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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11176

Regulasiekoerant

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

IMPORTANT NOTICE OF OFFICE RELOCATION**government
printing**Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICAPrivate Bag X85, PRETORIA, 0001 149 Bosman Street, PRETORIA
Tel: 012 748 6197, Website: www.gpwonline.co.za**URGENT NOTICE TO OUR VALUED CUSTOMERS: PUBLICATIONS
OFFICE'S RELOCATION HAS BEEN TEMPORARILY SUSPENDED.**

Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at Maureen.Toka@gpw.gov.za or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website www.gpwonline.co.za.

We apologies for any inconvenience this might have caused.

Issued by GPW Communications

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as [@gpw.gov.za](mailto:gpw@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **REGULATION GAZETTE** **2020**

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

- **24 December 2019**, Tuesday for the issue of Friday **03 January 2020**
- **03 January**, Friday for the issue of Friday **10 January 2020**
- **10 January**, Friday for the issue of Friday **17 January 2020**
- **17 January**, Friday for the issue of Friday **24 January 2020**
- **24 January**, Friday for the issue of Friday **31 January 2020**
- **31 February**, Friday for the issue of Friday **07 February 2020**
- **07 February**, Friday for the issue of Friday **14 February 2020**
- **14 February**, Friday for the issue of Friday **21 February 2020**
- **21 February**, Friday for the issue of Friday **28 February 2020**
- **28 February**, Friday for the issue of Friday **06 March 2020**
- **06 March**, Friday for the issue of Friday **13 March 2020**
- **13 March**, Thursday for the issue of Friday **20 March 2020**
- **20 March**, Friday for the issue of Friday **27 March 2020**
- **27 March**, Friday for the issue of Friday **03 April 2020**
- **02 April**, Thursday for the issue of Thursday **09 April 2020**
- **08 April**, Wednesday for the issue of Friday **17 April 2020**
- **17 April**, Friday for the issue of Friday **24 April 2020**
- **22 April**, Wednesday for the issue of Thursday **30 April 2020**
- **30 April**, Thursday for the issue of Friday **08 May 2020**
- **08 May**, Friday for the issue of Friday **15 May 2020**
- **15 May**, Friday for the issue of Friday **22 May 2020**
- **22 May**, Friday for the issue of Friday **29 May 2020**
- **29 May**, Friday for the issue of Friday **05 June 2020**
- **05 June**, Friday for the issue of Friday **12 June 2020**
- **11 June**, Thursday for the issue of Friday **19 June 2020**
- **19 June**, Friday for the issue of Friday **26 June 2020**
- **26 June**, Friday for the issue of Friday **03 July 2020**
- **03 July**, Friday for the issue of Friday **10 July 2020**
- **10 July**, Friday for the issue of Friday **17 July 2020**
- **17 July**, Friday for the issue of Friday **24 July 2020**
- **24 July**, Friday for the issue of Friday **31 July 2020**
- **31 July**, Thursday for the issue of Friday **07 August 2020**
- **06 August**, Thursday for the issue of Friday **14 August 2020**
- **14 August**, Friday for the issue of Friday **21 August 2020**
- **21 August**, Friday for the issue of Friday **28 August 2020**
- **28 August**, Friday for the issue of Friday **04 September 2020**
- **04 September**, Friday for the issue of Friday **11 September 2020**
- **11 September**, Friday for the issue of Friday **18 September 2020**
- **17 September**, Thursday for the issue of Friday **25 September 2020**
- **25 September**, Friday for the issue of Friday **02 October 2020**
- **02 October**, Friday for the issue of Friday **09 October 2020**
- **09 October**, Friday for the issue of Friday **16 October 2020**
- **16 October**, Friday for the issue of Friday **23 October 2020**
- **23 October**, Friday for the issue of Friday **30 October 2020**
- **30 October**, Friday for the issue of Friday **06 November 2020**
- **06 November**, Friday for the issue of Friday **13 November 2020**
- **13 November**, Friday for the issue of Friday **20 November 2020**
- **20 November**, Friday for the issue of Friday **27 November 2020**
- **27 November**, Friday for the issue of Friday **04 December 2020**
- **04 December**, Friday for the issue of Friday **11 December 2020**
- **10 December**, Thursday for the issue of Friday **18 December 2020**
- **17 December**, Thursday for the issue of Friday **24 December 2020**
- **23 December**, Wednesday for the issue of Friday **31 December 2020**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

APPROVAL OF NOTICES

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:**Government Printing Works**

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:**Bank:** ABSA Bosman Street**Account No.:** 405 7114 016**Branch Code:** 632-005**For Gazette and Notice submissions:** Gazette Submissions:**For queries and quotations, contact:** Gazette Contact Centre:**E-mail:** submit.egazette@gpw.gov.za**E-mail:** info.egazette@gpw.gov.za**Tel:** 012-748 6200**Contact person for subscribers:** Mrs M. Toka:**E-mail:** subscriptions@gpw.gov.za**Tel:** 012-748-6066 / 6060 / 6058**Fax:** 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. R. 1020

25 SEPTEMBER 2020

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT NO. 10 OF 2004)****ALIEN AND INVASIVE SPECIES REGULATIONS**

I, Babara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby publish the Alien and Invasive Species regulations in terms of section 97(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) as set out in the Schedule hereto.



