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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 1238

20 NOVEMBER 2020

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF
PRODUCERS, PROCESSORS AND IMPORTERS OF TABLE OLIVES AND
OLIVE OIL.**

I, Angela Thoko Didiza, Minister for Agriculture, Land Reform and Rural Development, acting under sections 13 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996), as amended, hereby establish the statutory measure set out in the attached Schedule.

**MRS AT DIDIZA, MP
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL
DEVELOPMENT.**

SCHEDULE**Definitions**

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, unless the context indicates otherwise:

“Extra virgin olive oil” means olive oil which conforms to all the conditions set out by the International Olive Council (IOC) for extra virgin olive oil;

“exporter” means the person or company that sends olives or olive oil to another country for sale;

“fresh olives” means the unprocessed fruits of the *Olea europaea* to be used for the production of table olives, olive paste or olive oil;

“grower” means any entity involved in growing the *Olea europaea* to be sold for commercial gain, i.e. nurseries

“importer” means an entity which imports packaged product ready for retail distribution

“olive industry” means all participants and role players in the South African olive industry;

“olive oil packer” means the entity which buys in olive oil in bulk and packages the oil for resale;

“olive pomace oil” means oils that are obtained by treating olive-pomace with solvents or other physical treatments, excluding oils that are obtained by re-esterification processes and any mixture with oils of other kinds with the exception of olive oil.

“olive oil processor” means the entity which extracts olive oil from fresh olives;

“olive products” means the processed products obtained from fresh olives, namely table olives, extra virgin olive oil and virgin olive oil.

“olives” means the fruits of the *Olea europaea*;

“processed olive products” means the fruits which have been processed and are ready for consumption;

“processed table olives” means olives that have been processed and are ready for consumption;

“producer” means the entity which grows olive trees to produce fresh olives for commercial gain;

“table olive packer” means the entity which buys in processed table olives in bulk and packages these olives for resale;

“table olive processor” means the entity which converts the fresh olives into product which can be consumed;

“The Act” means the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996); as amended, and

“virgin olive oil” means olive oil which conforms to all the conditions set out by the International Olive Council (IOC) for extra virgin olive oil.

A person shall have a choice to register as either a producer or as an importer and/or a processor. A person who is a producer as well as an importer and/or a processor must register as a producer and as an importer and/or a processor.

Purpose and aims of statutory measure and the relation thereof to the objectives of the Act

2. The purpose and aims of the statutory measure is to compel the parties set out herein to register with SA Olive. Registration is necessary to

assist the SA Olive industry in ensuring that continuous, timeous and accurate information relating to the industry, is available to all role players. Such information is deemed essential for all role players in order for them to make informed decisions. By combining compulsory registration with the keeping of information and the rendering of returns on an individual basis, generic information for the whole of the industry can be processed and disseminated and will form the basis for the collection of levies where applicable and appropriate.

The establishment of the measure would assist in promoting the efficiency of the production and marketing of table olives and olive oil. The viability of the olive industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice.

It will be administered by SA Olive, a company established in terms of the Companies Act (as amended) 2008 (Act 71 of 2008). SA Olive will implement and administer the measure as set out in this Schedule.

Products to which statutory measure applies

3. This statutory measure shall apply to table olives and olive oil, obtained from domestic production and / or imports.

Area in which measure shall apply

4. This measure shall apply in the geographical area of the Republic of South Africa.

Registration of parties concerned

5.
 - (1) All producers, growers, processors, packers, importers of olive products shall register with SA Olive in the manner prescribed in clause 6.
 - (2) Each person who becomes a producer, grower, processor, packer, importer of fresh olives and/or olive products shall register with SA Olive within 30 days after he/she became a producer, grower, processor, packers, importers of fresh olives and/or olive products.
 - (3) A person shall have a choice to register as either a producer or processor or importer.
 - (4) A person who is a producer as well as an importer and/or a processor shall register as a producer and as an importer and/or a processor.

Application for registration

6. Application for registration shall –

- (1) be made within 30 days of the commencement of this statutory measure, and in the case of a person becoming a party as contemplated in clause 5 after such date of commencement, within 30 days of becoming such a party;
- (2) be made on the application form obtainable free of charge from SA Olive;
- (3) be submitted, when forwarded by post, to –
SA Olive
PO Box 357
PAARL
7620
- (4) when delivered by hand, be delivered to –
SA Olive
258 Main Street
PAARL
- (5) when sent by telefax, be addressed to –
021-870 2915
- (6) when sent by e-mail, addressed to –
info@saolive.co.za

Commencement and period of validity

7. This statutory measure shall come into operation on the date of publication hereof and shall lapse 4 years later.

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 1239

20 NOVEMBER 2020

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND
RETURNS RELATING TO OLIVE TREES AS WELL AS DOMESTIC
PRODUCTION AND PROCESSING OF TABLE OLIVES AND OLIVE OIL,
AND IMPORTATION OF TABLE OLIVES AND OLIVE OIL**

I, Angela Thoko Didiza, Minister for Agriculture, Land Reform and Rural Development, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996), as amended, hereby establish the statutory measure set out in the attached Schedule.

