnel comprising the watch or a period of responsibility for an officer during which the physical presence in machinery spaces of that officer may or may not be required.

53 The officer in charge of the engineering watch is the chief engineer officer's representative and is primarily responsible, at all times, for the safe and efficient operation and upkeep of machinery affecting the safety of the ship and is responsible for the inspection, operation and testing, as required, of all machinery and equipment under the responsibility of the engineering watch.

Watch arrangements

54 The composition of the engineering watch shall, at all times, be adequate to ensure the safe operation of all machinery affecting the operation of the ship, in either automated or manual mode, and be appropriate to the prevailing circumstances and conditions.

55 When deciding the composition of the engineering watch, which may include appropriately qualified ratings, the following criteria, inter alia, shall be taken into account:

- (1)the type of ship and the type and condition of the machinery;
- (2)the adequate supervision, at all times, of machinery affecting the safe operation of the ship;

- (3) any special modes of operation dictated by conditions such as weather, ice, contaminated water, shallow water, emergency conditions, damage containment or pollution abatement;
- (4) the qualifications and experience of the engineering watch;
- (5) the safety of life, ship, cargo and port, and protection of the environment;
- (6) the observance of international, national and local Regulations; and
- (7) maintaining the normal operations of the ship.

Taking over the watch

56 The officer in charge of the engineering watch shall not hand over the watch to the relieving officer if there is reason to believe that the latter is obviously not capable of carrying out the watch-keeping duties effectively, in which case the chief engineer officer shall be notified.

57 The relieving officer of the engineering watch shall ensure that the members of the relieving engineering watch are apparently fully capable of performing their duties effectively.

58 Prior to taking over the engineering watch, relieving officers shall satisfy themselves regarding at least the following:

- (1) the standing orders and special instructions of the chief engineer officer relating to the operation of the ship's systems and machinery;
- (2) the nature of all work being performed on machinery and systems, the personnel involved and potential hazards;
- (3) the level and, where applicable, the condition of water or residues in bilges, ballast tanks, slop tanks, reserve tanks, fresh water tanks, sewage tanks and any special requirements for use or disposal of the contents thereof;
- (4) the condition and level of fuel in the reserve tanks, settling tank, day tank and other fuel storage facilities;
- (5) any special requirements relating to sanitary system disposals;
- (6) condition and mode of operation of the various main and auxiliary systems, including the electrical power distribution system;
- (7) where applicable, the condition of monitoring and control console equipment, and which equipment is being operated manually;

(8) where applicable, the condition and mode of operation of automatic boiler controls such as flame safeguard control systems, limit control systems, combustion control systems, fuel-supply control systems and other equipment related to the operation of steam boilers;

(9) any potentially adverse conditions resulting from bad weather, ice, or contaminated or shallow water;

(10) any special modes of operation dictated by equipment failure or adverse ship conditions;

(11) the reports of engine-room ratings relating to their assigned duties;

(12) the availability of fire-fighting appliances; and

(13) the state of completion of the engine-room log.

Performing the engineering watch

59 The officer in charge of the engineering watch shall ensure that the established watch-keeping arrangements are maintained and that, under direction, engine-room ratings, if forming part of the engineering watch, assist in the safe and efficient operation of the propulsion machinery and auxiliary equipment.

60 The officer in charge of the engineering watch shall continue to be responsible for machinery-space operations, despite the presence of the chief engineer officer in the machinery spaces, until specifically informed that the chief engineer officer has assumed that responsibility and this is mutually understood.

61 All members of the engineering watch shall be familiar with their assigned watch-keeping duties. In addition, every member shall, with respect to the ship they are serving in, have knowledge of:

- (1) the use of appropriate internal communication systems;
- (2) the escape routes from machinery spaces;
- (3) the engine-room alarm systems and be able to distinguish between the various alarms, with special reference to the fire-extinguishing media alarm; and
- (4) the number, location and types of fire-fighting equipment and damage-control gear in the machinery spaces, together with their use and the various safety precautions to be observed.

62 Any machinery not functioning properly, expected to malfunction or requiring special service shall be noted along with any action already taken. Plans shall be made for any further action if required.

63 When the machinery spaces are in the manned condition, the officer in charge of the engineering watch shall at all times be readily capable of operating the propulsion equipment in response to needs for changes in direction or speed.

64 When the machinery spaces are in the periodic unmanned condition, the designated duty officer in charge of the engineering watch shall be immediately available and on call to attend the machinery spaces.

65 All bridge orders shall be promptly executed. Changes in direction or speed of the main propulsion units shall be recorded, except where an Administration has determined that the size or characteristics of a particular ship make such recording impracticable. The officer in charge of the engineering watch shall ensure that the main propulsion unit controls, when in the manual mode of operation, are continuously attended under stand-by or manoeuvring conditions.

66 Due attention shall be paid to the ongoing maintenance and support of all machinery, including mechanical, electrical, electronic, hydraulic and pneumatic systems, their control apparatus and associated safety equipment, all accommodation service systems equipment and the recording of stores and spare gear usage.

67 The chief engineer officer shall ensure that the officer in charge of the engineering watch is informed of all preventive maintenance, damage control, or repair operations to be performed during the engineering watch. The officer in charge of the engineering watch shall be responsible for the isolation, bypassing and adjustment of all machinery under the responsibility of the engineering watch that is to be worked on, and shall record all work carried out.

68 When the engine-room is put in a stand-by condition, the officer in charge of the engineering watch shall ensure that all machinery and equipment which may be used during manoeuvring is in a state of immediate readiness and that an adequate reserve of power is available for steering gear and other requirements.