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

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LIST OF ANNEXURES

Annexure A: Fees

Annexure B: Request to issue a directive in terms of regulation 32

CHAPTER 1 **INTERPRETATION**

1. Definitions

In these regulations, any word or expression to which a meaning has been assigned in the Act, has the meaning so assigned and, unless the contents otherwise indicates—

“**authorised official**” means an environmental management inspector;

“**biological control**” means the use of specimens of one species for the purpose of preying on, parasitising, damaging, killing, suppressing or controlling a specimen of another species;

“**biomass**” means organic plant matter that will be utilised—

- (a) as fuel or converted to fuel;
- (b) as an energy source;
- (c) as building materials including structures, furniture and other products; or
- (d) for conservation purposes;

“**botanical institution**” means an establishment where plants are grown for scientific study and for display to the public;

“**catch and release**” means the catching and release of a live fresh-water animal in the same area in which it was caught;

“**Category 1a Listed Invasive Species**” means invasive species contemplated in Regulation 2;

“**Category 1b Listed Invasive Species**” means invasive species contemplated in Regulation 3;

“**Category 2 Listed Invasive Species**” means invasive species contemplated in Regulation 4;

“**Category 3 Listed Invasive Species**” means invasive species contemplated in Regulation 5;

“**eradicate**” means the complete removal of invasive species from within the Republic, including all living parts of that species;

“**inter-basin transfer scheme**” means a man-made conveyance scheme which moves water from one river catchment where it is available, to another catchment where water is less available;

“**Invasive Species Monitoring, Control and Eradication Plan**” means a plan contemplated in section 76 of the Act and in Regulation 10;

“**off-shore island**” means the Prince Edward Islands referred to in the Prince Edward Islands Act, 1948 (Act No. 43 of 1948), or any other off-shore island in South Africa’s exclusive economic zone;

“**pathway**” means the route by which a specimen of an alien or listed invasive species is transported, introduced into, dispersed or spread within the Republic, whether by natural, unnatural, deliberate or inadvertent means or by an act of omission;

“**riparian area**” means within 32 metres of the edge of a river, lake, dam, wetland or estuary, or within the 1:100 year floodline, whichever is the greater;

“**risk assessment**” means a scientific evaluation of the threat or potential threat to ecosystems, habitats, other species, the economy, the environment or human health or well-being posed by a restricted activity involving a specimen of an alien or listed invasive species in terms of Chapter 6 of these regulations;

“**scientific institution**” means—

- (a) an organ of state that is involved in research;
- (b) a registered research unit of a tertiary institution; or
- (c) a museum or herbarium;

“**these regulations**” includes any Notices published in terms of sections 66(1), 67(1), 70(1)(a), 71(3) and 71A of the Act;

“**vector**” means any object by, with or on which a specimen of an alien or listed invasive species is inadvertently or deliberately transported, dispersed or spread; and

“**zoological institution**” means a facility in which animals are confined within enclosures, displayed to the public, and in which they may also be bred.

CHAPTER 2 **CATEGORIES OF LISTED INVASIVE SPECIES**

2. Category 1a Listed Invasive Species

- (1) Category 1a Listed Invasive Species are those species listed as such by notice in terms of section 70(1)(a) of the Act as species which must be combatted or eradicated.
- (2) A person in control of a Category 1a Listed Invasive Species must—
 - (a) immediately take steps to combat or eradicate listed invasive species in compliance with sections 75(1), (2) and (3) of the Act; and
 - (b) allow an authorised official to inspect a property as provided for in terms of section 31K of the National Environmental Management Act and to monitor, assist with or implement the combatting or eradication of the listed invasive species.

- (3) If an Invasive Species Management Programme has been developed in terms of section 75(4) of the Act, a person must combat or eradicate the listed invasive species in accordance with such programme.

3. Category 1b Listed Invasive Species

- (1) Category 1b Listed Invasive Species are those species listed as such by notice in terms of section 70(1)(a) of the Act as species which must be controlled.
- (2) A person in control of a Category 1b Listed Invasive Species must control the listed invasive species in compliance with sections 75(1), (2) and (3) of the Act.
- (3) If an Invasive Species Management Programme has been developed in terms of section 75(4) of the Act, a person must control the listed invasive species in accordance with such programme.
- (4) A person contemplated in sub-regulation (2) must allow an authorised official to inspect a property as provided for in terms of section 31K of the National Environmental Management Act and to monitor, assist with or implement the control of the listed invasive species, or compliance with the Invasive Species Management Programme contemplated in section 75(4) of the Act.
- (5) The Minister may require any person to develop a Category 1b Control Plan for one or more Category 1b species, which plan must be submitted to the Minister for approval, and such Control Plan must include the following:
 - (a) species identification;
 - (b) extent of invasion;
 - (c) control measures to be used;
 - (d) an action plan or schedule including time-frames for the clearing of each species;
 - (e) whether or not any species can be utilised as biomass; and
 - (g) any other information which the Minister may require.