**MRS AT DIDIZA, MP
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL
DEVELOPMENT.**

SCHEDULE**Definitions**

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context indicates otherwise:

“Extra virgin olive oil” means olive oil which conforms to all the conditions set out by the International Olive Council (IOC) for extra virgin olive oil;

“exporter” means an entity which exports processed and or unprocessed fruits and or products of *Olea europaea*;

“fresh olives” means the unprocessed fruits of the *Olea europaea* to be used for the production of table olives, olive paste or olive oil;

“grower” means any entity involved in growing the *Olea europaea* to be sold for commercial gain, i.e. nurseries

“importer” means an entity which imports packaged product ready for retail distribution

“olive industry” means all participants and role players in the South African olive industry;

“olive oil packer” means the entity which buys in olive oil in bulk and packages the oil for resale;

“olive pomace oil” means oils that are obtained by treating olive-pomace with solvents or other physical treatments, excluding oils that are obtained by re-esterification processes and any mixture with oils of other kinds with the exception of olive oil

“olive oil processor” means the entity which extracts olive oil from fresh olives;

“olive products” means the processed products obtained from fresh olives, namely table olives, extra virgin olive oil and virgin olive oil.

“olives” means the fruits of the *Olea europaea*;

“processed olive products” means the fruits which have been processed and are ready for consumption;

“processed table olives” means olives that have been processed and are ready for consumption;

“producer” means the entity which grows olive trees to produce fresh olives for commercial gain;

“table olive packer” means the entity which buys in processed table olives in bulk and packages these olives for resale;

“table olive processor” means the entity which converts the fresh olives into product which can be consumed; and

“The Act” means the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996), as amended;

“virgin olive oil” means olive oil which conforms to all the conditions set out by the International Olive Council (IOC) for extra virgin olive oil; A person shall have a choice to register as either a producer or as an importer or as a processor. A person who is a producer as well as an importer and/or processor, must register as a producer and as an importer and/or processor.

Purpose and aims of statutory measure and the relation thereof to the objectives of the Act

2. The purpose and aims of the statutory measure is to compel the parties set out herein to keep records and render returns to SA Olive. This is necessary to ensure that continuous, timeous and accurate information relating to the products as defined, is available to all role players in the SA Olive Industry. Such information is deemed essential for all role players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on an individual basis, import and production information of table olives and olive oil can be processed and disseminated.

The establishment of the measure will assist in promoting the efficiency of the marketing of olive products. The viability of the olive industry should thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice. Any information obtained will be dealt with in a confidential manner and no sensitive client-specific information will be made available to any party without the prior approval of the party whose rights may be affected.

It will be administered by SA Olive, a company established in terms of the Companies Act (as amended) 2008 (Act 71 of 2008). SA Olive will implement and administer the measure as set out in this Schedule.

Products to which statutory measure applies.

3. This statutory measure shall apply to table olives and olive oil obtained from domestic production and/or imports.

Area in which measure shall apply

4. This measure shall apply in the geographical area of the Republic of South Africa.

Records to be kept and returns to be rendered

5. (1A) All producers, importers and processors of table olives and olive oil shall keep such records and render the returns as may be required by SA Olive relating to -
 - (a) Olive trees; and
 - (b) Volumes of table olives and olive oil.
- (1B) No records or returns will be required in terms of this measure which could be regarded as confidential or of a marketing nature. Specifically, no information which reflects amongst others contracting parties, buyers of olive products, cost of services, price of products or similar information will be required.