69 Officers in charge of an engineering watch shall not be assigned or undertake any duties which would interfere with their supervisory duties in respect of the main propulsion system and ancillary equipment. They shall keep the main propulsion plant and auxiliary systems under constant supervision until properly relieved, and shall periodically inspect the machinery in their charge. They shall also ensure that adequate rounds of the machinery and steering-gear spaces are made for the purpose of observing and reporting equipment malfunctions or breakdowns, performing or directing routine adjustments, required upkeep and any other necessary tasks.

70 Officers in charge of an engineering watch shall direct any other member of the engineering watch to inform them of potentially hazardous conditions which may adversely affect the machinery or jeopardize the safety of life or of the ship.

71 The officer in charge of the engineering watch shall ensure that the machinery space watch is supervised, and shall arrange for substitute personnel in the event of the incapacity of any engineering watch personnel. The engineering watch shall not leave the machinery spaces unsupervised in a manner that would prevent the manual operation of the engine-room plant or throttles.

72 The officer in charge of the engineering watch shall take the action necessary to contain the effects of damage resulting from equipment breakdown, fire, flooding, rupture, collision, stranding, or other cause.

73 Before going off duty, the officer in charge of the engineering watch shall ensure that all events related to the main and auxiliary machinery which have occurred during the engineering watch are suitably recorded.

74 The officer in charge of the engineering watch shall cooperate with any engineer in charge of maintenance work during all preventive maintenance, damage control or repairs. This shall include, but not necessarily be limited to:

- (1) isolating and bypassing machinery to be worked on;
- (2) adjusting the remaining plant to function adequately and safely during the maintenance period;
- (3) recording, in the engine-room log or other suitable document, the equipment worked on and the personnel involved, and which safety steps have been taken and by whom, for the benefit of relieving officers and for record purposes; and
- (4) testing and putting into service, when necessary, the repaired machinery or equipment.

75 The officer in charge of the engineering watch shall ensure that any engine-room ratings who perform maintenance duties are available to assist in the manual operation of machinery in the event of automatic equipment failure.

76 The officer in charge of the engineering watch shall bear in mind that changes in speed, resulting from machinery malfunction, or any loss of steering may imperil the safety of the ship and life at sea. The bridge shall be immediately notified in the event of fire and of any impending action in machinery spaces that may cause reduction in the ship's speed, imminent steering failure, stoppage of the ship's propulsion system or any alteration in the generation of electric power or similar threat to safety. This notification, where possible, shall be accomplished before changes are made, in order

to afford the bridge the maximum available time to take whatever action is possible to avoid a potential marine casualty.

77 The officer in charge of the engineering watch shall notify the chief engineer officer without delay:

- (1) when engine damage or a malfunction occurs which may be such as to endanger the safe operation of the ship;
- (2) when any malfunction occurs which, it is believed, may cause damage or breakdown of propulsion machinery, auxiliary machinery or monitoring and governing systems; and
- (3) in any emergency or if in any doubt as to what decision or measures to take.

78 Despite the requirement to notify the chief engineer officer in the foregoing circumstances, the officer in charge of the engineering watch shall not hesitate to take immediate action for the safety of the ship, its machinery and crew where circumstances require.

79 The officer in charge of the engineering watch shall give the watch-keeping personnel all appropriate instructions and information which will ensure the keeping of a safe engineering watch. Routine machinery upkeep, performed as incidental tasks as a part of keeping a safe watch, shall be set up as an integral part of the watch routine. Detailed repair maintenance involving repairs to electrical, mechanical, hydraulic, pneumatic or applicable electronic equipment throughout the ship shall be performed with the cognizance of the officer in charge of the engineering watch and chief engineer officer. These repairs shall be recorded.

Engineering watchkeeping under different conditions and in different areas

Restricted visibility

80 The officer in charge of the engineering watch shall ensure that permanent air or steam pressure is available for sound signals and that at all times bridge orders relating to changes in speed or direction of operation are immediately implemented and, in addition, that auxiliary machinery used for manoeuvring is readily available.

Coastal and congested waters

81 The officer in charge of the engineering watch shall ensure that all machinery involved with the manoeuvring of the ship can immediately be placed in the manual mode of operation when notified that the ship is in congested waters. The officer in charge of the engineering watch shall also ensure that an adequate reserve of power

is available for steering and other manoeuvring requirements. Emergency steering and other auxiliary equipment shall be ready for immediate operation.

Ship at anchor

82 At an unsheltered anchorage the chief engineer officer shall consult with the master whether or not to maintain the same engineering watch as when under way.

83 When a ship is at anchor in an open roadstead or any other virtually "at-sea" condition, the engineer officer in charge of the engineering watch shall ensure that:

- (1) an efficient engineering watch is kept;
- (2) periodic inspection is made of all operating and stand-by machinery;
- (3) main and auxiliary machinery is maintained in a state of readiness in accordance with orders from the bridge;
- (4) measures are taken to protect the environment from pollution by the ship, and that applicable pollution-prevention Regulations are complied with; and
- (5) all damage-control and fire-fighting systems are in readiness.

Part 4-3 – Principles to be observed in keeping a radio watch

General provisions

84 Administrations shall direct the attention of companies, masters and radio watch-keeping personnel to comply with the following provisions to ensure that an adequate safety radio watch is maintained while a ship is at sea. In complying with this Code, account shall be taken of the Radio Regulations.