4. Category 2 Listed Invasive Species

- (1) Category 2 Listed Invasive Species are those species listed by notice in terms of section 70(1)(a) of the Act as species which require a permit to carry out a restricted activity within an area specified in the Notice or an area specified in the permit, as the case may be.
- (2) Unless otherwise indicated in the Notice, no person may carry out a restricted activity in respect of a Category 2 Listed Invasive Species without a permit.
- (3) A person in control of a Category 2 Listed Invasive Species, or person in possession of a permit, must ensure that the specimens of the species do not spread outside of the land or the area specified in the Notice or permit.
- (4) Unless otherwise specified in the Notice, any species listed as a Category 2 Listed Invasive Species that occurs outside the specified area contemplated in sub-

regulation (1), must, for purposes of these regulations, be considered to be a Category 1b Listed Invasive Species and must be managed according to Regulation 3.

- (5) Notwithstanding the specific exemptions relating to existing plantations in respect of Listed Invasive Plant Species, any person or organ of state must ensure that the specimens of such Listed Invasive Plant Species do not spread outside of the land over which they have control, or the specified area on such land, where any restricted activity is authorised in respect of any Listed Invasive Plant Species.

5. Category 3 Listed Invasive Species

- (1) Category 3 Listed Invasive Species are species that are listed by notice in terms of section 70(1)(a) of the Act, as species which are subject to exemptions in terms of section 71(3) and prohibitions in terms of section 71A of Act, as specified in the Notice.
- (2) Any plant species identified as a Category 3 Listed Invasive Species that occurs in riparian areas, must, for the purposes of these regulations, be considered to be a Category 1b Listed Invasive Species and must be managed according to regulation 3.

CHAPTER 3 **RESTRICTED ACTIVITES**

6. Restricted activities

In addition to those activities defined in terms of section 1 of the Act as restricted activities, the following activities are hereby prescribed as restricted activities:

- (a) spreading or allowing the spread of, any specimen of a listed invasive species;
- (b) releasing any specimen of a listed invasive species;
- (c) the transfer or release of a specimen of a listed invasive fresh-water species from one discrete catchment system in which it occurs, to another discrete catchment system in which it does not occur; or, from within a part of a discrete catchment system where it does occur to another part where it does not occur as a result of a natural or artificial barrier;
- (d) discharging of or disposing into any waterway, water body or the ocean, water from an aquarium, tank or other receptacle that has been used to keep a specimen of an alien species or a listed invasive freshwater or marine species;
- (e) catch and release of a specimen of a listed invasive fresh-water fish or listed invasive fresh-water invertebrate species;
- (f) the introduction of a specimen of an alien or listed invasive species to off-shore islands; and
- (g) the release of a specimen of a listed invasive fresh-water fish species, or of a listed invasive fresh water invertebrate species into a discrete catchment system in which it already occurs.

7. General obligations

- (1) Any landowner, occupier of land, person in control of land or any person in control of a listed category 1a, 1b and 3 invasive species must prevent the escape and spread of the species, including its growth or spread of propagules, and must control any specimen that escapes or spreads.
- (2) A person entering the Republic, must declare any alien or listed invasive species on their person or in their luggage at ports of entry.

8. Import of alien species

Notwithstanding any Notice of exempted alien species published in terms of section 66(1) of the Act, an exempted alien specimen or any other alien specimen for which a permit is required, entering the Republic from outside the country, must be accompanied by veterinary health certificates or phytosanitary certificates as official declaration by the exporting authority that the risk of such specimen becoming a potential vector of invasive diseases or pathogens has been effectively managed.

9 Ports of entry for import

A person may not import a specimen of an alien or listed invasive species through a port of entry other than the following—

- (a) land ports—
 - (i) Beit Bridge border post;
 - (ii) Golela border post
 - (iii) Groblersbrug border post;
 - (iv) Lebombo border post;
 - (v) Maseru border post;
 - (vi) Violsdrift border post; or
- (b) airports and harbours—
 - (i) Cape Town International Airport;
 - (ii) O.R. Tambo International Airport;
 - (iii) King Shaka International Airport;
 - (iv) Cape Town Harbour; or
 - (v) Durban Harbour.

CHAPTER 4
NATIONAL FRAMEWORK DOCUMENTS

10. Invasive Species Monitoring, Control and Eradication Plans

- (1) The Minister must—
 - (a) develop guidelines for the development of Invasive Species Monitoring, Control and Eradication Plans for listed invasive species as contemplated in section 76 of the Act;
 - (b) publish the guidelines contemplated in paragraph (a) on the Department's website; and
 - (c) review when necessary.
- (2) Management authorities of protected areas and organs of state in all spheres of government must—
 - (a) prepare their Invasive Species Monitoring, Control and Eradication Plans contemplated in section 76 of the Act based on priorities identified through the guidelines referred to in sub-regulation (1); and
 - (b) submit those plans to the Minister and to the Institute within three years of the publication of the guidelines contemplated in sub-regulation (1).
- (3) The Invasive Species Monitoring, Control and Eradication Plans referred to in sub-regulation (2) must be reviewed where necessary.