-
- (2) The National Department of Agriculture, Rural Development and Land Reform or its assignee shall render a copy of all import certificates or furnish the information required by SA Olive contained in such certificates within the period specified in sub-clause (4)
- (3) The records referred to in sub-clause (1) shall –
- (a) be recorded on a computer or with ink in a book;
 - (b) be kept at the registered premises of the person required to keep it for a period of at least three years.
- (4) The returns referred to in sub-clause (1) shall be rendered on forms obtainable free of charge for this purpose from SA Olive within 15 days after the end of the month in which the returns have been requested.
- (a) be submitted, when forwarded by post, to –
SA Olive
PO Box 357
PAARL
7620
 - (b) when delivered by hand, be delivered to –
SA Olive
Main Road 258
PAARL
 - (c) when sent by telefax, be addressed to –
021-872 2915
 - (d) when sent by e-mail, addressed to –
info@saolive.co.za

Commencement and period of validity

6. This statutory measure shall come into operation on the date of publication hereof and shall lapse 4 years later.

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 1240

20 NOVEMBER 2020

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No 47 OF 1996)**

**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF
LEVIES ON TABLE OLIVES AND OLIVE OIL**

I, Angela Thoko Didiza, Minister for Agriculture, Land Reform and Rural Development, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996), as amended, hereby establish the statutory measure set out in the attached Schedule.

**MRS AT DIDIZA, MP
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL
DEVELOPMENT.**

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context indicates otherwise:

“cultivar” means a type of *Olea europaea* tree which may include cultivars such as Mission, Leccino, Frantoio, Coratina, Kalamata or any other recognised *Olea europaea* cultivar;

“fresh olives” means the unprocessed fruits of the *Olea europaea* to be used for the production of table olives, olive paste or olive oil;

“grower” means any entity involved in growing the *Olea europaea* to be sold for commercial gain, i.e. nurseries

“olives” means the fruits of the *Olea europaea*;

“olive trees” means *Olea europaea* trees of any cultivar

“olive oil processor” means the entity which extracts olive oil from fresh olives;

“olive products” means the processed products obtained from fresh olives, namely table olives, extra virgin olive oil and virgin olive oil;

“producer” means the entity which grows olive trees to produce fresh olives for commercial gain;

“processed olive products” means the fruits which have been processed and are ready for consumption;

“processed table olives” means olives that have been processed and are ready for consumption;

“table olive packer” means the entity which buys in processed table olives in bulk and packages these olives for resale;

“table olive processor” means the entity which converts the fresh olives into product which can be consumed;

“The Act” means the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996); as amended, and

“virgin olive oil” means olive oil which conforms to all the conditions set out by the International Olive Council (IOC) for extra virgin olive oil.

A person shall have a choice to register as either a producer or as an importer or as a processor. A person who is a producer as well as an importer and/or processor, must register as a producer and as an importer and/or processor.

Purpose and aims of statutory measure and the relation thereof to the objectives of the Act

2. The levy is needed by SA Olive to fund research projects, technical information and technology transfer; quality control and certification; information and statistics; communication, consumer education and market development; and transformation and training for the olive industry.

The measure will not be detrimental to the number of employment opportunities or fair labour practice and will support the statutory measures relating to registration and the rendering of returns applicable to olive products.

The measure will be administered by SA Olive, a company established in terms of the Companies Act (as amended) 2008 (Act 71 of 2008). SA Olive will implement and administer the measure as set out in this Schedule.

Products to which statutory measure applies.

3. This statutory measure shall apply to table olives and olive oil both from domestic production and imports.

Area in which measure shall apply

4. This measure shall apply in the geographical area of the Republic of South Africa.

Imposition of levy

5. A levy is hereby imposed on table olives and olive oil.

Amount of levy

6. The amount of the levy shall be:
 - (a) 8c/kg on all table olives; and
 - (b) 40c/litre on all olive oil.

Persons by whom and to whom levy shall be payable

7. (1) The levy imposed under clause 5 shall –
 - (a) be payable by a table olive and/or olive oil producer and/or processor and/or importer.
- (2) A levy imposed under clause 5 shall be payable to SA Olive in accordance with clause 8.

Payment of levy

8. (1) Payment of the levy shall be made not later than thirty (30) days following the month end wherein a quantity of table olives and/or olive oil was delivered for sale on the domestic or international market or imported for sale on the domestic market. Payment shall only apply to the first point of sale.
- (2) Payment shall be made by means of a cheque or electronic transfer in favour of SA Olive, and shall –
 - (a) when paid by cheque, be addressed to –
SA Olive
PO Box 357
PAARL
7620
 - (b) when electronically transferred, be paid to the bank account obtainable from SA Olive on request.