Watch arrangements

85 In deciding the arrangements for the radio watch, the master of every seagoing ship shall:

- (1) ensure that the radio watch is maintained in accordance with the relevant provisions of the Radio Regulations and the SOLAS Convention;
- (2) ensure that the primary duties for radio watchkeeping are not adversely affected by attending to radio traffic not relevant to the safe movement of the ship and safety of navigation; and
- (3) take into account the radio equipment fitted on board and its operational status.

Performing the radio watch

86 The radio operator performing radio watchkeeping duties shall:

- (1) ensure that watch is maintained on the frequencies specified in the Radio Regulations and the SOLAS Convention; and
- (2) while on duty, regularly check the operation of the radio equipment and its sources of energy and report to the master any observed failure of this equipment.

87 The requirements of the Radio Regulations and the SOLAS Convention on keeping a radiotelegraph or radio log, as appropriate, shall be complied with.

88 The maintenance of radio records, in compliance with the requirements of the Radio Regulations and the SOLAS Convention, is the responsibility of the radio operator designated as having primary responsibility for radio-communications during distress incidents. The following shall be recorded, together with the times at which they occur:

- (1) a summary of distress, urgency and safety radio-communications;
- (2) important incidents relating to the radio service;
- (3) where appropriate, the position of the ship at least once per day; and
- (4) a summary of the condition of the radio equipment, including its sources of energy.

89 The radio records shall be kept at the distress communications operating position, and shall be made available:

- (1) for inspection by the master; and
- (2) for inspection by any authorized official of the Administration and by any duly authorized officer exercising control under article X of the Convention.

PART 5 – WATCHKEEPING IN PORT PRINCIPLES APPLYING TO ALL WATCHKEEPING

General

90 On any ship safely moored or safely at anchor under normal circumstances in port, the master shall arrange for an appropriate and effective watch to be maintained for the purpose of safety. Special requirements may be necessary for special types of ships' propulsion systems or ancillary equipment and for ships carrying hazardous, dangerous, toxic or highly flammable materials or other special types of cargo.

Watch arrangements

91 Arrangements for keeping a deck watch when the ship is in port shall at all times be adequate to:

- (1) ensure the safety of life, of the ship, the port and the environment, and the safe operation of all machinery related to cargo operation;
- (2) observe international, national and local rules; and
- .3 maintain order and the normal routine of the ship.

92 The master shall decide the composition and duration of the deck watch depending on the conditions of mooring, type of the ship and character of duties.

93 If the master considers it necessary, a qualified officer shall be in charge of the deck watch.

94 The necessary equipment shall be so arranged as to provide for efficient watch-keeping.

95 The chief engineer officer, in consultation with the master, shall ensure that engineering watch-keeping arrangements are adequate to maintain a safe engineering watch while in port. When deciding the composition of the engineering watch, which may include appropriate engine-room ratings, the following points are among those to be taken into account:

- (1) on all ships of 3,000 kW propulsion power and over there shall always be an officer in charge of the engineering watch;
- (2) on ships of less than 3,000 kW propulsion power there may be, at the master's discretion and in consultation with the chief engineer officer, no officer in charge of the engineering watch; and
- (3) officers, while in charge of an engineering watch, shall not be assigned or undertake any task or duty which would interfere with their supervisory duty in respect of the ship's machinery system.

Taking over the watch

96 Officers in charge of the deck or engineering watch shall not hand over the watch to their relieving officer if they have any reason to believe that the latter is obviously not capable of carrying out watch-keeping duties effectively, in which case the master or chief engineer shall be notified accordingly. Relieving officers of the deck or engineering watch shall ensure that all members of their watch are apparently fully capable of performing their duties effectively.

97 If, at the moment of handing over the deck or engineering watch, an important operation is being performed, it shall be concluded by the officer being relieved, except when ordered otherwise by the master or chief engineer officer.

Part 5-1 – Taking over the deck watch

98 Prior to taking over the deck watch, the relieving officer shall be informed by the officer in charge of the deck watch as to the following:

- (1) the depth of the water at the berth, the ship's draught, the level and time of high and low waters; the securing of the moorings, the arrangement of anchors and the scope of the anchor chain, and other mooring features important to the safety of the ship; the state of main engines and their availability for emergency use;
- (2) all work to be performed on board the ship; the nature, amount and disposition of cargo loaded or remaining, and any residue on board after unloading the ship;
- (3) the level of water in bilges and ballast tanks;
- (4) the signals or lights being exhibited or sounded;
- (5) the number of crew members required to be on board and the presence of any other persons on board;
- (6) the state of fire-fighting appliances;
- (7) any special port Regulations;
- (8) the master's standing and special orders;
- (9) the lines of communication available between the ship and shore personnel, including port authorities, in the event of an emergency arising or assistance being required;
- (10) any other circumstances of importance to the safety of the ship, its crew, cargo or protection of the environment from pollution; and
- (11) the procedures for notifying the appropriate Authority of any environmental pollution resulting from ship activities.

99 Relieving officers, before assuming charge of the deck watch, shall verify that:

- (1) the securing of moorings and anchor chain is adequate;
- (2) the appropriate signals or lights are properly exhibited or sounded;

- (3) safety measures and fire-protection Regulations are being maintained;
- (4) they are aware of the nature of any hazardous or dangerous cargo being loaded or discharged and the appropriate action to be taken in the event of any spillage or fire; and
- (5) no external conditions or circumstances imperil the ship and that it does not imperil others.