11. National register of alien and listed invasive species

The Minister must establish and maintain a national register of—

- (a) all listed invasive species in relation to which a permit has been issued and the conditions subject to which the permit has been issued;
- (b) all Invasive Species Monitoring, Control and Eradication Plans submitted to the Minister in terms of Regulation 10(2); and
- (c) all Invasive Species Management Programmes developed in terms of section 75(4) of the Act.

12. Invasive species research and biological control

- (1) A proposal on any research and biological control relating to any aspect of the invasiveness or potential invasiveness of an alien species or a listed invasive species or the prevention, eradication or control of such invasive or potentially invasive species must be lodged with the Institute or a body designated by the Institute, by—
 - (a) any organ of state or organisation conducting or funding such research;

- (b) any person conducting such research where the research is wholly or partially funded by an organ of state; or
 - (c) any person to whom a permit is issued in terms of section 65(1) or 71(1) of the Act to carry out restricted activities for the purpose of research involving an alien or listed invasive species.
- (2) A proposal in terms of sub-regulation (1) must—
- (a) be lodged prior to commencing the research;
 - (b) be lodged in writing; and
 - (c) contain the following information:
 - (i) the name of the researcher, his or her institution and contact details;
 - (ii) the species, pathway or vector being researched;
 - (iii) the hypothesis being tested;
 - (iv) the source of funding for the research; and
 - (v) the anticipated period of the research.
- (3) Any information provided in terms of sub-regulation (2)(c)(iii) is confidential.
- (4) The person or organ of state responsible for the research in sub-regulation (1) must, upon its completion or the termination of the research, submit a copy of any findings of that research to the Institute and the Minister.

13. National status reports

- (1) The Institute or a body designated by the Institute must, for the purpose of reporting as contemplated in section 11(1)(a)(iii) of the Act, submit a report on the status of listed invasive species to the Minister within three years of the date on which these regulations come into effect, and at least every three years thereafter.
- (2) A report contemplated in sub-regulation (1) must contain a summary and assessment of—
- (a) the status of listed invasive species and other species that have been subjected to a risk assessment; and
 - (b) the effectiveness of these regulations and control measures based *inter alia* on information from—
 - (i) notifications received from owners of land regarding listed invasive species occurring on their land;
 - (ii) permits issued for listed invasive species;
 - (iii) Invasive Species Monitoring, Control and Eradication Plans received from organs of state and management authorities of protected areas; and

- (iv) emergency interventions and enforcement actions involving listed invasive species.
- (3) In preparing a report contemplated in sub-regulation (1), the Institute must carry out the research and monitoring necessary to identify the matters contemplated in sub-regulation (2).

CHAPTER 5 **REGISTERS AND NOTIFICATION**

14. Register of permits

The issuing authority must—

- (a) establish and maintain a register of—
 - (i) all permits, including integrated permits, issued by that issuing authority;
 - (ii) all permits that were refused;
 - (iii) all permits issued by that issuing authority that were subsequently cancelled or suspended; and
 - (iv) all risk assessments that have been carried out in terms of sections 65(2) and 71(2) of the Act;
- (b) record in the register contemplated in paragraph (a)—
 - (i) in the case of applications that were granted, the unique number assigned to each permit;
 - (ii) the scientific and common name of the species for which the permit was issued, refused or cancelled;
 - (iii) whether the species was subjected to a risk assessment;
 - (iv) the restricted activity for which the permit was issued;
 - (v) any conditions under which the permit was issued;
 - (vi) the date on which the permit was issued;
 - (vii) the period of validity of the permit; and
 - (viii) the location where the restricted activity is to be carried out; and
- (c) provide the Institute with a copy of the register.

15. Register of notifications and directives

A competent authority must—

- (a) establish and maintain a register of-
 - (i) all notifications received in terms of section 73(2)(a) of the Act;

- (ii) the directives issued in terms of sections 69(2) or 73(3) of the Act; and
 - (iii) all Invasive Species Monitoring, Control and Eradication Plans contemplated in regulation 10(2); and
- (b) provide the Department and the Institute with a copy of the register.