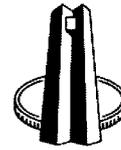
Commencement and period of validity

9. This statutory measure shall come into operation on the date of publication hereof and will lapse 4 years later.

SOUTH AFRICAN RESERVE BANK

NO. R. 1241

20 NOVEMBER 2020



SOUTH AFRICAN RESERVE BANK

REVOCATION NOTICE

REVOCATION OF THE DESIGNATION OF THE SOUTH AFRICAN POST OFFICE LIMITED, A POSTAL COMPANY CONTEMPLATED IN SECTION 3(1) OF THE POST OFFICE ACT 44 OF 1958, WHICH PREVIOUSLY CONDUCTED THE BUSINESS OF A BANK THROUGH ITS POSTBANK DIVISION, AS A DESIGNATED CLEARING SYSTEM PARTICIPANT

1. Introduction

1.1. The South African Reserve Bank (SARB) is empowered to vary and revoke any designation of a clearing system participant in terms of the National Payment System Act 78 of 1998, as amended (NPS Act). In terms of section 6(3)(b) of the NPS Act, the SARB may vary or revoke any designation;

- a) by amending or revoking any condition to which the designation is subject; or
- b) by making the designation subject to a new condition or new conditions.

1.2. Section 6(3)(c) provides that, in determining whether or not to vary or revoke a designation, the SARB may have regard to any or all of the following:

- a) any failure to comply with any condition to which the designation is subject;
- b) whether or not the designated clearing system participant has knowingly furnished information or documents which are false or misleading in any material respect to the SARB in connection with the designation;
- c) whether or not it is in the public interest to revoke the designation; and

d) any other matters that the SARB considers appropriate.

2. Background

- 2.1. The SARB designated the South African Post Office Limited (SAPO) through its Postbank Division as a designated clearing system participant in terms of section 6(3)(a) of the NPS Act. The designation notice was published in the General Notice No. 315 of Government Gazette No. 34323 dated 7 May 2011 (Designation Notice), and became effective as from 01 June 2011.
- 2.2. Postbank has a unique status in that it is involved in the business of a bank although it is excluded from the provisions of the Banks Act 94 of 1990 (Banks Act) by the Minister of Finance, as published in Government Notice No. 344 in the Government Gazette No. 13744 of 24 January 1992, and is not a fully-fledged bank.
- 2.3. Postbank has been operating as a division of SAPO since inception. As of 1 April 2019, Postbank was incorporated as a separate legal entity in terms of section 6 of the South African Postbank Act 9 of 2010 (Postbank Act). The determination of the transfer date of the Postbank enterprise was published in the General Notice No. 151 of Government Gazette 42323 dated 22 March 2019. Accordingly, Postbank ceased to be a division of SAPO. Furthermore, section 7 of the Postbank Act provides that from 1 April 2019, anything done by or on behalf of the former Postbank (as a division of SAPO) must be regarded as having been done by Postbank.
- 2.4. Although SAPO's name was reflected on the Designation Notice, Postbank has since the designation of SAPO and authorisation by the Payments Association of South Africa (PASA), provided the services of a designated clearing system participant. As such, Postbank was an issuer of payment instruments, and acquirer of payment instructions operating within SAPO. In accordance with section 7 of the Postbank Act, these services were duly transferred to Postbank on 1 April 2019, necessitating the revocation of designation of SAPO as a

clearing system participant, as well as the designation of Postbank as a clearing system participant.

3. Revocation

- 3.1. The SARB has considered the provisions of the NPS Act and has deemed necessary to revoke the designation of SAPO as a clearing system participant due to the transfer of the clearing system participant services to Postbank, now a separate legal entity.
- 3.2. Therefore, I, Mr E L Kganyago, Governor of the SARB, hereby, with effect from the date of publication in the Government Gazette.
- 3.3. Revoke the designation of SAPO as a clearing system participant in terms of section 6(3)(b) of the NPS Act.

Signed at **Pretoria** on this **9th** day of **November 2020**



.....
EL Kganyago
Governor

SOUTH AFRICAN RESERVE BANK

NO. R. 1242

20 NOVEMBER 2020



SOUTH AFRICAN RESERVE BANK

DESIGNATION NOTICE

Designation by the Governor of the South African Reserve Bank in terms of section 6(3)(a) of the National Payment System Act 78 of 1998:

Designation of South African Postbank SOC Limited as a designated clearing system participant**1. Introduction**

- 1.1. The South African Reserve Bank (SARB) is empowered to designate a clearing system participant in terms of section 6(3)(a) of the National Payment System Act 78 of 1998, as amended (NPS Act). Such designation may be made if it is in the interest of the safety, integrity, effectiveness, efficiency or security of the national payment system (NPS).
- 1.2. The objective of this Designation Notice (Notice) is to designate the South African Postbank SOC Limited (Postbank) as a designated clearing system participant. The designation will enable the Postbank to clear in the manner contemplated in section 4 (2)(d)(i) of the NPS Act.