Part 5-2 – Taking over the engineering watch

100 Prior to taking over the engineering watch, the relieving officer shall be informed by the officer in charge of the engineering watch as to:

- (1) the standing orders of the day, any special orders relating to the ship operations, maintenance functions, repairs to the ship's machinery or control equipment;
- (2) the nature of all work being performed on machinery and systems on board ship, personnel involved and potential hazards;
- (3) the level and condition, where applicable, of water or residue in bilges, ballast tanks, slop tanks, sewage tanks, reserve tanks and special requirements for the use or disposal of the contents thereof;
- (4) any special requirements relating to sanitary system disposals;
- (5) the condition and state of readiness of portable fire-extinguishing equipment and fixed fire-extinguishing installations and fire-detection systems;
- (6) authorized repair personnel on board engaged in engineering activities, their work locations and repair functions and other authorized persons on board and the required crew;
- (7) any port Regulations pertaining to ship effluents, fire-fighting requirements and ship readiness, particularly during potential bad weather conditions;
- (8) the lines of communication available between the ship and shore personnel, including port authorities, in the event of an emergency arising or assistance being required;
- (9) any other circumstance of importance to the safety of the ship, its crew, cargo or the protection of the environment from pollution; and
- (10) the procedures for notifying the appropriate Authority of environmental pollution resulting from engineering activities.

101 Relieving officers, before assuming charge of the engineering watch, shall satisfy themselves that they are fully informed by the officer being relieved, as outlined above; and:

- (1) be familiar with existing and potential sources of power, heat and lighting and their distribution;
- (2) know the availability and condition of ship's fuel, lubricants and all water supplies; and
- (3) be ready to prepare the ship and its machinery, as far as is possible, for stand-by or emergency conditions as required.

Part 5-3 – Performing the deck watch

102 The officer in charge of the deck watch shall:

- (1) make rounds to inspect the ship at appropriate intervals;
- (2) pay particular attention to:
 - (a) the condition and securing of the gangway, anchor chain and moorings, especially at the turn of the tide and in berths with a large rise and fall, if necessary, taking measures to ensure that they are in normal working condition;
 - (b) the draught, under-keel clearance and the general state of the ship, to avoid dangerous listing or trim during cargo handling or ballasting;
 - (c) the weather and sea state;
 - (d) the observance of all Regulations concerning safety and fire protection;
 - (e) the water level in bilges and tanks;
 - (f) all persons on board and their location, especially those in remote or enclosed spaces; and
 - (g) the exhibition and sounding, where appropriate, of lights and signals;
- (3) in bad weather, or on receiving a storm warning, take the necessary measures to protect the ship, persons on board and cargo;
- (4) take every precaution to prevent pollution of the environment by the ship;

- (5) in an emergency threatening the safety of the ship, raise the alarm, inform the master, take all possible measures to prevent any damage to the ship, its cargo and persons on board, and, if necessary, request assistance from the shore authorities or neighbouring ships;
- (6) be aware of the ship's stability condition so that, in the event of fire, the shore fire-fighting Authority may be advised of the approximate quantity of water that can be pumped on board without endangering the ship;
- (7) offer assistance to ships or persons in distress;
- (8) take necessary precautions to prevent accidents or damage when propellers are to be turned; and
- (9) enter, in the appropriate log-book, all important events affecting the ship.

Part 5-4 – Performing the engineering watch

103 Officers in charge of the engineering watch shall pay particular attention to:

- (1) the observance of all orders, special operating procedures and Regulations concerning hazardous conditions and their prevention in all areas in their charge;
- (2) the instrumentation and control systems, monitoring of all power supplies, components and systems in operation;
- (3) the techniques, methods and procedures necessary to prevent violation of the pollution Regulations of the local authorities; and
- (4) the state of the bilges.

104 Officers in charge of the engineering watch shall:

- (1) in emergencies, raise the alarm when, in their opinion, the situation so demands, and take all possible measures to prevent damage to the ship, persons on board and cargo;
- (2) be aware of the deck officer's needs relating to the equipment required in the loading or unloading of the cargo and the additional requirements of the ballast and other ship stability control systems;
- (3) make frequent rounds of inspection to determine possible equipment malfunction or failure, and take immediate remedial action to ensure the safety of the ship, of cargo operations, of the port and the environment;

- (4) ensure that the necessary precautions are taken, within their area of responsibility, to prevent accidents or damage to the various electrical, electronic, hydraulic, pneumatic and mechanical systems of the ship; and
- (5) ensure that all important events affecting the operation, adjustment or repair of the ship's machinery are satisfactorily recorded.

Part 5-5 – Watch in port on ships carrying hazardous cargo

General

105 The master of every ship carrying cargo that is hazardous, whether explosive, flammable, toxic, health-threatening or environment-polluting, shall ensure that safe watch-keeping arrangements are maintained. On ships carrying hazardous cargo in bulk, this will be achieved by the ready availability on board of a duly qualified officer or officers, and ratings where appropriate, even when the ship is safely moored or safely at anchor in port.

106 On ships carrying hazardous cargo other than in bulk, the master shall take full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

Part 5-6 – Cargo watch

107 Officers with responsibility for the planning and conduct of cargo operations shall ensure that such operations are conducted safely through the control of the specific risks, including when non-ship's personnel are involved."

ANNEX 2

WATCHKEEPING ARRANGEMENTS AND PRINCIPLES FOR FISHING VESSELS

1 Administrations shall direct the attention of owners and operators of fishing vessels, skippers and watch-keeping personnel to the following principles, which shall be observed to ensure that a safe navigational watch is maintained at all times.

2 The skipper of every fishing vessel shall ensure that watch-keeping arrangements are adequate for maintaining a safe navigational watch. Under the skipper's general direction, the officers of the watch are responsible for navigating the fishing vessel safely during their periods of duty, when they will be particularly concerned with avoiding collision and stranding.