CHAPTER 6 **RISK ASSESSMENT**

16. Risk assessment framework

- (1) A risk assessment undertaken for an application for an import permit for an alien species, or for the growing, breeding or in any other way propagating or causing to multiply of a listed invasive species, must consider—
- (a) information regarding the relevant species, including—
 - (i) the taxonomy of the species, including its class, order, family, scientific name if known, genus, scientific synonyms and common names of the species;
 - (ii) the originating environment of the species, including climate, extent of geographic range and trends;
 - (iii) persistence attributes of the species, including reproductive potential, mode of reproduction, dispersal mechanisms and undesirable traits;
 - (iv) invasive tendencies of the species elsewhere and of close taxonomic relatives in South Africa and elsewhere;
 - (v) the history of domestic propagation or cultivation of the species, introductions and the extent of naturalisation in South Africa and elsewhere;
 - (vi) nutritional or dietary requirements of the species and, where applicable, whether it has a specialist or generalist diet;
 - (vii) the ability of the species to create significant change in an ecosystem; and
 - (viii) the potential to hybridise with other species and to produce fertile hybrids; and
 - (b) information regarding the restricted activity in respect of which the permit is sought, including—
 - (i) the nature of the restricted activity;
 - (ii) the reason for the restricted activity;
 - (iii) the location where the restricted activity is to be carried out;
 - (iv) the number and, where applicable, the gender of the specimens of the species involved; and

- (v) the intended destination of the specimens, if they are to be translocated; and
- (c) information regarding the receiving environment, including—
 - (i) climate match;
 - (ii) habitat;
 - (iii) disturbance regimes;
 - (iv) the presence of natural enemies, predators and competitors; and
 - (v) the presence of potentially reproductive compatible species.
- (2) A risk assessment carried out in terms of sub-regulation (1) must identify—
 - (a) the probability that the species will naturalise in the area in which the restricted activity is to be carried out or in any other area elsewhere in the Republic;
 - (b) the possible impact of the species on the biodiversity and sustainable use of natural resources of—
 - (i) the area in which the restricted activity is to be carried out; and
 - (ii) in any other area elsewhere in the Republic;
 - (c) the risks of the specimen serving as a vector through which specimens of other alien species may be introduced;
 - (d) the risks of the method by which a specimen is to be introduced or the restricted activity carried out serving as a pathway through which specimens of other alien species may be introduced; and
 - (e) any measures proposed in order to manage the risks.
- (3) Based on the information in sub-regulations (1) and (2), a risk assessment must consider—
 - (a) the likelihood of the risks being realised;
 - (b) the severity of the risks and consequences of the realisation of the risks for other species, habitats and ecosystems;
 - (c) the potential costs associated with the control of the species to minimise harm to biodiversity; and
 - (d) options for minimising the potential risks.
- (4) Notwithstanding the provisions of sub-regulation (2), an assessment of the risks and potential impacts on biodiversity for the importation into the Republic or the introduction into a province, of a specimen of an alien species or listed invasive species which was introduced into the Republic more than five years

prior to the date on which these regulations come into effect, need only consider the matters contemplated in sub-regulations (2)(d), (e) and (3).

- (5) A risk assessment undertaken for an application for a permit to undertake any other restricted activity not mentioned in sub-regulation (1), must consider—
- (a) information regarding the relevant species, including—
 - (i) the taxonomy of the species, including its class, order, family, genus, scientific name, scientific synonyms and common names of the species; and
 - (ii) the source or place of origin of the species including the area, the type of facility and environmental parameters where species are kept;
 - (b) information regarding the restricted activity in respect of which the permit is sought, including—
 - (i) the nature of the restricted activity;
 - (ii) the reason for the restricted activity;
 - (iii) the location and GPS coordinates where the restricted activity is to be carried out;
 - (iv) the number and the sex of the specimens of the species involved; and
 - (v) intended destination of the specimens, if they are to be translocated;
 - (c) the possible impact of the species on the biodiversity and sustainable use of natural resources of—
 - (i) the area (Province and District) in which the restricted activity is to be carried out; and
 - (ii) in any other area elsewhere in the Republic; and
 - (d) any measures proposed in order to manage the risks.
- (6) Notwithstanding the provisions of sub-regulations (1), (2), (3), (4) and (5), the issuing authority may determine the information which must be considered in a risk assessment.
- (7) Notwithstanding the provisions of sub-regulations (1), (2), (3), (4) and (5), the issuing authority may request the applicant to provide additional information.

17. Risk assessment practitioner

- (1) A risk assessment contemplated in regulation 16(1) must be undertaken by a risk assessment practitioner.

- (2) Notwithstanding sub-regulation (1), the Institute or the issuing authority may undertake the risk assessment.
- (3) A risk assessment practitioner contemplated in sub-regulation (1) must—
 - (a) have knowledge of the Act, these regulations and any guidelines that have relevance to the proposed application;
 - (b) have expertise in biodiversity matters;
 - (c) have expertise in conducting risk assessments;
 - (d) consult at least one relevant expert; and
 - (e) be in compliance with any requirements of the Natural Scientific Professions Act, 2003 (Act No. 27 of 2003).
- (4) The applicant must take all reasonable steps to verify whether the risk assessment practitioner complies with sub-regulation (3).
- (5) The issuing authority may determine whether a risk assessment practitioner is required to undertake a risk assessment in terms of regulation 16(5).

18. Risk assessment procedure

- (1) A risk assessment must be undertaken in accordance with the provisions of Regulation 16.
- (2) The applicant must provide the person undertaking the risk assessment with access to all information at the disposal of the applicant regarding the application, whether or not such information is favourable to the applicant.
- (3) The risk assessment report must be submitted, with the application, to the issuing authority.