2. Background of the proposed designated clearing system participant

- 2.1. The SARB designated the South African Post Office Limited (SAPO) through its Postbank Division as a designated clearing system participant in terms of section 6(3)(a) of the NPS Act. The designation notice was published in the General Notice No. 315 of Government Gazette No. 34323 dated 7 May 2011 (Designation Notice), and became effective as from 01 June 2011.

- 2.2. Postbank has a special status in that it is involved in the business of a bank although it is excluded from the provisions of the Banks Act 94 of 1990 (Banks Act) by the Minister of Finance, as published in Government Notice No. 344 in the Government Gazette No. 13744 of 24 January 1992, and is not a fully-fledged bank.
- 2.3. Postbank has been operating as a division of SAPO since inception. The determination of the transfer date of the Postbank enterprise was published in the General Notice No. 151 of Government Gazette 42323 dated 22 March 2019. As per the determination and as of 1 April 2019, Postbank was incorporated as a separate legal entity in terms of section 6 of the South African Postbank Act 9 of 2010 (Postbank Act). Accordingly, Postbank ceased to be a division of SAPO and became a separate legal entity. Furthermore, section 7 of the Postbank Act provides that from 1 April 2019, anything done by or on behalf of the former Postbank (as a division of SAPO) must be regarded as having been done by Postbank.
- 2.4. Although SAPO's name was reflected on the Designation Notice, Postbank has, since the designation of SAPO and authorisation by the Payments Association of South Africa (PASA), provided the services of a designated clearing system participant. As such, Postbank was an issuer of payment instruments, and acquirer of payment instructions operating within SAPO. In accordance with section 7 of the Postbank Act, these services were duly transferred to Postbank on 1 April 2019, necessitating the designation of Postbank as a clearing participant.

3. Designation

- 3.1. The SARB has considered the provisions of the NPS Act and has deemed it to be in the interest of the safety, integrity, effectiveness, and efficiency of the NPS to designate Postbank as a clearing system participant;
- 3.2. Therefore, I, Mr E L Kganyago, Governor of the SARB, hereby, with effect from the date of publication in the Government Gazette:

- 3.2.1 designate Postbank as a clearing system participant in terms of section 6(3)(a) of the NPS Act, subject to the conditions listed under heading 4 below; and
- 3.2.2 have received confirmation, in terms of section 6(3)(a)(ii) of the NPS Act, that the Reserve Bank settlement system participant associated with the designated clearing system participant is the Standard Bank of South Africa Limited (Standard Bank).

4. Conditions

- 4.1. The aforementioned designation is subject to Postbank adhering to the following conditions within the time frames to be determined by the SARB:
 - 4.1.1. Be a member of Visa and/or MasterCard;
 - 4.1.2. Conclude service agreements with the relevant payment clearing house system operator/s (PCH SOs) through which clearing will be effected;
 - 4.1.3. Comply with the entrance and participation criteria to become a member of the payment system management body (PSMB), as referred to in section 3 of the NPS Act, and the relevant structures of the PSMB. Furthermore, comply with any other criteria set by the PSMB for clearing system participants;
 - 4.1.4. Enter into a sponsorship agreement with Standard Bank as well as comply with any other requirements set by Standard Bank for sponsorship;
 - 4.1.5. Participate in the automated teller machine (ATM) and self-service device (SSD), and electronic funds transfer (EFT credits and debits) PCHs, subject to the relevant payment clearing house (PCH) agreements and clearing rules. Furthermore, Postbank is subject to interchange rates applicable to cards and ATMs, as determined by the SARB. It may bi-laterally negotiate EFT credit and debit interchange fees until such time as the SARB determines such interchange fees;

- 4.1.6. Obtain written approval from Standard Bank, which written approval shall not be unreasonably withheld, prior to participating in a PCH that is not set out in paragraph 4.1.5 above. Provided that written approval is granted, Postbank may then follow the normal process for participation in a PCH;
- 4.1.7. Not sponsor any third parties in any PCH without the SARB and Standard Bank's prior written approval, which written approval shall not be unreasonably withheld;
- 4.1.8. Comply with applicable requirements and any other criteria agreed to between Postbank and Standard Bank, and as specified in the sponsorship agreement concluded between said parties; and
- 4.1.9. Terminate participation in a PCH subject to the process for termination determined by the PSMB, and written notice given to Standard Bank and the SARB.
- 4.2. The conditions listed under paragraph 4 apply exclusively to the designation of Postbank and may be varied or revoked, and new conditions may be imposed, by the SARB by way of a notice in the Government Gazette.

Signed at **Pretoria** on this **9th** day of **November 2020**



.....
EL Kganyago

Governor