3 The basic principles, including but not limited to the following, shall be taken into account on all fishing vessels. However, a Party may exclude very small fishing vessels operating in limited waters from fully observing the basic principles.

4 En route to or from fishing grounds

(1) Arrangements of the navigational watch

(a) The composition of the watch shall at all times be adequate and appropriate to the prevailing circumstances and conditions, and shall take into account the need for maintaining a proper look-out.

(b) When deciding the composition of the watch the following factors, inter alia, shall be taken into account:

- (i) at no time shall the wheelhouse be left unattended;
- (ii) weather conditions, visibility and whether there is daylight or darkness;
- (iii) proximity of navigational hazards which may make it necessary for the officer in charge of the watch to carry out additional navigational duties;
- (iv) use and operational condition of navigational aids such as radar or electronic position-indicating devices and of any other equipment affecting the safe navigation of the vessel;
- (v) whether the vessel is fitted with automatic steering; and
- (vi) any unusual demands on the navigational watch that may arise as a result of special operational circumstances.

(2) Fitness for duty

The watch system shall be such that the efficiency of watch-keeping personnel is not impaired by fatigue. Duties shall be so organized that the first watch at the commencement of a voyage and the subsequent relieving watches are sufficiently rested and otherwise fit for duty.

(3) Navigation

(a) The intended voyage shall, as far as practicable, be planned in advance taking into consideration all pertinent information, and any course laid down shall be checked before the voyage commences.

(b) During the watch the course steered, position and speed shall be checked at sufficiently frequent intervals, using any available navigational aids necessary, to ensure that the vessel follows the planned course.

(c) The officer in charge of the watch shall have full knowledge of the location and operation of all safety and navigational equipment on board the vessel, and shall be aware and take account of the operating limitations of such equipment.

(d) The officer in charge of a navigational watch shall not be assigned or undertake any duties which would interfere with the safe navigation of the vessel.

(4) Navigational equipment

(a) The officers in charge of the watch shall make the most effective use of all navigational equipment at their disposal;

(b) When using radar the officer in charge of the watch shall bear in mind the necessity to comply at all times with the provisions on the use of radar contained in the applicable Regulations for preventing collisions at sea; and

(c) In cases of need the officer of the watch shall not hesitate to use the helm, engines, and sound and light signalling apparatus.

(5) Navigational duties and responsibilities

(a) The officer in charge of the watch shall:

(i) keep watch in the wheelhouse;

- (ii) in no circumstances leave the wheelhouse until properly relieved;
 - (iii) continue to be responsible for the safe navigation of the vessel despite the presence of the skipper in the wheelhouse until informed specifically that the skipper has assumed that responsibility and this is mutually understood;
 - (iv) notify the skipper when in any doubt as to what action to take in the interest of safety; and
 - (v) not hand over the watch to a relieving officer if there is reason to believe that the latter is not capable of carrying out the watch-keeping duties effectively, in which case the skipper shall be notified.
- (b) On taking over the watch the relieving officer shall confirm and be satisfied as to the vessel' s estimated or true position and confirm its intended track, course and speed, and shall note any dangers to navigation expected to be encountered during the watch.
- (c) Whenever practicable a proper record shall be kept of the movements and activities during the watch relating to the navigation of the vessel.
- (6) Look-out
- (a) A proper look-out shall be maintained in compliance with rule 5 of the International Regulations for Preventing Collisions at Sea, 1972. It shall serve the purpose of:
- (i) maintaining a continuous state of vigilance by sight and hearing as well as by all other available means, with regard to any significant changes in the operating environment;
 - (ii) fully appraising the situation and the risk of collision, stranding and other dangers to navigation; and
 - (iii) detecting ships or aircraft in distress, shipwrecked persons, wrecks and debris.
- (b) In determining that the composition of the navigational watch is adequate to ensure that a proper look-out can continuously be maintained, the skipper shall take into account all relevant factors, including those described under paragraph 4(1) of this Regulation, as well as the following factors:

- (a) visibility, state of weather and sea;
- (b) traffic density, and other activities occurring in the area in which the vessel is navigating;
- (c) the attention necessary when navigating in or near traffic separation schemes and other routing measures;
- (d) the additional workload caused by the nature of the vessel's functions, immediate operating requirements and anticipated manoeuvres;
- (e) rudder and propeller control and vessel manoeuvring characteristics;
- (f) the fitness for duty of any crew members on call who may be assigned as members of the watch;
- (g) knowledge of and confidence in the professional competence of the vessel's officers and crew;
- (h) the experience of the officer of the navigational watch and the familiarity of that officer with the vessel's equipment, procedures, and manoeuvring capability;
- (i) activities taking place on board the vessel at any particular time, and the availability of assistance to be summoned immediately to the wheelhouse when necessary;
- (j) the operational status of instrumentation in the wheelhouse and controls, including alarm systems;
- (k) the size of the vessel and the field of vision available from the conning position;
- (l) the configuration of the wheelhouse, to the extent such configuration might inhibit a member of the watch from detecting by sight or hearing any external developments; and
- (m) any relevant standards, procedures and guidelines relating to watch-keeping arrangements and fitness for duty which have been adopted by the Organization.

(7) Protection of the marine environment

The skipper and the officer in charge of the watch shall be aware of the serious effects of operational or accidental pollution of the marine environment, and shall take all

possible precautions to prevent such pollution, particularly within the framework of relevant international and port Regulations.