19. Risk assessment report

- (1) A risk assessment report must contain the following details:
 - (a) The personal details and qualifications of the risk assessment practitioner carrying out the risk assessment;
 - (b) the personal details and qualifications of the expert consulted as required in regulation 17(3)(e);
 - (c) the risk of invasion as a result of the issuing of the permit;
 - (d) key economic, social and ecological considerations that will guide a decision on whether or not to issue a permit;
 - (e) any risk management measures that must be applied;
 - (f) a recommendation on whether or not a permit should be issued; and

- (g) any conditions or control measures that should apply if a permit is to be issued.
- (2) A risk assessment report prepared in terms of sub-regulation (1) may be submitted by the issuing authority to the Institute for scientific review.
- (3) The applicant will be responsible for the cost associated with the review.

CHAPTER 7
ISSUING, AMENDMENT AND CANCELLATION OF PERMITS

20. Nature of a permit

- (1) A permit to authorise the carrying out of restricted activities, may be issued for—
 - (a) multiple restricted activities;
 - (b) multiple specimens of a species;
 - (c) multiple species; or
 - (d) multiple instances of the same restricted activity.
- (2) Notwithstanding the provision of sub-regulation (1)(d), a permit for the import into the Republic, including introduction from the sea, of an alien or listed invasive species is valid for one consignment unless otherwise specified in the permit.

21. Form and content of application for permit

- (1) An application for a permit contemplated in sections 65(1) or 71(1) of the Act must be made on a form obtained from the issuing authority.
- (2) An application referred to in sub-regulation (1) must—
 - (a) be made by the person to whom the permit must be issued or by such person's duly authorised representative;
 - (b) be accompanied by the applicable application fee specified in Annexure A;
 - (c) be accompanied by the details of the risk assessment practitioner;
 - (d) be accompanied by the risk assessment report contemplated in Regulation 19;
 - (e) include any other additional information as may be required by the issuing authority; and
 - (f) be lodged—
 - (i) with the issuing authority together with such additional copies as may be required by the issuing authority;
 - (ii) in a manner as required by the issuing authority; and

- (iii) with the original or certified documentation in support of the application, if required by the issuing authority.
- (3) Notwithstanding the provisions of sub-regulation (2)(b)—
 - (a) payment of the applicable application fee as set out in Annexure A does not apply to organs of state; and
 - (b) payment of the applicable application fee as set out in Annexure A may be waived for scientific institutions.

22. Consideration of application

The issuing authority must, on receipt of an application for a permit—

- (a) request, within 30 working days of receipt of the application and the risk assessment report, such further information as the issuing authority may require;
- (b) notify any province or municipality that may be adversely affected by the proposed activity, of the application;
- (c) have regard to the contents of the risk assessment report accompanying the application;
- (d) consider the application and any objections that have been lodged with regard thereto;
- (e) conduct such inspections as may be appropriate; and
- (f) reach a decision in accordance with regulation 23.

23. Decision

- (1) Subject to sub-regulation (5), a decision on an application for a permit must be made within 60 working days of receiving the risk assessment report or, where further information has been requested in terms of regulation 22(a), (d) or (e), within 30 working days of receiving such information or taking such action.
- (2) The issuing authority must—
 - (a) notify the applicant and any objectors contemplated in regulation 22(d) to the application of the decision in writing; and
 - (b) issue a permit in the name of the person authorised to carry out the restricted activity if the application has been approved.
- (3) The notification contemplated in sub-regulation (2)(a) must stipulate—
 - (a) the alien species or listed invasive species to which the application relates;

- (b) whether the decision relates to a single specimen or to multiple specimens of the same alien species or listed invasive species; and
 - (c) the restricted activities involving the alien species or listed invasive species to which the application relates.
- (4) A permit may not be issued with retrospective effect.
- (5) Where the issuing authority for a permit in terms of these regulations, is also the authority for issuing any other authorisation for the same activity in terms of another law, the timeframes for making a decision in terms of such other law applies to a decision for a permit in terms of these regulations.

24. Permit conditions

- (1) In addition to any permit conditions imposed in terms of section 88(2)(c) of the Act, the following conditions apply to all permits:
- (a) A permit subject to regulations 31(2) and (3) may not be transferred to any other person; and
 - (b) the holder of the permit must take all the necessary steps to prevent the escape and spread of the species, including the growth or spread of seeds or any other specimens of the species, outside the area for which the permit is issued, and must take all necessary steps to control any specimen that escapes or spreads.
- (2) The issuing authority may issue a permit to carry out a restricted activity involving a specimen of an alien or listed invasive species subject to conditions, including but not limited to, control methods determined by the issuing authority, including the use of sterile varieties or the concurrent introduction of biological control agents.