(8) Weather conditions

The officer in charge of the watch shall take relevant measures and notify the skipper when adverse changes in weather could affect the safety of the vessel, including conditions leading to ice accretion.

5 Navigation with pilot embarked

The presence of a pilot on board does not relieve the skipper or officer in charge of the watch from their duties and obligations for the safety of the vessel. The skipper and the pilot shall exchange information regarding navigation procedures, local conditions and the vessel's characteristics. The skipper and the officer in charge of the watch shall co-operate closely with the pilot and maintain an accurate check of the vessel's position and movement.

6 Vessels engaged in fishing or searching for fish

(1) In addition to the principles enumerated in paragraph 4, the following factors shall be considered and properly acted upon by the officer in charge of the watch:

- (a) other vessels engaged in fishing and their gear, own vessel's manoeuvring characteristics, particularly its stopping distance and the diameter of turning circle at sailing speed and with the fishing gear overboard;
- (b) safety of the crew on deck;
- (c) adverse effects on the safety of the vessel and its crew through reduction of stability and freeboard caused by exceptional forces resulting from fishing operations, catch handling and stowage, and unusual sea and weather conditions;
- (d) the proximity of offshore structures, with special regard to the safety zones; and
- (e) wrecks and other underwater obstacles which could be hazardous for fishing gear.

(2) When stowing the catch, attention shall be given to the essential requirements for adequate freeboard, adequate stability and watertight integrity at all times during the voyage to the landing port, taking into consideration consumption of fuel and stores, risk of adverse weather conditions and,

especially in winter, risk of ice accretion on or above exposed decks in areas where ice accretion is likely to occur.

7 Anchor watch

The skipper shall ensure, with a view to the safety of the vessel and the crew, that a proper watch is maintained at all times from the wheelhouse or deck on fishing vessels at anchor.

8 Radio watch-keeping

The skipper shall ensure that an adequate radio watch is maintained while the vessel is at sea, on appropriate frequencies, taking into account the requirements of the Radio Regulations.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 51 OF 2020**DENTAL TECHNICIANS ACT, 1979****REGULATIONS RELATING TO THE REGISTRATION OF DENTAL LABORATORIES AND RELATED MATTERS: AMENDMENT**

The Minister of Health has, in terms of section 50(1)(e) of the Dental Technicians Act, 1979 (Act No. 19 of 1979), and on the recommendation of the South African Dental Technicians Council, made the Regulations contained in the Schedule hereto.

SCHEDULE**Definition**

1. In this Schedule "the Regulation" means the Regulations published under Government Notice No. R. 308 of 26 February 1982, as amended by Government Notices Nos. R. 1808 of 27 August 1982, R. 196 of 4 February 1983, R. 284 of 15 February 1985, R. 854 of 9 May 1986, R. 668 of 3 April 1987, R. 2440 of 2 December 1988, R. 2914 of 14 December 1990, R. 3156 of 27 December 1991, R. 107 of 22 January 1993, R. 434 of 11 March 1994, R. 194 of 10 February 1995, R. 134 of 2 February 1996, R. 14 of 3 January 1997, R. 1717 of 19 December 1997, R. 1685 of 24 December 1998, R. 8 of 7 January 2000, R. 1363 of 15 December 2000, R. 1321 of 14 December 2001 and R. 1489 of 29 November 2002, R. 468 of 8 April 2004, R. 1380 of 3 December 2004, R. 1233 of 23 December 2005, R. 119 of 16 February 2007, R. 151 of 8 February 2008, R. 182 of 3 March 2011, R. 1016 of 6 December 2011, R. 1079 of 19 December 2012, R. 355 of 12 May 2014, R. 729 of 17 June 2015, R. 729 of June 2016, R. 206 of 08 March 2017, R. 217 of 16 March 2018, R. 524 of 01 April 2019

Substitution of regulation 11 of the Regulations

2. The following regulation is hereby substituted for regulation 11 of the Regulations:

“REGISTRATION FEES

11. (1) The registration fees for the registration of a dental laboratory under section 30 of the Act shall be **R 13,099-00**: Provided that if the ownership of a dental laboratory was changed or transferred in terms of section 30(6) of the Act, the registration fee payable for such a dental laboratory by the new owner shall be **R 9,823-00**.
- (2) The registration fee for a dental laboratory which is moved by the owner(s) to new premises shall be **R 1,638-00**: Provided that if the moving of such laboratory is due to factors beyond the control of the owner(s), such owner(s) shall pay only a registration fee of **R 1,404-00**.
- (3) The registration fees referred to in sub-regulations (1) and (2) includes 15% value-added-tax.”

Substitution of regulation 12 of the Regulations

3. The following regulation is hereby substituted for regulation 12 of the Regulations.

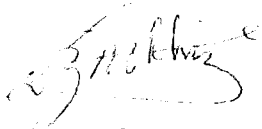
“ANNUAL FEES

12. (1) Every owner/partner/member of a dental laboratory shall pay to the Council an amount a combined total of **R 6,850-00** as an annual fee for the period 1 March to 28 February of each financial year or part thereof.

- (2) The amount referred to in sub-regulation (1) shall be due on 1 March of each year and shall be payable no later than 31 March of each year."

Commencement

4. These Regulations shall come into operation on 1 March 2020.



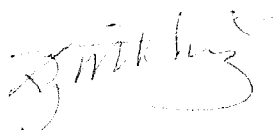
DR ZL MKHIZE

MINISTER OF HEALTH

DATE: 26/02/2020

THE SOUTH AFRICAN DENTAL TECHNICIANS COUNCIL**NOTICE REGARDING ANNUAL FEES PAYABLE TO THE COUNCIL**

I, Dr Zwelini Lawrence Mkhize, Minister of Health, hereby fix, in terms of section 49 of the Dental Technicians Act, 1979 (Act No. 19 of 1979) ("the Act") and on the recommendation of the South African Dental Technicians Council (hereinafter referred to as "the Council"), the fees set out in the Schedule as the fees to be paid to the Council.



DR ZWELINI LAWRENCE MKHIZE, MP
MINISTER OF HEALTH

DATE: 24/03/2020

SCHEDULE**Annual fees payable by dental technicians and dental technologists**

1. Any person who, in terms of section 18 of the Dental Technicians Act, 1979 (Act No. 19 of 1979) –
 - (a) is registered, shall pay to the Council an amount of **R 2,347-00** as an annual fee for the period 1 March 2020 to 28 February 2021; or
 - (b) is registered during such period shall pay to the Council an amount of **R 1,173.50** as an annual fee in respect of the unexpired portion of that year.

Annual fees payable by permit holders for trading in un-mounted artificial teeth

2. Any person who, in terms of section 33(3) of the Dental Technicians Act, 1979 (Act No. 19 of 1979) –
 - (a) Who register with the Council as a dental trader, shall pay to Council a registration fee amount of **R 11, 910-00**.
 - (b) is issued with a permit by the Council selling Unmounted teeth, shall pay to Council an amount of **R 19,658-00** as an annual fee for the period 1 March 2020 to 28 February 2021 of each financial year; or
 - (c) is issued with a permit by the Council as a Dental Supplier, shall pay to Council an amount of **R 8,937-00** as an annual fee for the period 1 March 2020 to 28 February 2021 of each financial year; or
 - (d) is issued with a permit by the Council during such period shall pay to the Council an amount of **R 4,468-50** as an annual fee in respect of the unexpired portion of that financial year

Annual fees payable by dental laboratory assistants

3. Any person who, in terms of section 28(3) of the Dental Technicians Act, 1979 (Act No.19 of 1979) would like to apply for registration as a dental laboratory assistant during 2019, shall pay to the Council an amount of **R 373-00** as an annual fee for the period 1 March 2020 to 28 February 2021

Registration fees payable by Informally trained persons

4. Any person who, in terms of section 23A of the Dental Technicians Act, 1979 (Act No.19 of 1979) would like to apply for registration as a dental technician with restricted registration, shall pay to the Council an amount of **R373-00** for the period 1 March 2020 to 28 February 2021.

Application fees for CPD Accreditation Activities

5. Any registered person or service provider of activities related to continuous professional development, shall apply to Council for accreditation of such activity and pay the following fees in terms of section 50(1)(r) of the Dental Technicians Act as amended:

a.	Application for CPD Activity	R 778-00
b.	Application for Micro Event	R 1,638-00
c.	Application for Macro Event	R 9380-00
d.	Late Application	R 3,276-00
e.	Roadshow/s	One show R 1,347-00
i.	Non-profit Interest Group	R0-00
ii.	Profit making – Special Interest Group	R 1,040-00 per annum

Liability

6. The annual fees referred to in-
- (a) paragraphs 1(a) and 2(a) shall be due on period 1 March 2019 of the financial year concerned shall be payable not later than 31 March of that financial year; and
 - (b) paragraphs 1(b) and 2(b) shall be due on the day of the registration concerned or the permit is issued, as the case may be, and shall be payable on or before the last day of the third month following that day, or on 31 March of that financial year, whichever date is the earlier.
7. (1) If a person referred to in paragraphs 1 and 2, as the case may be, does not pay the annual fees referred to in the aforementioned paragraphs by the relevant date referred to in paragraph 3, the registrar shall send a reminder by e-mail and/or registered post to such dental technician's or the permit holder's address, as the case may be, as entered in the Register.
- (2) If a person referred to in paragraphs 1 and 2 does not pay the annual fees within three (3) months after the date on which the reminder referred to in subparagraph (1) was sent to him or her, his or her name shall be removed from the register concerned in terms of section 24(1) or the permit be withdrawn in terms of section 33(4) of the Act as the case may be.
8. (1) A person referred to in paragraph 4 whose name has been removed from the register concerned or whose permit has been withdrawn, may be restored to such register in terms of section 24(5) of the Act, or his permit be restored, if such person-
- (a) within a period of six (6) months after the date on which his or her name was removed from the register concerned, pays the equivalent of two (2) times the annual fee referred to in paragraph (a) or 2(a), including any other outstanding fee(s);
- or
- (b) after a period of six (6) months has expired after the date on which his or her name was removed from the register concerned, pays the equivalent of five (5) times the annual fee referred to in paragraph 1(a) or 2(a), including any other outstanding fee(s).