25. Special provisions for research, biological control, display purposes, and inter-basin transfer

- (1) Despite anything to the contrary in these regulations, a permit may be issued subject to permit conditions, to a scientific institution to carry out a restricted activity involving a specimen of an alien or listed invasive species, and must be issued under the conditions that the specimen must—
- (a) be kept for identification or research purposes only;
 - (b) form part of a preliminary study into biological control methods; or
 - (c) form part of an effective biological control programme.
- (2) When issuing a permit for the specimens contemplated in sub-regulation (1), the issuing authority must determine—

- (a) restrictions and conditions, including quarantine conditions and conditions for the prevention of escape, for the importation or the carrying out of other restricted activities involving the specimen;
 - (b) mechanisms for ensuring compliance with conditions determined in terms of sub-regulation 2(a);
 - (c) procedures to be followed in the event of a specimen contemplated in sub-regulation 1(a) escaping or failure to comply with the conditions determined in terms of sub-regulation 2(a); and
 - (d) restrictions and conditions for the release of the specimen into the wild.
- (3) Despite anything to the contrary in these regulations, a permit may be issued, subject to permit conditions, to a zoological or botanical institution to carry out a restricted activity involving a specimen of an alien or listed invasive species, including for display purposes.
- (4) A permit may not be issued in terms of sub-regulation (3) unless the relevant institution is able to demonstrate that an alien or listed invasive species cannot escape from the facility.
- (5) Despite anything to the contrary in these regulations, a permit may be issued, subject to permit conditions, for the transfer of a specimen of an alien or listed invasive species from one fresh-water system in which it occurs to another fresh-water system in which it does not occur through a state inter-basin transfer scheme.

26. Form and content of permits

- (1) A permit contemplated in regulation 23(2)(b) must—
- (a) contain a unique permit number;
 - (b) specify—
 - (i) the name and identity number of the permit-holder;
 - (ii) the species to which the restricted activities relate;
 - (iii) the restricted activities for which the permit is issued;
 - (iv) the period for which the permit remains valid; and
 - (v) the conditions subject to which the permit is issued; and
 - (c) contain the signature of the issuing authority which must be endorsed by means of an official stamp.

27. Period of validity of permits

- (1) A permit issued in terms of these regulations may be issued for a period not exceeding ten years from the date of its issue or renewal thereof, as the case may be.
- (2) Notwithstanding the provisions of sub-regulation (1), a permit may be issued for a period exceeding ten years, if it is issued—
 - (a) for a restricted activity that will be carried out by a scientific institution;
 - (b) in terms of an integrated permit and the other law to which the permit relates provides for a longer period; or
 - (c) to an applicant who is in possession of a valid authorisation in terms of section 22(1)(a) or (b) of the National Water Act, 1998 (Act No. 36 of 1998) or an aquaculture permit.
- (3) Notwithstanding the provisions of sub-regulation (1), the issuing authority may specify a period of validity which exceeds ten years, based on the recommendations in the risk assessment report.

28. Amendment of permits

- (1) A permit may be amended for good reason as contemplated in section 93A of the Act, including by—
 - (a) adding or removing a condition;
 - (b) amending a condition;
 - (c) amending any detail on the permit; or
 - (d) correcting a technical or editorial error on the permit.
- (2) An issuing authority which issued a permit may in addition to sub-regulation (1), amend the permit condition stipulated therein if information is obtained by the issuing authority indicating that the species or the restricted activity for which the permit was issued is likely to have a detrimental impact on biodiversity.
- (3) The issuing authority must, before amending a permit, notify the permit-holder in writing of its intention to do so and provide the permit-holder with an opportunity to make representations as to why the permit should not be amended.
- (4) The issuing authority must, if it decides to amend the conditions of the permit, after consideration of any representations made in terms of sub-regulation (3), notify the permit-holder in writing—
 - (a) of the decision to amend the conditions of the permit; and
 - (b) of the date upon which the amendment becomes effective.

29. Return of cancelled permits

A permit that has been cancelled in terms of section 93 of the Act must be returned to the issuing authority within 30 calendar days of the date of cancellation.

30. Renewal of permits

- (1) A permit-holder may apply for the renewal of a permit to the issuing authority who issued the permit.
- (2) An application contemplated in sub-regulation (1) must be—
 - (a) made at least 60 days before the expiry of the period for which the permit was issued;
 - (b) made on a form obtained from the issuing authority; and
 - (c) accompanied by the applicable renewal fee specified in Annexure A.
- (3) The provisions of regulation 24 apply to an application for the renewal of a permit.

31. Sale or transfer of alien and listed invasive species

- (1) If a permit-holder sells a specimen of an alien or listed invasive species, the new owner of such specimen must apply for a permit in terms of Chapter 7 of the Act prior to acquiring such specimen.
- (2) Notwithstanding the provisions of sub-regulation (1), a landowner or occupier of land may transfer a permit issued in terms of these regulations, to the new landowner or occupier of the same land specified in the permit.
- (3) A new owner or occupier of the land contemplated in sub-regulation (2), must notify the issuing authority within 30 days of such transfer, after which the issuing authority must issue an amended permit in the name of the new landowner or occupier, subject to any other conditions or amendments which may be required.

CHAPTER 8
EMERGENCY SUSPENSION

32. Emergency suspension of permits

- (1) An issuing authority may suspend the operation of a permit if—
 - (a) it is necessary in order to control or eradicate a particular alien or listed invasive species;
 - (b) the carrying out of the restricted activity permitted in terms thereof poses an immediate significant threat to socio-economic circumstances, human health or the environment; or
 - (c) the alien or listed invasive species poses an immediate significant threat to socio-economic circumstances, human health or the environment.

- (2) Notice of the suspension of a permit must be in writing and must be served on—
 - (a) the permit-holder; or
 - (b) any other person acting on behalf of the permit-holder.
- (3) A suspension will be effective immediately upon notification, unless otherwise stated in the notice.
- (4) An issuing authority must, within 21 calendar days of suspending a permit, initiate proceedings in terms of regulation 28 to amend the permit in order to address the cause of the emergency or may cancel a permit in terms of section 93 of the Act.
- (5) A suspension will remain in force until the finalisation of proceedings in terms of regulation 28 or section 93 of the Act.

CHAPTER 9 **COMPLIANCE AND ENFORCEMENT**

33. Requests for directives

- (1) A request to issue a directive in terms of section 74(1) of the Act must be on a form that corresponds substantially with Annexure B.
- (2) A competent authority may waive any of the information required in Annexure B.

34. Withdrawal of directives

A directive issued under section 69(2) or section 73(3) of the Act may be withdrawn in writing by the competent authority if the circumstances giving rise to the issue of the directive no longer exist.

35. Limitation of liability

Section 49 of the National Environmental Management Act applies to any action taken in terms of these regulations.

36. Offences and penalties

- (1) Any offence committed in terms of section 101 of the Act must, upon conviction, carry the penalties referred to in section 102 of the Act.
- (2) Any person who contravenes or fails to comply with a provision of regulations 2(2) to (3), 3(2) to (5), 4(2) to (5), 5(2), 6, 7(1), 7(3), 8, 9, 12(1), 12(4), 17(1), 17(3), 17(4), 18, 24(1), 29, 31(1) and 31(3), is guilty of an offence and is liable, on conviction, to—
 - (a) a fine not exceeding five million rand, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million; or

- (b) imprisonment for a period not exceeding 5 years and in the case of a second or subsequent conviction, to imprisonment not exceeding 10 years; or
- (c) to both such fine and imprisonment.

CHAPTER 10
REPEAL, SHORT TITLE AND COMMENCEMENT

37. Repeal

The Alien and Invasive Species Regulations, 2014 published in Notice No. R. 598 of *Government Gazette* No. 37885 dated 1 August 2014, are hereby repealed.

38. Short title and commencement

These Regulations are called the *Alien and Invasive Species Regulations, 2020* and take effect within 30 days of publication in the *Gazette*.

ANNEXURE A**FEES**

Fees in connection with the application for alien and listed invasive alien species permits in terms of the National Environmental Management: Biodiversity Act, 2004

Explanatory Note:

In terms of section 97(1)(f)(ii) of the Act, and in terms of the National Environmental Management Act, 1998, the Minister may prescribed the fees to be paid in connection with the lodging and consideration of applications for permits and appeals

	Activity	Fee
Alien & Listed Invasive Species	Import into the Republic	R200.00
	All restricted activities	R100.00
	Renewal of permit	R50.00
	Appeals	R50.00

ANNEXURE B**Request to issue a directive in terms of section 74(1) of the National Environmental Management: Biodiversity Act for a listed invasive species****Explanatory Note:**

In terms of section 74(1) of the Act, any person may request the Minister, in writing, to issue a directive in terms of section 73(3) of the Act.

For official use:

Reference number:

Date:

1. DIRECTIVE REQUESTED BY:

Full name	
Identity number	
Physical address	Code
Postal address	Code
Telephone number	(+27) ()
Fax number	(+27) ()
Cellular number	(+27) ()
E-mail address	

2. DIRECTIVE TO BE ISSUED TO

Name:

.....

2.1 SITE AND SPECIES DETAILS

2.1.1 Name (if applicable), province/magisterial district, erf number or physical address:

.....

2.1.2 Listed invasive species involved (Attach list if space is insufficient):

Scientific name:

.....

Common name:

.....

2.2 REASONS FOR REQUEST (Choose whichever is applicable)

2.2.1 Contravention of permit requirements in terms of section 71(1) of the Act and/or associated permit conditions?

If yes, substantiate:

Yes	No
-----	----

.....

2.2.2 Contravention of notification requirements in terms of section 73(2)(a) of the Act?

If yes, substantiate:

Yes	No
-----	----

.....
.....

2.2.3 Contravention of measure to prevent spreading / control / eradicate in terms of section 73(2)(b) of the Act?

If yes, substantiate:

Yes	No
-----	----

.....
.....

2.2.4 Previous directives not implemented?

If yes, substantiate:

Yes	No
-----	----

.....
.....

I, the undersigned, [FULL NAME:]

.....

confirm that the above information is correct and complete to the best of my knowledge.

SIGNED: DATE:

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