Exemption

9. (1) The Council may by resolution, order the Registrar to partially exempt any dental technician or dental technologist for an indefinite or definite period, from the age of 70 years from payment of any annual fee prescribed in terms of subparagraph 1, if the Council is satisfied that such a dental technician or dental technologist-
- (a) has a written application by way of an affidavit accompanied by a certified copy of a valid identity document, before 28 February preceding the year for which exemption is sought or applied for, and
 - (b) has attained the age of 70 years; and

- (c) has paid the prescribed fee of **R 778-00**
- (d) Dental Technicians/Technologist will be required to pay **R 235-00** annual fees
- (e) Contractors will be required to pay **R 685-00 Annual fees**

(2) List of all other Council fees for 2020/2021 attached as Annexure "A"

Fines and Penalties

10. Section 36 (8) (c) amendment of amount in terms of section 36 (1) (e) **R 50,000- 00**

Value added tax

11. All fees referred to in the notice shall include 15% value-added tax.

Commencement

12. This notice shall come into operation on 1 March 2020.

Withdrawal of notice

13. Government Notice No. 523 01 April 2019 is hereby withdrawn.

THE SOUTH AFRICAN DENTAL TECHNICIAN COUNCIL

ANNEXURE A
FEES FOR 2020

These include VAT



code	Note	CATEGORY	YEAR 2021	YEAR 2020	YEAR 2019	YEAR 2018
Registration / Reregistration						
0001		REGISTRATION FEE - Student	R152,00	R 120,00	R 110,00	R 100,00
0002		REGISTRATION FEE - Lab Assistant	R373,00	R 295,00	R 265,00	R 250,00
0003		REGISTRATION FEE - Informally Trained Person	R373,00	R 295,00	R 265,00	R 250,00
0004		REGISTRATION FEE - Technician / Technologist	R411,00	R 325,00	R 295,00	R 275,00
0005		REGISTRATION FEE - New Laboratory	R13 099,00	R 10 355,00	R 9 415,00	R 8 800,00
0006		REGISTRATION FEE - Dental Supplier	R11 910,00	R 9 415,00	R 8 560,00	R 8 000,00
Annual Fees			R -			
0007		ANNUAL FEE - Student	R152,00	R 120,00	R 110,00	R 100,00
0008		ANNUAL FEE - Lab Assistant	R373,00	R 295,00	R 265,00	R 250,00
0009		ANNUAL FEE - Informally Trained Person	R373,00	R 295,00	R 265,00	R 250,00
0010		ANNUAL FEE - Technician / Technologist	R2 347,00	R 1 855,00	R 1 685,00	R 1 575,00
0011	#	ANNUAL FEE - Laboratory	R6 850,00	R 5 415,00	R 4 920,00	R 4 600,00
0012		ANNUAL FEE - National/Provincial/ Local Government Hospitals/ clinic with associated Dental Laboratory	R6 850,00	R 5 415,00	R 4 920,00	R 4 600,00
0013		ANNUAL FEE - Training Institutions (JoT's) Which includes programme review & any inspections	R31 271,00	R 24 720,00	R 22 470,00	R 21 000,00
0014		ANNUAL FEE - Dental Supplier	R8 937,00	R 7 065,00	R 6 420,00	R 6 000,00
0015		ANNUAL FEE - Supplying self UNMOUNTED Teeth (this is on top of Supplier Fee 0014)	R19 658,00	R 15 540,00	R 14 125,00	R 13 200,00
0016		ANNUAL FEE - Technician / Technologist over 70 YEARS	R235,00	R 185,50	R 170,00	R 157,50
0016	A	ANNUAL FEE - Laboratory over 70 YEARS	R685,00	R 541,50	R 492,00	R 460,00
Other Fees			R -			
0017		EXEMPTION FEE -	R676,00	R 615,00	R 560,00	R 525,00
0018		CHANGE - in Laboratory ownership (without name change) addition / removal of partners	R1 638,00	R 1 295,00	R 1 175,00	R 1 100,00
0019		CHANGE - Transfer/Change of ownership	R9 823,00	R 7 765,00	R 7 060,00	R 6 600,00
0020	A	CHANGE - in Laboratory location due to owner	R1 638,00	R 1 295,00	R 1 175,00	R 945,00
0020	+	CHANGE - in Laboratory location due to outside influences (Forced)	R1 404,00	R 1 110,00	R 1 010,00	R 945,00
0021		*DUPLICATION CERTIFICATE	R493,00	R 350,00	R 355,00	R 330,00
0022		*REGISTER E-mail / PRINTING FEE	R822,00	R 650,00	R 590,00	R 550,00
0023		*LABEL PRINTING FEE	R1 638,00	R 1 295,00	R 1 175,00	R 1 100,00
0024		*DENTAL TECHNICIANS ACT (including shipping etc.)	R658,00	R 520,00	R 470,00	R -
0034		Fine in terms of 36 (1)(e) amended as per section 36 (8) (c)	R50 000,00	R -	R -	R -
0035		Copies in terms of PAIA Manual	R250,00	R -	R -	R -
CPD Fees			R -			
0025		APPLICATION FEE - for CPD Activity	R778,00	R 615,00	R 560,00	R 525,00
0026		APPLICATION FEE - for Micro Event – CPD	R1 638,00	R 1 295,00	R 1 175,00	R 1 100,00
0027		APPLICATION FEE - for Macro Event – CPD	R9 380,00	R 7 415,00	R 6 740,00	R 6 300,00
0028		APPLICATION FEE - Late CPD Activity	R3 276,00	R 2 590,00	R 2 355,00	R 2 200,00
0029		APPLICATION FEE - Roadshow (same programmer with in financial year no matter number sites & each event HAS its own number)	R1 347,00	R 1 065,00	R 965,00	R 900,00
0030		APPLICATION FEE - Application by a Special Interest Group	R0,00	R -	R -	R -
0031		APPLICATION FEE - Individual application Attending non DT activity, international lecture or course, or acquiring higher qualification	R0,00	R -	R -	R -
0032		APPLICATION FEE - Non profit Interest Group (study groups, talking to each other on case)	R0,00	R -	R -	R -
0033		APPLICATION FEE - Profit Making – Special Interest Group (Implant society.. CSID,	R1 044,00	R 825,00	R 750,00	R 700,00